

By the Committee on Banking and Insurance; and 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 authorizing, rather than requiring, a judge of
27 compensation claims to order an injured employee's
28 evaluation by an expert medical advisor under certain
29 circumstances; revising the schedules of maximum

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30 reimbursement allowances determined by the three-
31 member panel under the Workers' Compensation Law;
32 revising reimbursement requirements for certain
33 providers; requiring the department to annually notify
34 carriers and self-insurers of certain schedules;
35 requiring the publication of a schedule in a certain
36 manner; providing construction; revising factors the
37 panel must consider in establishing the uniform
38 schedule of maximum reimbursement allowances; deleting
39 certain standards for practice parameters; amending s.
40 440.38, F.S.; specifying requirements for forms used
41 by the department to evidence certain workers'
42 compensation coverage of an employer; amending s.
43 440.385, F.S.; revising eligibility requirements for
44 the board of directors of the Florida Self-Insurers
45 Guaranty Association, Incorporated; authorizing the
46 Chief Financial Officer to remove a director under
47 certain circumstances; specifying requirements for,
48 and restrictions on, directors; prohibiting directors
49 and employees of the association from knowingly
50 accepting certain gifts or expenditures; providing
51 penalties; amending s. 624.1265, F.S.; revising
52 conditions for a nonprofit religious organization to
53 be exempt from requirements of the Florida Insurance
54 Code; amending s. 624.501, F.S.; deleting an
55 application filing and license fee for reinsurance
56 intermediaries; amending s. 626.015, F.S.; revising
57 the definition of the term "association" for purposes
58 of part I of ch. 626, F.S.; amending s. 626.171, F.S.;

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59 deleting the authority of designated examination
60 centers to take fingerprints of applicants for a
61 license as an agent, customer representative,
62 adjuster, service representative, or reinsurance
63 intermediary; amending s. 626.173, F.S.; providing
64 that a certain notice requirement for certain licensed
65 insurance agencies ceasing the transacting of
66 insurance does not apply to certain kinds of
67 insurance; amending s. 626.207, F.S.; revising
68 violations for which the department must adopt rules
69 establishing specific penalties; amending s. 626.221,
70 F.S.; adding a certification that exempts an applicant
71 for license as an all-lines adjuster from an
72 examination requirement; amending s. 626.2815, F.S.;
73 revising continuing education requirements for certain
74 insurance representatives; amending s. 626.321, F.S.;
75 deleting certain requirements for, and restrictions
76 on, licensees of specified limited licenses; adding a
77 limited license for transacting preneed funeral
78 agreement insurance; specifying conditions for issuing
79 such license without an examination; amending s.
80 626.611, F.S.; revising specified grounds for
81 compulsory disciplinary actions taken by the
82 department against insurance representatives; amending
83 s. 626.621, F.S.; adding grounds for discretionary
84 disciplinary actions taken by the department against
85 insurance representatives; amending s. 626.7492, F.S.;
86 revising definitions of the terms "producer" and
87 "reinsurance intermediary manager"; revising licensure

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88 requirements for reinsurance intermediary brokers and
89 reinsurance intermediary managers; deleting the
90 authority of the department to refuse to issue a
91 reinsurance intermediary license under certain
92 circumstances; amending s. 626.752, F.S.; requiring
93 the department to suspend the authority of an insurer
94 or employer to appoint licensees under certain
95 circumstances relating to the exchange of insurance
96 business; amending s. 626.785, F.S.; authorizing
97 certain persons to obtain a limited license to sell
98 only policies of life insurance covering the expense
99 of a prearrangement for funeral services or
100 merchandise; amending ss. 626.793 and 626.837, F.S.;
101 requiring the department to suspend the authority of
102 an insurer or employer to appoint licensees under
103 certain circumstances relating to the acceptance of
104 excess or rejected insurance business; amending s.
105 626.8411, F.S.; providing that certain notice
106 requirements do not apply to title insurance agents or
107 title insurance agencies; amending s. 626.8437, F.S.;
108 adding grounds for compulsory disciplinary actions
109 taken by the department against a title insurance
110 agent or agency; amending s. 626.844, F.S.; adding
111 grounds for discretionary disciplinary actions taken
112 by the department against a title insurance agent or
113 agency; amending s. 626.8473, F.S.; revising
114 requirements for engaging in the business as an escrow
115 agent in connection with real estate closing
116 transactions; amending s. 626.854, F.S.; revising

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117 applicability of a prohibited act relating to public
118 insurance adjusters; amending s. 626.874, F.S.;
119 revising eligibility requirements for the department's
120 issuance of licenses to catastrophe or emergency
121 adjusters; revising grounds on which the department
122 may deny such license; amending s. 626.9892, F.S.;
123 revising a condition and adding violations for which
124 the department may pay rewards under the Anti-Fraud
125 Reward Program; amending s. 626.9957, F.S.; providing
126 for the expiration of a health coverage navigator's
127 registration under certain circumstances; specifying a
128 restriction on expired registrations; amending s.
129 627.351, F.S.; revising requirements for membership of
130 the Florida Medical Malpractice Joint Underwriting
131 Association; specifying a requirement for filling
132 vacancies; authorizing the Chief Financial Officer to
133 remove board members under certain circumstances;
134 providing requirements for, and restrictions on, board
135 members; providing penalties; amending s. 627.4215,
136 F.S.; revising the applicability of disclosure
137 requirements for health insurers relating to
138 behavioral health insurance coverage; amending s.
139 627.70132, F.S.; providing that certain time
140 restrictions on providing notice of property insurance
141 claims do not apply to residential condominium unit
142 owner loss assessment claims; amending s. 627.7015,
143 F.S.; providing that a disputed property insurance
144 claim is not eligible for mediation until certain
145 conditions are met; providing that fees for a

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146 rescheduled mediation conference be assessed by the
147 department rather than the administrator; authorizing
148 the department to suspend an insurer's authority to
149 appoint licensees under certain circumstances;
150 amending s. 627.7074, F.S.; authorizing the department
151 to designate, by written contract or agreement, an
152 entity or a person to administer the alternative
153 dispute resolution process for sinkhole insurance
154 claims; amending s. 627.714, F.S.; specifying when a
155 loss assessment claim under a residential condominium
156 unit owner's property policy is deemed to occur;
157 amending s. 627.745, F.S.; revising requirements and
158 procedures for the mediation of personal injury claims
159 under a motor vehicle insurance policy; requiring the
160 department to adopt specified rules relating to a
161 motor vehicle claims insurance mediation program;
162 authorizing the department to designate a person or
163 entity to serve as administrator; amending s. 631.141,
164 F.S.; authorizing the department in receivership
165 proceedings to take certain actions as a domiciliary
166 receiver; amending s. 631.252, F.S.; revising
167 conditions under which policies and contracts of
168 insolvent insurers are canceled; amending ss. 631.56,
169 631.716, 631.816, and 631.912, F.S.; revising
170 membership eligibility requirements for the Florida
171 Insurance Guaranty Association, the Florida Life and
172 Health Insurance Guaranty Association, the Florida
173 Health Maintenance Organization Consumer Assistance
174 Plan, and the Florida Workers' Compensation Insurance

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175 Guaranty Association, Incorporated, respectively;
176 authorizing the Chief Financial Officer to remove a
177 board member under certain circumstances; specifying
178 requirements for, on restrictions on, board members;
179 providing penalties; creating s. 633.1423, F.S.;
180 defining the term "organization"; authorizing the
181 Division of State Fire Marshal to establish a direct-
182 support organization; specifying the purpose of and
183 requirements for the organization; specifying
184 requirements for the organization's written contract
185 and board of directors; providing requirements for the
186 use of property, annual budgets and reports, an annual
187 audit, and the division's receipt of proceeds;
188 authorizing moneys received to be held in a depository
189 account; providing for future repeal; amending s.
190 634.181, F.S.; adding grounds for compulsory
191 disciplinary actions by the department against motor
192 vehicle service agreement salespersons; requiring the
193 department to immediately temporarily suspend a
194 license or appointment under certain circumstances;
195 prohibiting a person from transacting insurance
196 business after such suspension; authorizing the
197 department to adopt rules; amending s. 634.191, F.S.;
198 revising grounds for discretionary disciplinary
199 actions by the department against motor vehicle
200 service agreement salespersons; requiring salespersons
201 to submit certain documents to the department;
202 authorizing the department to adopt rules; amending s.
203 634.320, F.S.; revising grounds for compulsory

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204 disciplinary actions by the department against home
205 warranty association sales representatives; requiring
206 the department to immediately temporarily suspend a
207 license or appointment under certain circumstances;
208 prohibiting a person from transacting insurance
209 business after such suspension; authorizing the
210 department to adopt rules; amending s. 634.321, F.S.;
211 revising grounds for discretionary disciplinary
212 actions by the department against home warranty
213 association sales representatives; authorizing the
214 department to adopt rules; amending s. 634.419, F.S.;
215 providing that specified home solicitation sale
216 requirements do not apply to certain persons relating
217 to the solicitation of service warranty or related
218 service or product sales; amending s. 634.422, F.S.;
219 revising grounds for compulsory disciplinary actions
220 by the department against service warranty association
221 sales representatives; requiring the department to
222 immediately temporarily suspend a license or
223 appointment under certain circumstances; prohibiting a
224 person from transacting insurance business after such
225 suspension; authorizing the department to adopt rules;
226 amending s. 634.423, F.S.; revising grounds for
227 discretionary disciplinary actions by the department
228 against service warranty association sales
229 representatives; authorizing the department to adopt
230 rules; reordering and amending s. 648.25, F.S.;
231 defining and redefining terms; amending s. 648.26,
232 F.S.; authorizing certain actions by the department or

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233 the Office of Insurance Regulation relating to certain
234 confidential records relating to bail bond agents;
235 amending s. 648.27, F.S.; deleting a provision
236 relating to the continuance of a temporary bail bond
237 agent license; amending s. 648.285, F.S.; revising
238 requirements, conditions, and procedures for a bail
239 bond agency license; providing applicability;
240 conforming a provision to changes made by the act;
241 amending s. 648.30, F.S.; revising requirements and
242 conditions for the licensure and appointment as a bail
243 bond agent or bail bond agency; conforming a provision
244 to changes made by the act; amending s. 648.31, F.S.;
245 specifying that there is no fee for the issuance of
246 any appointment to a bail bond agency; conforming a
247 provision to changes made by the act; amending s.
248 648.34, F.S.; revising qualifications for a bail bond
249 agent license; conforming a provision to changes made
250 by the act; amending s. 648.355, F.S.; deleting
251 provisions relating to temporary licenses as a limited
252 surety agent or professional bail bond agent;
253 specifying requirements for an individual licensed as
254 a temporary bail bond agent to qualify for bail bond
255 agent license; prohibiting the department from issuing
256 a temporary bail bond agent license beginning on a
257 specified date; providing construction relating to
258 existing temporary licenses; amending s. 648.382,
259 F.S.; revising requirements for the appointment of
260 bail bond agents or bail bond agencies; conforming a
261 provision to changes made by the act; amending s.

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262 648.386, F.S.; defining the term "classroom
263 instruction"; revising requirements for approval and
264 certification as an approved limited surety agent and
265 professional bail bond agent continuing education
266 school; amending s. 648.387, F.S.; renaming primary
267 bail bond agents as bail bond agents in charge;
268 revising the department's disciplinary authority;
269 revising prohibited actions and the applicability of
270 such prohibitions; providing for the automatic
271 expiration of a bail bond agency's license under
272 certain circumstances; creating s. 648.3875, F.S.;
273 providing requirements for applying for designation as
274 a bail bond agent in charge; amending s. 648.39, F.S.;
275 revising applicability of provisions relating to
276 termination of appointments of certain agents and
277 agencies; repealing s. 648.41, F.S., relating to
278 termination of appointment of temporary bail bond
279 agents; amending s. 648.42, F.S.; conforming a
280 provision to changes made by the act; making a
281 technical change; amending s. 648.44, F.S.; revising
282 applicability of prohibited acts; revising and
283 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. 717.135, F.S.; revising a
295 requirement for, and a prohibition on, claimants'
296 representatives relating to unclaimed property
297 recovery agreements and purchase agreements; providing
298 construction; amending s. 843.021, F.S.; revising a
299 defense to an unlawful possession of a concealed
300 handcuff key; amending s. 903.28, F.S.; providing for
301 remission of bond forfeiture under specified
302 timeframes when a defendant is deceased; revising the
303 amounts of bond forfeitures for which a court must
304 order remission under certain circumstances; revising
305 the circumstances under which forfeitures must be
306 remitted; requiring a court, under certain
307 circumstances, to direct remission of forfeiture if
308 the state is unwilling to seek extradition of the
309 defendant; amending ss. 28.2221, 119.071, 631.152,
310 631.398, and 903.09, F.S.; conforming cross-
311 references; ratifying a specified rule of the Florida
312 Administrative Code relating to the Florida Workers'
313 Compensation Health Care Provider Reimbursement
314 Manual; providing construction; providing effective
315 dates.

316
317 Be It Enacted by the Legislature of the State of Florida:

318
319 Section 1. Paragraph (e) of subsection (2) and subsection

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320 (6) of section 20.121, Florida Statutes, are amended to read:

321 20.121 Department of Financial Services.—There is created a
322 Department of Financial Services.

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

325 (e) The Division of Investigative and Forensic Services,
326 which shall function as a criminal justice agency for purposes
327 of ss. 943.045-943.08. The division may initiate and conduct
328 investigations into any matter under the jurisdiction of the
329 Chief Financial Officer and Fire Marshal within or outside of
330 this state as it deems necessary. If, during an investigation,
331 the division has reason to believe that any criminal law of this
332 state or the United States has or may have been violated, it
333 shall refer any records tending to show such violation to state
334 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
335 prosecutorial agencies and shall provide investigative
336 assistance to those agencies as appropriate ~~required~~. The
337 division shall include the following bureaus and office:

338 1. The Bureau of Forensic Services;

339 2. The Bureau of Fire, Arson, and Explosives
340 Investigations;

341 3. The Office of Fiscal Integrity, which shall have a
342 separate budget;

343 4. The Bureau of Insurance Fraud; and

344 5. The Bureau of Workers' Compensation Fraud.

345 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT.—The~~
346 ~~Strategic Markets Research and Assessment Unit is established~~
347 ~~within the Department of Financial Services. The Chief Financial~~
348 ~~Officer or his or her designee shall report on September 1,~~

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349 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
350 ~~the Senate, and the Speaker of the House of Representatives on~~
351 ~~the status of the state's financial services markets. At a~~
352 ~~minimum, the report must include a summary of issues, trends,~~
353 ~~and threats that broadly impact the condition of the financial~~
354 ~~services industries, along with the effect of such conditions on~~
355 ~~financial institutions, the securities industries, other~~
356 ~~financial entities, and the credit market. The Chief Financial~~
357 ~~Officer shall also provide findings and recommendations~~
358 ~~regarding regulatory and policy changes to the Cabinet, the~~
359 ~~President of the Senate, and the Speaker of the House of~~
360 ~~Representatives.~~

361 Section 2. Paragraph (c) of subsection (1) of section
362 39.6035, Florida Statutes, is amended to read:

363 39.6035 Transition plan.—

364 (1) During the year after a child reaches 16 years of age,
365 the department and the community-based care lead agency, in
366 collaboration with the caregiver and any other individual whom
367 the child would like to include, shall assist the child in
368 developing a transition plan. The required transition plan is in
369 addition to standard case management requirements. The
370 transition plan must address specific options for the child to
371 use in obtaining services, including housing, health insurance,
372 education, financial literacy, a driver license, and workforce
373 support and employment services. The plan must also include
374 tasks to establish and maintain naturally occurring mentoring
375 relationships and other personal support services. The
376 transition plan may be as detailed as the child chooses. This
377 plan must be updated as needed before the child reaches 18 years

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378 of age and after the child reaches 18 years of age if he or she
379 is receiving funding under s. 409.1451(2). In developing and
380 updating the transition plan, the department and the community-
381 based care lead agency shall:

382 ~~(c) Provide information for the financial literacy~~
383 ~~curriculum for youth offered by the Department of Financial~~
384 ~~Services.~~

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

388 112.215 Government employees; deferred compensation
389 program.—

390 (2) For the purposes of this section, the term "government
391 employee" means any person employed, whether appointed, elected,
392 or under contract, by providing services for the state or any
393 governmental unit of the state, including, but not limited to,
394 any state agency; any ~~or~~ county, municipality, or other
395 political subdivision of the state; any special district or
396 water management district, as the terms are defined in s.
397 189.012 municipality; any state university or Florida College
398 System institution, as the terms are defined in s. 1000.21(6)
399 and (3), respectively ~~board of trustees~~; or any constitutional
400 county officer under s. 1(d), Art. VIII of the State
401 Constitution for which compensation or statutory fees are paid.

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

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407 ~~189.012, or a water management district as defined in s.~~
408 ~~189.012, including all such investment vehicles or products~~
409 ~~incident thereto, as may be available through, or offered by,~~
410 ~~qualified companies or persons, and may approve one or more such~~
411 ~~plans for implementation by and on behalf of the state and its~~
412 ~~agencies and employees.~~

413 (b) If the Chief Financial Officer deems it advisable, he
414 or she shall have the power, with the approval of the State
415 Board of Administration, to create a trust or other special
416 funds for the segregation of funds or assets resulting from
417 compensation deferred at the request of government employees
418 participating in of the state plan ~~or its agencies and~~ for the
419 administration of such program.

420 (c) The Chief Financial Officer, with the approval of the
421 State Board of Administration, may delegate responsibility for
422 administration of the state plan to a person the Chief Financial
423 Officer determines to be qualified, compensate such person, and,
424 directly or through such person or pursuant to a collective
425 bargaining agreement, contract with a private corporation or
426 institution to provide such services as may be part of any such
427 plan or as may be deemed necessary or proper by the Chief
428 Financial Officer or such person, including, but not limited to,
429 providing consolidated billing, individual and collective
430 recordkeeping and accountings, asset purchase, control, and
431 safekeeping, and direct disbursement of funds to employees or
432 other beneficiaries. The Chief Financial Officer may authorize a
433 person, private corporation, or institution to make direct
434 disbursement of funds under the state plan to an employee or
435 other beneficiary.

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436 (d) In accordance with such approved plan, and upon
437 contract or agreement with an eligible government employee,
438 deferrals of compensation may be accomplished by payroll
439 deductions made by the appropriate officer or officers of the
440 state, with such funds being thereafter held and administered in
441 accordance with the plan.

442 (e) The administrative costs of the deferred compensation
443 plan must be wholly or partially self-funded. Fees for such
444 self-funding of the plan shall be paid by investment providers
445 and may be recouped from their respective plan participants.
446 Such fees shall be deposited in the Deferred Compensation Trust
447 Fund.

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

450 1. One member shall be appointed by the Speaker of the
451 House of Representatives and the President of the Senate jointly
452 and shall be an employee of the legislative branch.

453 2. One member shall be appointed by the Chief Justice of
454 the Supreme Court and shall be an employee of the judicial
455 branch.

456 3. One member shall be appointed by the chair of the Public
457 Employees Relations Commission and shall be a nonexempt public
458 employee.

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

461 a. One member shall be appointed by the Chancellor of the
462 State University System and shall be an employee of the
463 university system.

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

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

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

468 d. One member shall be appointed by the Executive Director
469 of the State Board of Administration and shall be an employee of
470 the State Board of Administration.

471 e. One member shall be appointed by the Chancellor of the
472 Florida College System and shall be an employee of the Florida
473 College System.

474 (12) The Chief Financial Officer may adopt any rule
475 necessary to administer and implement this act with respect to
476 the state deferred compensation plan or plans ~~for state~~
477 ~~employees and persons employed by a state university as defined~~
478 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
479 ~~water management district as defined in s. 189.012.~~

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

482 215.422 Payments, warrants, and invoices; processing time
483 limits; dispute resolution; agency or judicial branch
484 compliance.—

485 (13) Notwithstanding the provisions of subsections (3) and
486 (12), in order to alleviate any hardship that may be caused to a
487 health care provider as a result of delay in receiving
488 reimbursement for services, any payment or payments for
489 hospital, medical, or other health care services which are to be
490 reimbursed by a state agency or the judicial branch, either
491 directly or indirectly, shall be made to the health care
492 provider not more than 40 ~~35~~ days from the date eligibility for
493 payment of such claim is determined. If payment is not issued to

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494 a health care provider within 40 ~~35~~ days after the date
495 eligibility for payment of the claim is determined, the state
496 agency or the judicial branch shall pay the health care provider
497 interest at a rate of 1 percent per month calculated on a
498 calendar day basis on the unpaid balance from the expiration of
499 such 40-day ~~35-day~~ period until such time as payment is made to
500 the health care provider, unless a waiver in whole has been
501 granted by the Department of Financial Services pursuant to
502 subsection (1) or subsection (2).

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

505 274.01 Definitions.—The following words as used in this act
506 have the meanings set forth in the below subsections, unless a
507 different meaning is required by the context:

508 (1) "Governmental unit" means the governing board,
509 commission, or authority of a county, a county agency, a
510 municipality, a special district as defined in s. 189.012 or
511 taxing district of the state, or the sheriff of the county.

512 Section 6. Paragraph (b) of subsection (3) of section
513 409.1451, Florida Statutes, is amended to read:

514 409.1451 The Road-to-Independence Program.—

515 (3) AFTERCARE SERVICES.—

516 (b) Aftercare services include, but are not limited to, the
517 following:

- 518 1. Mentoring and tutoring.
- 519 2. Mental health services and substance abuse counseling.
- 520 3. Life skills classes, including credit management and
- 521 preventive health activities.
- 522 4. Parenting classes.

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523 5. Job and career skills training.

524 6. Counselor consultations.

525 7. Temporary financial assistance for necessities,
526 including, but not limited to, education supplies,
527 transportation expenses, security deposits for rent and
528 utilities, furnishings, household goods, and other basic living
529 expenses.

530 8. Temporary financial assistance to address emergency
531 situations, including, but not limited to, automobile repairs or
532 large medical expenses.

533 ~~9. Financial literacy skills training under s.~~
534 ~~39.6035(1)(c).~~

535

536 The specific services to be provided under this paragraph shall
537 be determined by an assessment of the young adult and may be
538 provided by the community-based care provider or through
539 referrals in the community.

540 Section 7. Paragraph (c) of subsection (9) and subsections
541 (12) and (14) of section 440.13, Florida Statutes, are amended
542 to read:

543 440.13 Medical services and supplies; penalty for
544 violations; limitations.—

545 (9) EXPERT MEDICAL ADVISORS.—

546 (c) If there is disagreement in the opinions of the health
547 care providers, if two health care providers disagree on medical
548 evidence supporting the employee's complaints or the need for
549 additional medical treatment, or if two health care providers
550 disagree that the employee is able to return to work, the
551 department may, and the judge of compensation claims may ~~shall~~,

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552 upon his or her own motion or within 15 days after receipt of a
553 written request by either the injured employee, the employer, or
554 the carrier, order the injured employee to be evaluated by an
555 expert medical advisor. The injured employee and the employer or
556 carrier may agree on the health care provider to serve as an
557 expert medical advisor. If the parties do not agree, the judge
558 of compensation claims shall select an expert medical advisor
559 from the department's list of certified expert medical advisors.
560 If a certified medical advisor within the relevant medical
561 specialty is unavailable, the judge of compensation claims shall
562 appoint any otherwise qualified health care provider to serve as
563 an expert medical advisor without obtaining the department's
564 certification. The opinion of the expert medical advisor is
565 presumed to be correct unless there is clear and convincing
566 evidence to the contrary as determined by the judge of
567 compensation claims. The expert medical advisor appointed to
568 conduct the evaluation shall have free and complete access to
569 the medical records of the employee. An employee who fails to
570 report to and cooperate with such evaluation forfeits
571 entitlement to compensation during the period of failure to
572 report or cooperate.

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

575 (a) A three-member panel is created, consisting of the
576 Chief Financial Officer, or the Chief Financial Officer's
577 designee, and two members to be appointed by the Governor,
578 subject to confirmation by the Senate, one member who, on
579 account of present or previous vocation, employment, or
580 affiliation, shall be classified as a representative of

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581 employers, the other member who, on account of previous
582 vocation, employment, or affiliation, shall be classified as a
583 representative of employees. The panel shall determine statewide
584 schedules of maximum reimbursement allowances for medically
585 necessary treatment, care, and attendance provided by
586 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
587 ~~hardening programs, pain programs, and durable medical~~
588 ~~equipment.~~ The maximum reimbursement allowances for inpatient
589 hospital care shall be based on a schedule of per diem rates, to
590 be approved by the three-member panel no later than March 1,
591 1994, to be used in conjunction with a precertification manual
592 as determined by the department, including maximum hours in
593 which an outpatient may remain in observation status, which
594 shall not exceed 23 hours. All compensable charges for hospital
595 outpatient care shall be reimbursed at 75 percent of usual and
596 customary charges, except as otherwise provided by this
597 subsection. Annually, the three-member panel shall adopt
598 schedules of maximum reimbursement allowances for ~~physicians,~~
599 hospital inpatient care, hospital outpatient care, and
600 ambulatory surgical centers, ~~work-hardening programs, and pain~~
601 ~~programs.~~ A ~~An individual physician, hospital or an,~~ ambulatory
602 surgical center, ~~pain program, or work-hardening program~~ shall
603 be reimbursed either the agreed-upon contract price or the
604 maximum reimbursement allowance in the appropriate schedule.

605 (b) ~~It is the intent of the Legislature to increase the~~
606 ~~schedule of maximum reimbursement allowances for selected~~
607 ~~physicians effective January 1, 2004, and to pay for the~~
608 ~~increases through reductions in payments to hospitals. Revisions~~
609 ~~developed pursuant to this subsection are limited to the~~

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610 following:

611 ~~1.~~ Payments for outpatient physical, occupational, and
612 speech therapy provided by hospitals shall be ~~reduced to~~ the
613 schedule of maximum reimbursement allowances for these services
614 which applies to nonhospital providers.

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

620 (d)3. Outpatient reimbursement for scheduled surgeries
621 shall be ~~reduced from 75 percent of charges to~~ 60 percent of
622 charges.

623 (e)1. By July 1 of each year, the department shall notify
624 carriers and self-insurers of the physician and nonhospital
625 services schedule of maximum reimbursement allowances. The
626 notice must include publication of this schedule of maximum
627 reimbursement allowances on the division's website. This
628 schedule is not subject to approval by the three-member panel
629 and does not include reimbursement for prescription medication.

630 2. Subparagraph 1. shall take effect January 1, following
631 the July 1, 2024, notice of the physician and nonhospital
632 services schedule of maximum reimbursement allowances which the
633 department provides to carriers and self-insurers.

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

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

643 (h)~~(e)~~ As to reimbursement for a prescription medication,
644 the reimbursement amount for a prescription shall be the average
645 wholesale price plus \$4.18 for the dispensing fee. For
646 repackaged or relabeled prescription medications dispensed by a
647 dispensing practitioner as provided in s. 465.0276, the fee
648 schedule for reimbursement shall be 112.5 percent of the average
649 wholesale price, plus \$8.00 for the dispensing fee. For purposes
650 of this subsection, the average wholesale price shall be
651 calculated by multiplying the number of units dispensed times
652 the per-unit average wholesale price set by the original
653 manufacturer of the underlying drug dispensed by the
654 practitioner, based upon the published manufacturer's average
655 wholesale price published in the Medi-Span Master Drug Database
656 as of the date of dispensing. All pharmaceutical claims
657 submitted for repackaged or relabeled prescription medications
658 must include the National Drug Code of the original
659 manufacturer. Fees for pharmaceuticals and pharmaceutical
660 services shall be reimbursable at the applicable fee schedule
661 amount except where the employer or carrier, or a service
662 company, third party administrator, or any entity acting on
663 behalf of the employer or carrier directly contracts with the
664 provider seeking reimbursement for a lower amount.

665 (i)~~(d)~~ Reimbursement for all fees and other charges for
666 such treatment, care, and attendance, including treatment, care,
667 and attendance provided by any hospital or other health care

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668 provider, ambulatory surgical center, work-hardening program, or
669 pain program, must not exceed the amounts provided by the
670 uniform schedule of maximum reimbursement allowances as
671 determined by the panel or as otherwise provided in this
672 section. This subsection also applies to independent medical
673 examinations performed by health care providers under this
674 chapter. In determining the uniform schedule, the panel shall
675 first approve the data which it finds representative of
676 prevailing charges in the state for similar treatment, care, and
677 attendance of injured persons. Each health care provider, health
678 care facility, ambulatory surgical center, work-hardening
679 program, or pain program receiving workers' compensation
680 payments shall maintain records verifying their usual charges.
681 In establishing the uniform schedule of maximum reimbursement
682 allowances, the panel must consider:

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

686 2. The impact upon cost to employers for providing a level
687 of reimbursement for treatment, care, and attendance which will
688 ensure the availability of treatment, care, and attendance
689 required by injured workers; and

690 3. The financial impact of the reimbursement allowances
691 upon health care providers and health care facilities, including
692 trauma centers as defined in s. 395.4001, and its effect upon
693 their ability to make available to injured workers such
694 medically necessary remedial treatment, care, and attendance.
695 The uniform schedule of maximum reimbursement allowances must be
696 reasonable, must promote health care cost containment and

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697 efficiency with respect to the workers' compensation health care
698 delivery system, and must be sufficient to ensure availability
699 of such medically necessary remedial treatment, care, and
700 attendance to injured workers; ~~and~~

701 ~~4. The most recent average maximum allowable rate of~~
702 ~~increase for hospitals determined by the Health Care Board under~~
703 ~~chapter 408.~~

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

706 1. Take testimony, receive records, and collect data to
707 evaluate the adequacy of the workers' compensation fee schedule,
708 nationally recognized fee schedules and alternative methods of
709 reimbursement to health care providers and health care
710 facilities for inpatient and outpatient treatment and care.

711 2. Survey health care providers and health care facilities
712 to determine the availability and accessibility of workers'
713 compensation health care delivery systems for injured workers.

714 3. Survey carriers to determine the estimated impact on
715 carrier costs and workers' compensation premium rates by
716 implementing changes to the carrier reimbursement schedule or
717 implementing alternative reimbursement methods.

718 4. Submit recommendations on or before January 15, 2017,
719 and biennially thereafter, to the President of the Senate and
720 the Speaker of the House of Representatives on methods to
721 improve the workers' compensation health care delivery system.

722
723 The department, as requested, shall provide data to the panel,
724 including, but not limited to, utilization trends in the
725 workers' compensation health care delivery system. The

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726 department shall provide the panel with an annual report
727 regarding the resolution of medical reimbursement disputes and
728 any actions pursuant to subsection (8). The department shall
729 provide administrative support and service to the panel to the
730 extent requested by the panel. For prescription medication
731 purchased under the requirements of this subsection, a
732 dispensing practitioner shall not possess such medication unless
733 payment has been made by the practitioner, the practitioner's
734 professional practice, or the practitioner's practice management
735 company or employer to the supplying manufacturer, wholesaler,
736 distributor, or drug repackager within 60 days of the dispensing
737 practitioner taking possession of that medication.

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

742 Section 8. Subsection (8) is added to section 440.38,
743 Florida Statutes, to read:

744 440.38 Security for compensation; insurance carriers and
745 self-insurers.—

746 (8) Any form used by the department to evidence an
747 employer's workers' compensation coverage under paragraph (1)(a)
748 must contain all of the following:

749 (a) The governing class code or codes.

750 (b) Payroll information.

751 (c) The total number of employees covered by the workers'
752 compensation insurance policy.

753 Section 9. Effective January 1, 2024, subsection (2) of
754 section 440.385, Florida Statutes, is amended to read:

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755 440.385 Florida Self-Insurers Guaranty Association,
756 Incorporated.—

757 (2) BOARD OF DIRECTORS.—The board of directors of the
758 association shall consist of nine persons and shall be organized
759 as established in the plan of operation. Each director must ~~All~~
760 ~~board members shall~~ be experienced in self-insurance in this
761 state. Each director shall serve for a 4-year term and may be
762 reappointed. Appointments after January 1, 2002, shall be made
763 by the department upon recommendation of members of the
764 association or other persons with experience in self-insurance
765 as determined by the Chief Financial Officer. Any vacancy on the
766 board shall be filled for the remaining period of the term in
767 the same manner as appointments other than initial appointments
768 are made. Each director shall be reimbursed for expenses
769 incurred in carrying out the duties of the board on behalf of
770 the association.

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

775 (b) Directors are subject to the code of ethics under part
776 III of chapter 112, including, but not limited to, the code of
777 ethics and public disclosure and reporting of financial
778 interests, pursuant to s. 112.3145. For purposes of applying
779 part III of chapter 112 to activities of members of the board of
780 directors, those persons are considered public officers and the
781 association is considered their agency. Notwithstanding s.
782 112.3143(2), a director may not vote on any measure that he or
783 she knows would inure to his or her special private gain or

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784 loss; that he or she knows would inure to the special private
785 gain or loss of any principal by which he or she is retained,
786 other than an agency as defined in s. 112.312; or that he or she
787 knows would inure to the special private gain or loss of a
788 relative or business associate of the public officer. Before the
789 vote is taken, such director shall publicly state to the board
790 the nature of his or her interest in the matter from which he or
791 she is abstaining from voting and, within 15 days after the vote
792 occurs, disclose the nature of his or her interest as a public
793 record in a memorandum filed with the person responsible for
794 recording the minutes of the meeting, who shall incorporate the
795 memorandum in the minutes.

796 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other
797 law, an employee of the association or a director may not
798 knowingly accept, directly or indirectly, any gift or
799 expenditure from a person or an entity, or an employee or a
800 representative of such person or entity, which has a contractual
801 relationship with the association or which is under
802 consideration for a contract.

803 (d) A director who fails to comply with paragraph (b) or
804 paragraph (c) is subject to the penalties provided under ss.
805 112.317 and 112.3173.

806 Section 10. Subsection (1) of section 624.1265, Florida
807 Statutes, is amended to read:

808 624.1265 Nonprofit religious organization exemption;
809 authority; notice.—

810 (1) A nonprofit religious organization is not subject to
811 the requirements of the Florida Insurance Code if the nonprofit
812 religious organization:

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- 813 (a) Qualifies under Title 26, s. 501 of the Internal
814 Revenue Code of 1986, as amended;
- 815 (b) Limits its participants to those members who share a
816 common set of ethical or religious beliefs;
- 817 (c) Acts as a facilitator among participants who have
818 financial, physical, or medical needs to assist those with
819 financial, physical, or medical needs in accordance with
820 criteria established by the nonprofit religious organization;
- 821 (d) Provides for the financial or medical needs of a
822 participant through contributions from other participants, or
823 through payments directly from one participant to another
824 participant;
- 825 (e) Provides amounts that participants may contribute, with
826 no assumption of risk and no promise to pay:
- 827 1. Among the participants; or
 - 828 2. By the nonprofit religious organization to the
829 participants;
- 830 (f) Provides a monthly accounting to the participants of
831 the total dollar amount of qualified needs actually shared in
832 the previous month in accordance with criteria established by
833 the nonprofit religious organization; ~~and~~
- 834 (g) Conducts an annual audit that is performed by an
835 independent certified public accounting firm in accordance with
836 generally accepted accounting principles and that is made
837 available to the public by providing a copy upon request or by
838 posting on the nonprofit religious organization's website; and
- 839 (h) Does not market or sell health plans by agents licensed
840 by the department under chapter 626.
- 841 Section 11. Subsection (25) of section 624.501, Florida

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842 Statutes, is amended to read:

843 624.501 Filing, license, appointment, and miscellaneous
844 fees.—The department, commission, or office, as appropriate,
845 shall collect in advance, and persons so served shall pay to it
846 in advance, fees, licenses, and miscellaneous charges as
847 follows:

848 (25) Reinsurance intermediary:

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

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

852 Section 12. Subsection (5) of section 626.015, Florida
853 Statutes, is amended to read:

854 626.015 Definitions.—As used in this part:

855 (5) "Association" includes the Florida Association of
856 Insurance Agents (FAIA), the National Association of Insurance
857 and Financial Advisors (NAIFA), the National Association of
858 Benefits and Insurance Professionals Florida Chapter (NABIP
859 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the
860 Latin American Association of Insurance Agencies (LAAIA), the
861 Florida Association of Public Insurance Adjusters (FAPIA), the
862 Florida Bail Agents Association (FBAA), or the Professional Bail
863 Agents of the United States (PBUS).

864 Section 13. Subsection (4) of section 626.171, Florida
865 Statutes, is amended to read:

866 626.171 Application for license as an agent, customer
867 representative, adjuster, service representative, or reinsurance
868 intermediary.—

869 (4) An applicant for a license issued by the department
870 under this chapter must submit a set of the individual

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871 applicant's fingerprints, or, if the applicant is not an
872 individual, a set of the fingerprints of the sole proprietor,
873 majority owner, partners, officers, and directors, to the
874 department and must pay the fingerprint processing fee set forth
875 in s. 624.501. Fingerprints must be processed in accordance with
876 s. 624.34 and used to investigate the applicant's qualifications
877 pursuant to s. 626.201. The fingerprints must be taken by a law
878 enforcement agency, ~~designated examination center,~~ or other
879 department-approved entity. ~~The department shall require all~~
880 ~~designated examination centers to have fingerprinting equipment~~
881 ~~and to take fingerprints from any applicant or prospective~~
882 ~~applicant who pays the applicable fee.~~ The department may not
883 approve an application for licensure as an agent, customer
884 service representative, adjuster, service representative, or
885 reinsurance intermediary if fingerprints have not been
886 submitted.

887 Section 14. Paragraph (c) of subsection (1) of section
888 626.173, Florida Statutes, is amended to read:

889 626.173 Insurance agency closure; cancellation of
890 licenses.—

891 (1) If a licensed insurance agency permanently ceases the
892 transacting of insurance or ceases the transacting of insurance
893 for more than 30 days, the agent in charge, the director of the
894 agency, or other officer listed on the original application for
895 licensure must, within 35 days after the agency first ceases the
896 transacting of insurance, do all of the following:

897 (c) Notify all policyholders currently insured by a policy
898 written, produced, or serviced by the agency of the agency's
899 cessation of operations; the date on which operations ceased;

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900 and the identity of the agency or agent to which the agency's
901 current book of business has been transferred or, if no transfer
902 has occurred, a statement directing the policyholder to contact
903 the insurance company for assistance in locating a licensed
904 agent to service the policy. This paragraph does not apply to
905 title insurance, life insurance, or annuity contracts.

906 Section 15. Subsection (8) of section 626.207, Florida
907 Statutes, is amended to read:

908 626.207 Disqualification of applicants and licensees;
909 penalties against licensees; rulemaking authority.—

910 (8) The department shall adopt rules establishing specific
911 penalties against licensees in accordance with ss. 626.641 and
912 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.
913 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.
914 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.
915 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.
916 634.423, s. 642.041, or s. 642.043. The purpose of the
917 revocation or suspension is to provide a sufficient penalty to
918 deter future violations of the Florida Insurance Code. The
919 imposition of a revocation or the length of suspension shall be
920 based on the type of conduct and the probability that the
921 propensity to commit further illegal conduct has been overcome
922 at the time of eligibility for relicensure. The length of
923 suspension may be adjusted based on aggravating or mitigating
924 factors, established by rule and consistent with this purpose.

925 Section 16. Paragraph (j) of subsection (2) of section
926 626.221, Florida Statutes, is amended to read:

927 626.221 Examination requirement; exemptions.—

928 (2) However, an examination is not necessary for any of the

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929 following:

930 (j) An applicant for license as an all-lines adjuster who
931 has the designation of Accredited Claims Adjuster (ACA) from a
932 regionally accredited postsecondary institution in this state;
933 Certified All Lines Adjuster (CALA) from Kaplan Financial
934 Education; Associate in Claims (AIC) from the Insurance
935 Institute of America; Professional Claims Adjuster (PCA) from
936 the Professional Career Institute; Professional Property
937 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
938 Certified Adjuster (CA) from ALL LINES Training; Certified
939 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
940 Certified Professional (CACP) from WebCE, Inc.; Accredited
941 Insurance Claims Specialist (AICS) from Encore Claim Services;
942 Professional in Claims (PIC) from 2021 Training, LLC; or
943 Universal Claims Certification (UCC) from Claims and Litigation
944 Management Alliance (CLM) whose curriculum has been approved by
945 the department and which includes comprehensive analysis of
946 basic property and casualty lines of insurance and testing at
947 least equal to that of standard department testing for the all-
948 lines adjuster license. The department shall adopt rules
949 establishing standards for the approval of curriculum.

950 Section 17. Paragraphs (c) and (f) of subsection (3) of
951 section 626.2815, Florida Statutes, are amended to read:

952 626.2815 Continuing education requirements.—

953 (3) Each licensee except a title insurance agent must
954 complete a 4-hour update course every 2 years which is specific
955 to the license held by the licensee. The course must be
956 developed and offered by providers and approved by the
957 department. The content of the course must address all lines of

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958 insurance for which examination and licensure are required and
959 include the following subject areas: insurance law updates,
960 ethics for insurance professionals, disciplinary trends and case
961 studies, industry trends, premium discounts, determining
962 suitability of products and services, and other similar
963 insurance-related topics the department determines are relevant
964 to legally and ethically carrying out the responsibilities of
965 the license granted. A licensee who holds multiple insurance
966 licenses must complete an update course that is specific to at
967 least one of the licenses held. Except as otherwise specified,
968 any remaining required hours of continuing education are
969 elective and may consist of any continuing education course
970 approved by the department under this section.

971 (c) A licensee who has been licensed for 25 years or more
972 and is a CLU or a CPCU or has a Bachelor of Science degree or
973 higher in risk management or insurance with evidence of 18 or
974 more semester hours in insurance-related courses must also
975 complete a minimum of 6 hours of elective continuing education
976 courses every 2 years.

977 (f) Elective continuing education courses for public
978 adjusters may ~~must~~ be any course related to commercial and
979 residential property coverages, claim adjusting practices, and
980 any other adjuster elective courses ~~specifically designed for~~
981 ~~public adjusters and~~ approved by the department. Notwithstanding
982 this subsection, public adjusters for workers' compensation
983 insurance or health insurance are not required to take
984 continuing education courses pursuant to this section.

985 Section 18. Paragraphs (a), (b), and (e) of subsection (1)
986 of section 626.321, Florida Statutes, are amended, and paragraph

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987 (i) is added to that subsection, to read:

988 626.321 Limited licenses and registration.—

989 (1) The department shall issue to a qualified applicant a
990 license as agent authorized to transact a limited class of
991 business in any of the following categories of limited lines
992 insurance:

993 (a) *Motor vehicle physical damage and mechanical breakdown*
994 *insurance.*—License covering insurance against only the loss of
995 or damage to a motor vehicle that is designed for use upon a
996 highway, including trailers and semitrailers designed for use
997 with such vehicles. Such license also covers insurance against
998 the failure of an original or replacement part to perform any
999 function for which it was designed. ~~A licensee under this~~
1000 ~~paragraph may not hold a license as an agent for any other or~~
1001 ~~additional kind or class of insurance coverage except a limited~~
1002 ~~license for credit insurance as provided in paragraph (c).~~
1003 Effective October 1, 2012, all licensees holding such limited
1004 license and appointment may renew the license and appointment,
1005 but no new or additional licenses may be issued pursuant to this
1006 paragraph, and a licensee whose limited license under this
1007 paragraph has been terminated, suspended, or revoked may not
1008 have such license reinstated.

1009 (b) *Industrial fire insurance or burglary insurance.*—
1010 License covering only industrial fire insurance or burglary
1011 insurance. ~~A licensee under this paragraph may not hold a~~
1012 ~~license as an agent for any other or additional kind or class of~~
1013 ~~insurance coverage except for life insurance and health~~
1014 ~~insurance.~~ Effective July 1, 2019, all licensees holding such
1015 limited license and appointment may renew the license and

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1016 appointment, but no new or additional licenses may be issued
1017 pursuant to this paragraph, and a licensee whose limited license
1018 under this paragraph has been terminated, suspended, or revoked
1019 may not have such license reinstated.

1020 (e) *Credit insurance.*—License covering credit life, credit
1021 disability, credit property, credit unemployment, involuntary
1022 unemployment, mortgage life, mortgage guaranty, mortgage
1023 disability, guaranteed automobile protection (GAP) insurance,
1024 and any other form of insurance offered in connection with an
1025 extension of credit which is limited to partially or wholly
1026 extinguishing a credit obligation that the department determines
1027 should be designated a form of limited line credit insurance.
1028 Effective October 1, 2012, all valid licenses held by persons
1029 for any of the lines of insurance listed in this paragraph shall
1030 be converted to a credit insurance license. ~~Licensees who wish~~
1031 ~~to obtain a new license reflecting such change must request a~~
1032 ~~duplicate license and pay a \$5 fee as specified in s.~~
1033 ~~624.501(15).~~ The license may be issued only to an individual
1034 employed by a life or health insurer as an officer or other
1035 salaried or commissioned representative, to an individual
1036 employed by or associated with a lending or financial
1037 institution or creditor, or to a lending or financial
1038 institution or creditor, and may authorize the sale of such
1039 insurance only with respect to borrowers or debtors of such
1040 lending or financing institution or creditor. However, only the
1041 individual or entity whose tax identification number is used in
1042 receiving or is credited with receiving the commission from the
1043 sale of such insurance shall be the licensed agent of the
1044 insurer. ~~No individual while so licensed shall hold a license as~~

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1045 ~~an agent as to any other or additional kind or class of life or~~
1046 ~~health insurance coverage.~~

1047 (i) *Preneed funeral agreement insurance.*—Limited license
1048 for insurance covering only prearranged funeral, cremation, or
1049 cemetery agreements, or any combination thereof, funded by
1050 insurance and offered in connection with an establishment that
1051 holds a preneed license pursuant to s. 497.452. Such license may
1052 be issued without examination only to an individual who has
1053 filed with the department an application for a license in a form
1054 and manner prescribed by the department, who currently holds a
1055 valid preneed sales agent license pursuant to s. 497.466, who
1056 paid the applicable fees for a license as prescribed in s.
1057 624.501, who has been appointed under s. 626.112, and who paid
1058 the prescribed appointment fee under s. 624.501.

1059 Section 19. Paragraph (n) of subsection (1) of section
1060 626.611, Florida Statutes, is amended to read:

1061 626.611 Grounds for compulsory refusal, suspension, or
1062 revocation of agent's, title agency's, adjuster's, customer
1063 representative's, service representative's, or managing general
1064 agent's license or appointment.—

1065 (1) The department shall deny an application for, suspend,
1066 revoke, or refuse to renew or continue the license or
1067 appointment of any applicant, agent, title agency, adjuster,
1068 customer representative, service representative, or managing
1069 general agent, and it shall suspend or revoke the eligibility to
1070 hold a license or appointment of any such person, if it finds
1071 that as to the applicant, licensee, or appointee any one or more
1072 of the following applicable grounds exist:

1073 (n) Having been found guilty of or having pleaded guilty or

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1074 nolo contendere to a misdemeanor directly related to the
1075 financial services business, any felony, or any a crime
1076 punishable by imprisonment of 1 year or more under the law of
1077 the United States of America or of any state thereof or under
1078 the law of any other country, without regard to whether a
1079 judgment of conviction has been entered by the court having
1080 jurisdiction of such cases.

1081 Section 20. Subsection (18) is added to section 626.621,
1082 Florida Statutes, to read:

1083 626.621 Grounds for discretionary refusal, suspension, or
1084 revocation of agent's, adjuster's, customer representative's,
1085 service representative's, or managing general agent's license or
1086 appointment.—The department may, in its discretion, deny an
1087 application for, suspend, revoke, or refuse to renew or continue
1088 the license or appointment of any applicant, agent, adjuster,
1089 customer representative, service representative, or managing
1090 general agent, and it may suspend or revoke the eligibility to
1091 hold a license or appointment of any such person, if it finds
1092 that as to the applicant, licensee, or appointee any one or more
1093 of the following applicable grounds exist under circumstances
1094 for which such denial, suspension, revocation, or refusal is not
1095 mandatory under s. 626.611:

1096 (18) Cancellation of the applicant's, licensee's, or
1097 appointee's resident license in a state other than Florida.

1098 Section 21. Paragraphs (d) and (g) of subsection (2) and
1099 paragraphs (a), (b), and (e) through (j) of subsection (3) of
1100 section 626.7492, Florida Statutes, are amended to read:

1101 626.7492 Reinsurance intermediaries.—

1102 (2) DEFINITIONS.—As used in this section:

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1103 (d) "Producer" means a licensed ~~an~~ agent, broker, or
1104 insurance agency that is appointed as a reinsurance intermediary
1105 ~~licensed~~ pursuant to the applicable provision of the Florida
1106 Insurance Code.

1107 (g) "Reinsurance intermediary manager" means any person who
1108 has authority to bind, or manages all or part of, the assumed
1109 reinsurance business of a reinsurer, including the management of
1110 a separate division, department, or underwriting office, and
1111 acts as a representative ~~an agent~~ for the reinsurer whether
1112 known as a reinsurance intermediary manager, manager, or other
1113 similar term. Notwithstanding the above, none of the following
1114 persons is a reinsurance intermediary manager with respect to
1115 the reinsurer for the purposes of this section:

1116 1. An employee of the reinsurer;

1117 2. A manager of the United States branch of an alien
1118 reinsurer;

1119 3. An underwriting manager which, pursuant to contract,
1120 manages all the reinsurance operations of the reinsurer, is
1121 under common control with the reinsurer, subject to the holding
1122 company act, and whose compensation is not based on the volume
1123 of premiums written.

1124 4. The manager of a group, association, pool, or
1125 organization of insurers which engage in joint underwriting or
1126 joint reinsurance and who are subject to examination by the
1127 insurance regulatory authority of the state in which the
1128 manager's principal business office is located.

1129 (3) LICENSURE.—

1130 (a) No person shall act as a reinsurance intermediary
1131 broker in this state if the reinsurance intermediary broker

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1132 maintains an office either directly or as a member or employee
1133 of a firm or association, or an officer, director, or employee
1134 of a corporation:

1135 1. In this state, unless the reinsurance intermediary
1136 broker is a licensed producer in this state; or

1137 2. In another state, unless the reinsurance intermediary
1138 broker is a licensed producer in this state or in another state
1139 having a law substantially similar to this section or the
1140 reinsurance intermediary broker is licensed in this state as an
1141 insurance agency and appointed as a nonresident reinsurance
1142 intermediary.

1143 (b) No person shall act as a reinsurance intermediary
1144 manager:

1145 1. For a reinsurer domiciled in this state, unless the
1146 reinsurance intermediary manager is a licensed producer in this
1147 state;

1148 2. In this state, if the reinsurance intermediary manager
1149 maintains an office either directly or as a member or employee
1150 of a firm or association, or an officer, director, or employee
1151 of a corporation in this state, unless the reinsurance
1152 intermediary manager is a licensed producer in this state;

1153 3. In another state for a nondomestic insurer, unless the
1154 reinsurance intermediary manager is a licensed producer in this
1155 state or another state having a law substantially similar to
1156 this section, or the person is licensed in this state as a
1157 producer nonresident reinsurance intermediary.

1158 (e) If the applicant for a reinsurance intermediary
1159 appointment license is a nonresident, the applicant, as a
1160 condition precedent to receiving or holding an appointment a

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1161 license, must designate the Chief Financial Officer as agent for
1162 service of process in the manner, and with the same legal
1163 effect, provided for by this section for designation of service
1164 of process upon unauthorized insurers. Such applicant shall also
1165 furnish the department with the name and address of a resident
1166 of this state upon whom notices or orders of the department or
1167 process affecting the nonresident reinsurance intermediary may
1168 be served. The licensee shall promptly notify the department in
1169 writing of each change in its designated agent for service of
1170 process, and the change shall not become effective until
1171 acknowledged by the department.

1172 ~~(f) The department may refuse to issue a reinsurance~~
1173 ~~intermediary license if, in its judgment, the applicant, anyone~~
1174 ~~named on the application, or any member, principal, officer, or~~
1175 ~~director of the applicant, has demonstrated a lack of fitness~~
1176 ~~and trustworthiness, or that any controlling person of the~~
1177 ~~applicant is not fit or trustworthy to act as a reinsurance~~
1178 ~~intermediary, or that any of the foregoing has given cause for~~
1179 ~~revocation or suspension of the license, or has failed to comply~~
1180 ~~with any prerequisite for the issuance of the license.~~

1181 ~~(g) Reinsurance intermediaries shall be licensed,~~
1182 ~~appointed, renewed, continued, reinstated, or terminated as~~
1183 ~~prescribed in this chapter for insurance representatives in~~
1184 ~~general, except that they shall be exempt from the photo,~~
1185 ~~education, and examination provisions. License, Appointment, and~~
1186 ~~other fees shall be those prescribed in s. 624.501.~~

1187 ~~(g)(h)~~ The grounds and procedures for refusal of an a
1188 ~~license or~~ appointment or suspension or revocation of a license
1189 or appointment issued to a reinsurance intermediary under this

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1190 section are as set forth in ss. 626.611-626.691 for insurance
1191 representatives in general.

1192 (h)~~(i)~~ An attorney licensed in this state, when acting in a
1193 professional capacity, is exempt from this subsection.

1194 (i)~~(j)~~ The department may develop necessary rules to carry
1195 out this section.

1196 Section 22. Subsection (5) of section 626.752, Florida
1197 Statutes, is amended to read:

1198 626.752 Exchange of business.—

1199 (5) Within 15 days after the last day of each month, any
1200 insurer accepting business under this section shall report to
1201 the department the name, address, telephone number, and social
1202 security number of each agent from which the insurer received
1203 more than four personal lines risks during the calendar year,
1204 except for risks being removed from the Citizens Property
1205 Insurance Corporation and placed with that insurer by a
1206 brokering agent. Once the insurer has reported pursuant to this
1207 subsection an agent's name to the department, additional reports
1208 on the same agent shall not be required. However, the fee set
1209 forth in s. 624.501 must be paid for the agent by the insurer
1210 for each year until the insurer notifies the department that the
1211 insurer is no longer accepting business from the agent pursuant
1212 to this section. The insurer may require that the agent
1213 reimburse the insurer for the fee. If the insurer or employer
1214 does not pay the fees and taxes due pursuant to this subsection
1215 within 21 days after notice by the department, the department
1216 must suspend the insurer's or employer's authority to appoint
1217 licensees until all outstanding fees and taxes have been paid.

1218 Section 23. Subsection (3) of section 626.785, Florida

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1219 Statutes, is amended to read:

1220 626.785 Qualifications for license.—

1221 (3) Notwithstanding any other provisions of this chapter, a
1222 funeral director, a direct disposer, or an employee of a funeral
1223 establishment that holds a preneed license pursuant to s.

1224 497.452 may obtain an agent's license or a limited license to
1225 sell only policies of life insurance covering the expense of a
1226 prearrangement for funeral services or merchandise so as to
1227 provide funds at the time the services and merchandise are
1228 needed. The face amount of insurance covered by any such policy
1229 shall not exceed \$21,000, plus an annual percentage increase
1230 based on the Annual Consumer Price Index compiled by the United
1231 States Department of Labor, beginning with the Annual Consumer
1232 Price Index announced by the United States Department of Labor
1233 for 2016.

1234 Section 24. Subsection (4) of section 626.793, Florida
1235 Statutes, is amended to read:

1236 626.793 Excess or rejected business.—

1237 (4) Within 15 days after the last day of each month, any
1238 insurer accepting business under this section shall report to
1239 the department the name, address, telephone number, and social
1240 security number of each agent from which the insurer received
1241 more than four risks during the calendar year. Once the insurer
1242 has reported an agent's name to the department pursuant to this
1243 subsection, additional reports on the same agent shall not be
1244 required. However, the fee set forth in s. 624.501 must be paid
1245 for the agent by the insurer for each year until the insurer
1246 notifies the department that the insurer is no longer accepting
1247 business from the agent pursuant to this section. The insurer

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1248 may require that the agent reimburse the insurer for the fee. If
1249 the insurer or employer does not pay the fees and taxes due
1250 pursuant to this subsection within 21 days after notice by the
1251 department, the department must suspend the insurer's or
1252 employer's authority to appoint licensees until all outstanding
1253 fees and taxes have been paid.

1254 Section 25. Subsection (5) of section 626.837, Florida
1255 Statutes, is amended to read:

1256 626.837 Excess or rejected business.—

1257 (5) Within 15 days after the last day of each month, any
1258 insurer accepting business under this section shall report to
1259 the department the name, address, telephone number, and social
1260 security number of each agent from which the insurer received
1261 more than four risks during the calendar year. Once the insurer
1262 has reported pursuant to this subsection an agent's name to the
1263 department, additional reports on the same agent shall not be
1264 required. However, the fee set forth in s. 624.501 must be paid
1265 for the agent by the insurer for each year until the insurer
1266 notifies the department that the insurer is no longer accepting
1267 business from the agent pursuant to this section. The insurer
1268 may require that the agent reimburse the insurer for the fee. If
1269 the insurer or employer does not pay the fees and taxes due
1270 pursuant to this subsection within 21 days after notice by the
1271 department, the department must suspend the insurer's or
1272 employer's authority to appoint licensees until all outstanding
1273 fees and taxes have been paid.

1274 Section 26. Paragraph (e) is added to subsection (2) of
1275 section 626.8411, Florida Statutes, to read:

1276 626.8411 Application of Florida Insurance Code provisions

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1277 to title insurance agents or agencies.—

1278 (2) The following provisions of part I do not apply to
1279 title insurance agents or title insurance agencies:

1280 (e) Section 626.173(1)(c), relating to notifying
1281 policyholders of the agency closure.

1282 Section 27. Present subsections (8) through (11) of section
1283 626.8437, Florida Statutes, are redesignated as subsections (9)
1284 through (12), respectively, and a new subsection (8) and
1285 subsection (13) are added to that section, to read:

1286 626.8437 Grounds for denial, suspension, revocation, or
1287 refusal to renew license or appointment.—The department shall
1288 deny, suspend, revoke, or refuse to renew or continue the
1289 license or appointment of any title insurance agent or agency,
1290 and it shall suspend or revoke the eligibility to hold a license
1291 or appointment of such person, if it finds that as to the
1292 applicant, licensee, appointee, or any principal thereof, any
1293 one or more of the following grounds exist:

1294 (8) Misappropriation, conversion, or improper withholding
1295 of funds not legally entitled thereto and which are received in
1296 a fiduciary capacity and held as part of an escrow agreement,
1297 real estate sales contract, or as provided on a settlement
1298 statement in a real estate transaction.

1299 (13) Revocation or cancellation of a licensee's resident
1300 license in a jurisdiction other than this state.

1301 Section 28. Subsections (7) and (8) are added to section
1302 626.844, Florida Statutes, to read:

1303 626.844 Grounds for discretionary refusal, suspension, or
1304 revocation of license or appointment.—The department may, in its
1305 discretion, deny, suspend, revoke, or refuse to renew or

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1306 continue the license or appointment of any title insurance agent
1307 or agency, and it may suspend or revoke the eligibility to hold
1308 a license or appointment of any such title insurance agent or
1309 agency if it finds that as to the applicant or licensee or
1310 appointee, or any principal thereof, any one or more of the
1311 following grounds exist under circumstances for which such
1312 denial, suspension, revocation, or refusal is not mandatory
1313 under s. 626.8437:

1314 (7) Having been the subject of, or having had a license,
1315 permit, appointment, registration, or other authority to conduct
1316 business subject to, any decision, finding, injunction,
1317 suspension, prohibition, revocation, denial, judgment, final
1318 agency action, or administrative order by any court of competent
1319 jurisdiction, administrative law proceeding, state agency,
1320 federal agency, national securities, commodities, or option
1321 exchange, or national securities, commodities, or option
1322 association involving a violation of any federal or state
1323 securities or commodities law or any rule or regulation adopted
1324 thereunder, or a violation of any rule or regulation of any
1325 national securities, commodities, or options exchange or
1326 national securities, commodities, or options association.

1327 (8) Revocation or cancellation of a licensee's resident
1328 license in a jurisdiction other than this state.

1329 Section 29. Section 626.8473, Florida Statutes, is amended
1330 to read:

1331 626.8473 Escrow; trust fund.—

1332 (1) A title insurance agency agent ~~agent~~ may engage in business
1333 as an escrow agent as to funds received from others to be
1334 subsequently disbursed ~~by the title insurance agent~~ in

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1335 connection with real estate closing transactions involving the
1336 issuance of title ~~insurance binders~~, commitments, policies of
1337 title insurance, or guarantees of title, provided that a
1338 licensed and appointed title insurance agency agent complies
1339 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
1340 requirements added after the initial licensure of the agency
1341 agent.

1342 (2) All funds received by a title insurance agency agent as
1343 described in subsection (1) shall be trust funds received in a
1344 fiduciary capacity by the title insurance agency agent and shall
1345 be the property of the person or persons entitled thereto.

1346 (3) All funds received by a title insurance agency agent to
1347 be held in trust shall be immediately placed in a financial
1348 institution that is located within this state and is a member of
1349 the Federal Deposit Insurance Corporation or the National Credit
1350 Union Share Insurance Fund. These funds shall be invested in an
1351 escrow account in accordance with the investment requirements
1352 and standards established for deposits and investments of state
1353 funds in s. 17.57, where the funds shall be kept until
1354 disbursement thereof is properly authorized.

1355 (4) Funds required to be maintained in escrow trust
1356 accounts pursuant to this section shall not be subject to any
1357 debts of the title insurance agency agent and shall be used only
1358 in accordance with the terms of the individual, escrow,
1359 settlement, or closing instructions under which the funds were
1360 accepted.

1361 (5) The title insurance agency agents shall maintain
1362 separate records of all receipts and disbursements of escrow,
1363 settlement, or closing funds.

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1364 (6) In the event that the department promulgates rules
1365 necessary to implement the requirements of this section pursuant
1366 to s. 624.308, the department shall consider reasonable
1367 standards necessary for the protection of funds held in trust,
1368 including, but not limited to, standards for accounting of
1369 funds, standards for receipt and disbursement of funds, and
1370 protection for the person or persons to whom the funds are to be
1371 disbursed.

1372 (7) A title insurance agency agent, or any officer,
1373 director, or employee thereof, or any person associated
1374 therewith as an independent contractor for bookkeeping or
1375 similar purposes, who converts or misappropriates funds received
1376 or held in escrow or in trust by such title insurance agency
1377 ~~agent~~, or any person who knowingly receives or conspires to
1378 receive such funds, commits:

1379 (a) If the funds converted or misappropriated are \$300 or
1380 less, a misdemeanor of the first degree, punishable as provided
1381 in s. 775.082 or s. 775.083.

1382 (b) If the funds converted or misappropriated are more than
1383 \$300, but less than \$20,000, a felony of the third degree,
1384 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1385 (c) If the funds converted or misappropriated are \$20,000
1386 or more, but less than \$100,000, a felony of the second degree,
1387 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1388 (d) If the funds converted or misappropriated are \$100,000
1389 or more, a felony of the first degree, punishable as provided in
1390 s. 775.082, s. 775.083, or s. 775.084.

1391 (8) An attorney shall deposit and maintain all funds
1392 received in connection with transactions in which the attorney

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1393 is serving as a title or real estate settlement agent into a
1394 separate trust account that is maintained exclusively for funds
1395 received in connection with such transactions and permit the
1396 account to be audited by its title insurers, unless maintaining
1397 funds in the separate account for a particular client would
1398 violate applicable rules of The Florida Bar.

1399 Section 30. Subsection (19) of section 626.854, Florida
1400 Statutes, is amended to read:

1401 626.854 "Public adjuster" defined; prohibitions.—The
1402 Legislature finds that it is necessary for the protection of the
1403 public to regulate public insurance adjusters and to prevent the
1404 unauthorized practice of law.

1405 (19) Except as otherwise provided in this chapter, no
1406 person, except an attorney at law or a licensed and appointed
1407 public adjuster, may for money, commission, or any other thing
1408 of value, directly or indirectly:

1409 (a) Prepare, complete, or file an insurance claim for an
1410 insured or a third-party claimant;

1411 (b) Act on behalf of or aid an insured or a third-party
1412 claimant in negotiating for or effecting the settlement of a
1413 claim for loss or damage covered by an insurance contract;

1414 (c) Offer to initiate or negotiate a claim on behalf of an
1415 insured;

1416 (d) Advertise services that require a license as a public
1417 adjuster; or

1418 (e) Solicit, investigate, or adjust a claim on behalf of a
1419 public adjuster, an insured, or a third-party claimant.

1420 Section 31. Section 626.874, Florida Statutes, is amended
1421 to read:

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1422 626.874 Catastrophe or emergency adjusters.—

1423 (1) In the event of a catastrophe or emergency, the
1424 department may issue a license, for the purposes and under the
1425 conditions and for the period of emergency as it shall
1426 determine, to persons who are residents or nonresidents of this
1427 state, who are at least 18 years of age, who are United States
1428 citizens or legal aliens who possess work authorization from the
1429 United States Bureau of Citizenship and Immigration Services,
1430 and who are not licensed adjusters under this part but who have
1431 been designated and certified to it as qualified to act as
1432 adjusters by an authorized insurer to adjust claims, losses, or
1433 damages under policies or contracts of insurance issued by such
1434 insurers, or by a licensed ~~the primary adjuster of an~~
1435 independent adjusting firm contracted with an authorized insurer
1436 to adjust claims on behalf of the insurer. The fee for the
1437 license is as provided in s. 624.501(12)(c).

1438 (2) If any person not a licensed adjuster who has been
1439 permitted to adjust such losses, claims, or damages under the
1440 conditions and circumstances set forth in subsection (1),
1441 engages in any of the misconduct described in or contemplated by
1442 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without
1443 notice and hearing, shall be authorized to issue its order
1444 denying such person the privileges granted under this section;
1445 and thereafter it shall be unlawful for any such person to
1446 adjust any such losses, claims, or damages in this state.

1447 Section 32. Subsection (2) of section 626.9892, Florida
1448 Statutes, is amended to read:

1449 626.9892 Anti-Fraud Reward Program; reporting of insurance
1450 fraud.—

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1451 (2) The department may pay rewards of up to \$25,000 to
1452 persons providing information leading to the arrest ~~and~~
1453 ~~conviction~~ of persons committing crimes investigated by the
1454 department arising from violations of s. 400.9935, s. 440.105,
1455 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.
1456 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.
1457 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.
1458 817.233, ~~or~~ s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.
1459 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1460 Section 33. Present subsections (7) through (12) of section
1461 626.9957, Florida Statutes, are redesignated as subsections (8)
1462 through (13), respectively, and a new subsection (7) is added to
1463 that section, to read:

1464 626.9957 Conduct prohibited; denial, revocation,
1465 termination, expiration, or suspension of registration.—

1466 (7) If a navigator registered under this part fails to
1467 maintain an active, valid navigator's registration status with
1468 the Federal Government or an exchange, the navigator's
1469 registration issued under this part shall expire by operation of
1470 law. A navigator with an expired registration may not be granted
1471 subsequent registration until the navigator qualifies as a
1472 first-time applicant.

1473 Section 34. Paragraph (c) of subsection (4) of section
1474 627.351, Florida Statutes, is amended to read:

1475 627.351 Insurance risk apportionment plans.—

1476 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1477 (c) The Joint Underwriting Association shall operate
1478 subject to the supervision and approval of a board of governors
1479 consisting of representatives of five of the insurers

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1480 participating in the Joint Underwriting Association, an attorney
1481 named by The Florida Bar, a physician named by the Florida
1482 Medical Association, a dentist named by the Florida Dental
1483 Association, and a hospital representative named by the Florida
1484 Hospital Association. The Chief Financial Officer shall select
1485 the representatives of the five insurers or other persons with
1486 experience in medical malpractice insurance as determined by the
1487 Chief Financial Officer. One insurer representative shall be
1488 selected from recommendations of the American Insurance
1489 Association. One insurer representative shall be selected from
1490 recommendations of the Property Casualty Insurers Association of
1491 America. One insurer representative shall be selected from
1492 recommendations of the Florida Insurance Council. Two insurer
1493 representatives shall be selected to represent insurers that are
1494 not affiliated with these associations. Vacancies on the board
1495 shall be filled for the remaining period of the term in the same
1496 manner as the initial appointments. During the first meeting of
1497 the board after June 30 of each year, the board shall choose one
1498 of its members to serve as chair of the board and another member
1499 to serve as vice chair of the board. There is no liability on
1500 the part of, and no cause of action shall arise against, any
1501 member insurer, self-insurer, or its agents or employees, the
1502 Joint Underwriting Association or its agents or employees,
1503 members of the board of governors, or the office or its
1504 representatives for any action taken by them in the performance
1505 of their powers and duties under this subsection.

1506 1. The Chief Financial Officer may remove a board member
1507 from office for misconduct, malfeasance, misfeasance, or neglect
1508 of duty. Any vacancy so created shall be filled as provided in

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1509 this paragraph.

1510 2. Board members are subject to the code of ethics under
1511 part III of chapter 112, including, but not limited to, the code
1512 of ethics and public disclosure and reporting of financial
1513 interests, pursuant to s. 112.3145. For purposes of applying
1514 part III of chapter 112 to activities of members of the board of
1515 governors, those persons are considered public officers and the
1516 Joint Underwriting Association is considered their agency.
1517 Notwithstanding s. 112.3143(2), a board member may not vote on
1518 any measure that he or she knows would inure to his or her
1519 special private gain or loss; that he or she knows would inure
1520 to the special private gain or loss of any principal by which he
1521 or she is retained, other than an agency as defined in s.
1522 112.312; or that he or she knows would inure to the special
1523 private gain or loss of a relative or business associate of the
1524 public officer. Before the vote is taken, such board member
1525 shall publicly state to the board the nature of his or her
1526 interest in the matter from which he or she is abstaining from
1527 voting and, within 15 days after the vote occurs, disclose the
1528 nature of his or her interest as a public record in a memorandum
1529 filed with the person responsible for recording the minutes of
1530 the meeting, who shall incorporate the memorandum in the
1531 minutes.

1532 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
1533 law, a board member may not knowingly accept, directly or
1534 indirectly, any gift or expenditure from a person or entity, or
1535 an employee or representative of such person or entity, which
1536 has a contractual relationship with the Joint Underwriting
1537 Association or which is under consideration for a contract.

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1538 4. A board member who fails to comply with subparagraph 2.
1539 or subparagraph 3. is subject to the penalties provided under
1540 ss. 112.317 and 112.3173.

1541 Section 35. Section 627.4215, Florida Statutes, is amended
1542 to read:

1543 627.4215 Disclosures to policyholders; coverage of
1544 behavioral health care services.—

1545 (1) A health insurer that offers behavioral health
1546 insurance coverages required by federal or state law shall make
1547 all of the following information available on its website:

1548 (a) The federal and state requirements for coverage of
1549 behavioral health care services.

1550 (b) Contact information for the Division of Consumer
1551 Services of the department, including a hyperlink, for consumers
1552 to submit inquiries or complaints relating to health insurer
1553 products or services regulated by the department or the office.

1554 (2) On an annual basis, a health insurer that offers
1555 behavioral health insurance coverage required by federal or
1556 state law shall provide a direct notice to insureds with
1557 behavioral health insurance coverages required by federal or
1558 state law which must include a description of the federal and
1559 state requirements for coverage of behavioral health care
1560 services. Such notice must also include the website address and
1561 statewide toll-free telephone number of the Division of Consumer
1562 Services of the department for receiving and logging complaints.

1563 Section 36. Subsection (5) is added to section 627.70132,
1564 Florida Statutes, to read:

1565 627.70132 Notice of property insurance claim.—

1566 (5) This section does not apply to loss assessment claims

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1567 made under s. 627.714.

1568 Section 37. Subsections (2) and (3) of section 627.7015,
1569 Florida Statutes, are amended to read:

1570 627.7015 Alternative procedure for resolution of disputed
1571 property insurance claims.—

1572 (2) At the time of issuance and renewal of a policy or at
1573 the time a first-party claim within the scope of this section is
1574 filed by the policyholder, the insurer shall notify the
1575 policyholder of its right to participate in the mediation
1576 program under this section. A claim is not eligible for
1577 mediation until an insurer has made a claim determination or
1578 elected to repair pursuant to s. 627.70131. The department shall
1579 prepare a consumer information pamphlet for distribution to
1580 persons participating in mediation.

1581 (3) The costs of mediation must be reasonable, and the
1582 insurer must bear all of the cost of conducting mediation
1583 conferences, except as otherwise provided in this section. If a
1584 policyholder fails to appear at the conference, the conference
1585 must be rescheduled upon the policyholder's payment of the costs
1586 of a rescheduled conference. If the insurer fails to appear at
1587 the conference, the insurer must pay the policyholder's actual
1588 cash expenses incurred in attending the conference if the
1589 insurer's failure to attend was not due to a good cause
1590 acceptable to the department. An insurer will be deemed to have
1591 failed to appear if the insurer's representative lacks authority
1592 to settle the full value of the claim. The insurer shall incur
1593 an additional fee for a rescheduled conference necessitated by
1594 the insurer's failure to appear at a scheduled conference. The
1595 fees assessed by the department ~~administrator~~ must include a

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1596 charge necessary to defray the expenses of the department
1597 related to its duties under this section and must be deposited
1598 in the Insurance Regulatory Trust Fund. The department may
1599 suspend the insurer's authority to appoint licensees if the
1600 insurer does not timely pay the required fees.

1601 Section 38. Subsection (18) is added to section 627.7074,
1602 Florida Statutes, to read:

1603 627.7074 Alternative procedure for resolution of disputed
1604 sinkhole insurance claims.—

1605 (18) The department may designate, by means of a written
1606 contract or agreement, an entity or a person to serve as
1607 administrator to carry out any of the provisions of this
1608 section.

1609 Section 39. Subsection (1) of section 627.714, Florida
1610 Statutes, is amended to read:

1611 627.714 Residential condominium unit owner coverage; loss
1612 assessment coverage required.—

1613 (1) For policies issued or renewed on or after July 1,
1614 2010, coverage under a unit owner's residential property policy
1615 must include at least \$2,000 in property loss assessment
1616 coverage for all assessments made as a result of the same direct
1617 loss to the property, regardless of the number of assessments,
1618 owned by all members of the association collectively if such
1619 loss is of the type of loss covered by the unit owner's
1620 residential property insurance policy, to which a deductible of
1621 no more than \$250 per direct property loss applies. If a
1622 deductible was or will be applied to other property loss
1623 sustained by the unit owner resulting from the same direct loss
1624 to the property, no deductible applies to the loss assessment

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1625 coverage. For policies issued after January 1, 2024, a loss
1626 assessment claim is deemed to have occurred on the date of the
1627 notice of loss assessment sent by a unit owner's condominium
1628 association.

1629 Section 40. Section 627.745, Florida Statutes, is amended
1630 to read:

1631 627.745 Mediation of claims.—

1632 (1) (a) In any claim filed with an insurer for personal
1633 injury in an amount of \$10,000 or less or any claim for property
1634 damage in any amount, arising out of the ownership, operation,
1635 use, or maintenance of a motor vehicle, either party may demand
1636 mediation of the claim prior to the institution of litigation.

1637 (b) The costs of mediation must be reasonable, and the
1638 insurer must bear all of the cost of conducting mediation
1639 conferences, except as otherwise provided in this section. If a
1640 policyholder fails to appear at the conference, the conference
1641 must be rescheduled upon the policyholder's payment of the costs
1642 of a rescheduled conference. If the insurer fails to appear at
1643 the conference, the insurer must pay the policyholder's actual
1644 cash expenses incurred in attending the conference if the
1645 insurer's failure to attend was not due to a good cause
1646 acceptable to the department. An insurer is deemed to have
1647 failed to appear if the insurer's representative lacks authority
1648 to settle the full value of the claim. The insurer shall incur
1649 an additional fee, paid to the mediator, for a rescheduled
1650 conference necessitated by the insurer's failure to appear at a
1651 scheduled conference. The fees assessed by the department or
1652 administrator must include a charge necessary to defray the
1653 expenses of the department related to its duties under this

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1654 section and must be deposited in the Insurance Regulatory Trust
1655 Fund. The department or administrator may request that the
1656 department suspend the insurer's authority to appoint licensees
1657 if the insurer does not timely pay the per-mediation-event
1658 administrative fee.

1659 ~~(b) A request for mediation shall be filed with the~~
1660 ~~department on a form approved by the department. The request for~~
1661 ~~mediation shall state the reason for the request for mediation~~
1662 ~~and the issues in dispute which are to be mediated. The filing~~
1663 ~~of a request for mediation tolls the applicable time~~
1664 ~~requirements for filing suit for a period of 60 days following~~
1665 ~~the conclusion of the mediation process or the time prescribed~~
1666 ~~in s. 95.11, whichever is later.~~

1667 ~~(c) The insurance policy must specify in detail the terms~~
1668 ~~and conditions for mediation of a first party claim.~~

1669 ~~(d) The mediation shall be conducted as an informal process~~
1670 ~~in which formal rules of evidence and procedure need not be~~
1671 ~~observed. Any party participating in a mediation must have the~~
1672 ~~authority to make a binding decision. All parties must mediate~~
1673 ~~in good faith.~~

1674 ~~(e) The department shall randomly select mediators. Each~~
1675 ~~party may once reject the mediator selected, either originally~~
1676 ~~or after the opposing side has exercised its option to reject a~~
1677 ~~mediator.~~

1678 ~~(f) Costs of mediation shall be borne equally by both~~
1679 ~~parties unless the mediator determines that one party has not~~
1680 ~~mediated in good faith.~~

1681 ~~(g) Only one mediation may be requested for each claim,~~
1682 ~~unless all parties agree to further mediation.~~

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1683 ~~(2) Upon receipt of a request for mediation, the department~~
1684 ~~shall refer the request to a mediator. The mediator shall notify~~
1685 ~~the applicant and all interested parties, as identified by the~~
1686 ~~applicant, and any other parties the mediator believes may have~~
1687 ~~an interest in the mediation, of the date, time, and place of~~
1688 ~~the mediation conference. The conference may be held by~~
1689 ~~telephone, if feasible. The mediation conference shall be held~~
1690 ~~within 45 days after the request for mediation.~~

1691 (2) (a)~~(3) (a)~~ The department shall approve mediators to
1692 conduct mediations pursuant to this section. All mediators must
1693 file an application under oath for approval as a mediator.

1694 (b) To qualify for approval as a mediator, an individual
1695 must meet one of the following qualifications:

1696 1. Possess an active certification as a Florida Supreme
1697 Court certified circuit court mediator. A Florida Supreme Court
1698 certified circuit court mediator in a lapsed, suspended,
1699 sanctioned, or decertified status is not eligible to participate
1700 in the mediation program.

1701 2. Be an approved department mediator as of July 1, 2014,
1702 and have conducted at least one mediation on behalf of the
1703 department within 4 years immediately preceding that date.

1704 (3) (4) The department shall deny an application, or suspend
1705 or revoke its approval, of a mediator to serve in such capacity
1706 if the department finds that one or more of the following
1707 grounds exist:

1708 (a) Lack of one or more of the qualifications specified in
1709 this section for approval.

1710 (b) Material misstatement, misrepresentation, or fraud in
1711 obtaining or attempting to obtain the approval.

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1712 (c) Demonstrated lack of fitness or trustworthiness to act
1713 as a mediator.

1714 (d) Fraudulent or dishonest practices in the conduct of
1715 mediation or in the conduct of business in the financial
1716 services industry.

1717 (e) Violation of any provision of this code or of a lawful
1718 order or rule of the department, violation of the Florida Rules
1719 for Certified and Court-Appointed Mediators, or aiding,
1720 instructing, or encouraging another party in committing such a
1721 violation.

1722
1723 The department may adopt rules to administer this subsection.

1724 (4) The department shall adopt by rule a motor vehicle
1725 claims insurance mediation program to be administered by the
1726 department or its designee. The department may also adopt
1727 special rules that are applicable in cases of an emergency
1728 within the state. The rules shall be modeled after practices and
1729 procedures set forth in mediation rules of procedure adopted by
1730 the Supreme Court. The rules must include:

1731 (a) Reasonable requirements for processing and scheduling
1732 of requests for mediation.

1733 (b) Provisions governing who may attend mediation
1734 conferences.

1735 (c) Selection of mediators.

1736 (d) Criteria for the conduct of mediation conferences.

1737 (e) Right to legal counsel.

1738 ~~(5) The department must adopt rules of procedure for claims~~
1739 ~~mediation, taking into consideration a system which:~~

1740 ~~(a) Is fair.~~

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1741 ~~(b) Promotes settlement.~~
1742 ~~(c) Avoids delay.~~
1743 ~~(d) Is nonadversarial.~~
1744 ~~(e) Uses a framework for modern mediating technique.~~
1745 (f) Controls of costs and expenses of mediation.
1746 (5) The department may designate an entity or person to
1747 serve as an administrator to carry out any of the provisions of
1748 this section and may take this action by means of a written
1749 contract or agreement.

1750 (6) Disclosures and information divulged in the mediation
1751 process are not admissible in any subsequent action or
1752 proceeding relating to the claim or to the cause of action
1753 giving rise to the claim. A person demanding mediation under
1754 this section may not demand or request mediation after a suit is
1755 filed relating to the same facts already mediated.

1756 Section 41. Present subsections (7) through (12) of section
1757 631.141, Florida Statutes, are redesignated as subsections (8)
1758 through (13), respectively, and a new subsection (7) is added to
1759 that section, to read:

1760 631.141 Conduct of delinquency proceeding; domestic and
1761 alien insurers.—

1762 (7) In order to preserve as much as possible the right and
1763 interest of the policyholders whose insurance policies or
1764 similar contracts are affected by the receivership proceedings,
1765 the department as a domiciliary receiver may:

1766 (a) Use the property of the estate of the insurer to
1767 transfer the insurer's book of business, policies, or similar
1768 contracts of coverage, in whole or in part, to a solvent
1769 assuming insurer or insurers.

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1770 (b) Notwithstanding s. 631.195, share records of the
 1771 insurer with the prospective solvent assuming insurer or
 1772 insurers, but only to the extent necessary to undertake due
 1773 diligence for a transfer contemplated under this section.

1774 Section 42. Subsections (1) and (3) of section 631.252,
 1775 Florida Statutes, are amended to read:

1776 631.252 Continuation of coverage.—

1777 (1) Unless another insurer, with approval of the
 1778 receivership court, assumes or otherwise provides coverage for
 1779 the policies of the insolvent insurer, all insurance policies or
 1780 similar contracts of coverage, other than coverages defined in
 1781 s. 631.713 or health maintenance organization coverage under
 1782 part IV, issued by the insurer shall be canceled upon the
 1783 earlier earliest to occur of the following:

1784 (a) The date of entry of the liquidation or, if the court
 1785 so provides in its order, the expiration of 30 days from the
 1786 date of entry of the liquidation order;

1787 (b) The normal expiration of the policy or contract
 1788 coverage;

1789 (c) The replacement of the coverage by the insured, or the
 1790 replacement of the policy or contract of coverage, with a policy
 1791 or contract acceptable to the insured by the receiver with
 1792 another insurer; ~~or~~

1793 (d) The date proposed by the receiver and approved by the
 1794 receivership court to cancel coverage; or

1795 (e) ~~(d)~~ The termination of the coverage by the insured.

1796 (3) The 30-day coverage continuation period provided in
 1797 paragraph (1) (a) and s. 631.57(1) (a)1. may not be extended
 1798 unless the Chief Financial Officer ~~office~~ determines, based on a

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1799 reasonable belief, that market conditions are such that policies
1800 of residential property insurance coverage cannot be placed with
1801 an authorized insurer within 30 days and that an additional 15
1802 days is needed to place such coverage. ~~and~~ Failure of actual
1803 notice to the policyholder of the insolvency of the insurer, of
1804 commencement of a delinquency proceeding, or of expiration of
1805 the extension period does not affect such expiration.

1806 Section 43. Subsection (1) of section 631.56, Florida
1807 Statutes, is amended, and subsections (5) through (8) are added
1808 to that section, to read:

1809 631.56 Board of directors.—

1810 (1) The board of directors of the association shall consist
1811 of not less than five or more than nine persons serving terms as
1812 established in the plan of operation. Three members of the board
1813 must be representatives from domestic insurers and appointed by
1814 the Chief Financial Officer. The department shall approve and
1815 appoint to the board persons recommended by the member insurers
1816 or other persons with experience in property and casualty
1817 insurance or motor vehicle insurance as determined by the Chief
1818 Financial Officer. ~~In the event the department finds that any~~
1819 ~~recommended person does not meet the qualifications for service~~
1820 ~~on the board, the department shall request the member insurers~~
1821 ~~to recommend another person.~~ Each member shall serve for a 4-
1822 year term and may be reappointed. Vacancies on the board shall
1823 be filled for the remaining period of the term in the same
1824 manner as initial appointments.

1825 (5) The Chief Financial Officer may remove a board member
1826 from office for misconduct, malfeasance, misfeasance, or neglect
1827 of duty. Any vacancy so created shall be filled as provided in

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1828 subsection (1).

1829 (6) Board members are subject to the code of ethics under
1830 part III of chapter 112, including, but not limited to, the code
1831 of ethics and public disclosure and reporting of financial
1832 interests, pursuant to s. 112.3145. For purposes of applying
1833 part III of chapter 112 to activities of members of the board of
1834 directors, those persons are considered public officers and the
1835 association is considered their agency. Notwithstanding s.
1836 112.3143(2), a board member may not vote on any measure that he
1837 or she knows would inure to his or her special private gain or
1838 loss; that he or she knows would inure to the special private
1839 gain or loss of any principal by which he or she is retained,
1840 other than an agency as defined in s. 112.312; or that he or she
1841 knows would inure to the special private gain or loss of a
1842 relative or business associate of the public officer. Before the
1843 vote is taken, such member shall publicly state to the board the
1844 nature of his or her interest in the matter from which he or she
1845 is abstaining from voting and, within 15 days after the vote
1846 occurs, disclose the nature of his or her interest as a public
1847 record in a memorandum filed with the person responsible for
1848 recording the minutes of the meeting, who shall incorporate the
1849 memorandum in the minutes.

1850 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
1851 law, a board member may not knowingly accept, directly or
1852 indirectly, any gift or expenditure from a person or entity, or
1853 an employee or representative of such person or entity, which
1854 has a contractual relationship with the association or which is
1855 under consideration for a contract.

1856 (8) A board member who fails to comply with subsection (6)

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1857 or subsection (7) is subject to the penalties provided under ss.
1858 112.317 and 112.3173.

1859 Section 44. Paragraph (a) of subsection (1) of section
1860 631.716, Florida Statutes, is amended, and subsections (4)
1861 through (7) are added to that section, to read:

1862 631.716 Board of directors.—

1863 (1) (a) The board of directors of the association shall have
1864 at least 9, but no more than 11, members. The members shall
1865 consist ~~be comprised~~ of member insurers serving terms as
1866 established in the plan of operation and 1 Florida Health
1867 Maintenance Organization Consumer Assistance Plan director
1868 confirmed pursuant to paragraph (b), or other persons with
1869 experience in life and annuity or accident and health insurance
1870 as determined by the Chief Financial Officer. At all times, at
1871 least 1 ~~member of the board~~ member must be a domestic insurer as
1872 defined in s. 624.06(1). The ~~members of the board~~ members who
1873 are member insurers shall be elected by member insurers, subject
1874 to the approval of the department. Each board member shall serve
1875 for a 4-year term and may be reappointed.

1876 (4) The Chief Financial Officer may remove a board member
1877 from office for misconduct, malfeasance, misfeasance, or neglect
1878 of duty. Any vacancy so created shall be filled as provided in
1879 subsection (1).

1880 (5) Board members are subject to the code of ethics under
1881 part III of chapter 112, including, but not limited to, the code
1882 of ethics and public disclosure and reporting of financial
1883 interests, pursuant to s. 112.3145. For purposes of applying
1884 part III of chapter 112 to activities of members of the board of
1885 directors, those persons are considered public officers and the

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1886 association is considered their agency. Notwithstanding s.
1887 112.3143(2), a board member may not vote on any measure that he
1888 or she knows would inure to his or her special private gain or
1889 loss; that he or she knows would inure to the special private
1890 gain or loss of any principal by which he or she is retained,
1891 other than an agency as defined in s. 112.312; or that he or she
1892 knows would inure to the special private gain or loss of a
1893 relative or business associate of the public officer. Before the
1894 vote is taken, such member shall publicly state to the board the
1895 nature of his or her interest in the matter from which he or she
1896 is abstaining from voting and, within 15 days after the vote
1897 occurs, disclose the nature of his or her interest as a public
1898 record in a memorandum filed with the person responsible for
1899 recording the minutes of the meeting, who shall incorporate the
1900 memorandum in the minutes.

1901 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
1902 law, a board member may not knowingly accept, directly or
1903 indirectly, any gift or expenditure from a person or entity, or
1904 an employee or representative of such person or entity, which
1905 has a contractual relationship with the association or which is
1906 under consideration for a contract.

1907 (7) A board member who fails to comply with subsection (5)
1908 or subsection (6) is subject to the penalties provided under ss.
1909 112.317 and 112.3173.

1910 Section 45. Subsection (1) of section 631.816, Florida
1911 Statutes, is amended, and subsections (8) through (11) are added
1912 to that section, to read:

1913 631.816 Board of directors.—

1914 (1) The board of directors of the plan shall consist of not

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1915 less than five or more than nine persons serving terms as
1916 established in the plan of operation. The department shall
1917 approve and appoint to the board persons recommended by the
1918 member HMOs or other persons with experience in health insurance
1919 as determined by the Chief Financial Officer. ~~In the event the~~
1920 ~~department finds that any recommended person does not meet the~~
1921 ~~qualifications for service on the board, the department shall~~
1922 ~~request the member HMOs to recommend another person.~~ Each member
1923 shall serve for a 4-year term and may be reappointed, except
1924 that terms may be staggered as defined in the plan of operation.
1925 Vacancies on the board shall be filled for the remaining period
1926 of the term in the same manner as initial appointments. In
1927 determining voting rights, each HMO is entitled to vote on the
1928 basis of cumulative weighted voting based on the net written
1929 premium for non-Medicare and non-Medicaid policies.

1930 (8) The Chief Financial Officer may remove a board member
1931 from office for misconduct, malfeasance, misfeasance, or neglect
1932 of duty. Any vacancy so created shall be filled as provided in
1933 subsection (1).

1934 (9) Board members are subject to the code of ethics under
1935 part III of chapter 112, including, but not limited to, the code
1936 of ethics and public disclosure and reporting of financial
1937 interests, pursuant to s. 112.3145. For purposes of applying
1938 part III of chapter 112 to activities of members of the board of
1939 directors, those persons are considered public officers and the
1940 plan is considered their agency. Notwithstanding s. 112.3143(2),
1941 a board member may not vote on any measure that he or she knows
1942 would inure to his or her special private gain or loss; that he
1943 or she knows would inure to the special private gain or loss of

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1944 any principal by which he or she is retained, other than an
1945 agency as defined in s. 112.312; or that he or she knows would
1946 inure to the special private gain or loss of a relative or
1947 business associate of the public officer. Before the vote is
1948 taken, such member shall publicly state to the board the nature
1949 of his or her interest in the matter from which he or she is
1950 abstaining from voting and, within 15 days after the vote
1951 occurs, disclose the nature of his or her interest as a public
1952 record in a memorandum filed with the person responsible for
1953 recording the minutes of the meeting, who shall incorporate the
1954 memorandum in the minutes.

1955 (10) Notwithstanding s. 112.3148, s. 112.3149, or any other
1956 law, a board member may not knowingly accept, directly or
1957 indirectly, any gift or expenditure from a person or entity, or
1958 an employee or representative of such person or entity, which
1959 has a contractual relationship with the plan or which is under
1960 consideration for a contract.

1961 (11) A board member who fails to comply with subsection (9)
1962 or subsection (10) is subject to the penalties provided under
1963 ss. 112.317 and 112.3173.

1964 Section 46. Subsection (1) of section 631.912, Florida
1965 Statutes, is amended, and subsections (4), (5), and (6) are
1966 added to that section, to read:

1967 631.912 Board of directors.—

1968 (1) The board of directors of the corporation shall consist
1969 of 11 persons, 1 of whom is the insurance consumer advocate
1970 appointed under s. 627.0613 or designee and 1 of whom is
1971 designated by the Chief Financial Officer. The department shall
1972 appoint to the board 6 persons selected by private carriers from

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1973 among the 20 workers' compensation insurers with the largest
1974 amount of direct written premium as determined by the
1975 department, and 2 persons selected by the self-insurance funds
1976 or other persons with experience in workers' compensation
1977 insurance as determined by the Chief Financial Officer. The
1978 Governor shall appoint one person who has commercial insurance
1979 experience. At least two of the private carriers shall be
1980 foreign carriers authorized to do business in this state. The
1981 board shall elect a chairperson from among its members. The
1982 Chief Financial Officer may remove any board member for cause.
1983 Each board member shall be appointed to serve a 4-year term and
1984 may be reappointed. A vacancy on the board shall be filled for
1985 the remaining period of the term in the same manner by which the
1986 original appointment was made.

1987 (4) Board members are subject to the code of ethics under
1988 part III of chapter 112, including, but not limited to, the code
1989 of ethics and public disclosure and reporting of financial
1990 interests, pursuant to s. 112.3145. For purposes of applying
1991 part III of chapter 112 to activities of members of the board of
1992 directors, those persons are considered public officers and the
1993 corporation is considered their agency. Notwithstanding s.
1994 112.3143(2), a board member may not vote on any measure that he
1995 or she knows would inure to his or her special private gain or
1996 loss; that he or she knows would inure to the special private
1997 gain or loss of any principal by which he or she is retained,
1998 other than an agency as defined in s. 112.312; or that he or she
1999 knows would inure to the special private gain or loss of a
2000 relative or business associate of the public officer. Before the
2001 vote is taken, such member shall publicly state to the board the

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2002 nature of his or her interest in the matter from which he or she
2003 is abstaining from voting and, within 15 days after the vote
2004 occurs, disclose the nature of his or her interest as a public
2005 record in a memorandum filed with the person responsible for
2006 recording the minutes of the meeting, who shall incorporate the
2007 memorandum in the minutes.

2008 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
2009 law, a board member may not knowingly accept, directly or
2010 indirectly, any gift or expenditure from a person or entity, or
2011 an employee or representative of such person or entity, which
2012 has a contractual relationship with the corporation or which is
2013 under consideration for a contract.

2014 (6) A board member who fails to comply with subsection (4)
2015 or subsection (5) is subject to the penalties provided under ss.
2016 112.317 and 112.3173.

2017 Section 47. Section 633.1423, Florida Statutes, is created
2018 to read:

2019 633.1423 State Fire Marshal direct-support organization.—

2020 (1) DEFINITION.—As used in this section, the term
2021 “organization” means the direct-support organization established
2022 under this section.

2023 (2) ORGANIZATION ESTABLISHED.—The division may establish a
2024 direct-support organization, to be known as the “State Fire
2025 Marshal Safety and Training Force,” whose sole purpose is to
2026 support the safety and training of firefighters and to recognize
2027 exemplary service. The organization must:

2028 (a) Be a not-for-profit corporation incorporated under
2029 chapter 617 and approved by the Department of State.

2030 (b) Be organized and operated to raise funds; request and

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2031 receive grants, gifts, and bequests of money; conduct programs
2032 and activities; acquire, receive, hold, invest, and administer,
2033 in its own name, securities, funds, or property; and make grants
2034 and expenditures to or for the direct or indirect benefit of the
2035 division. Grants and expenditures may include the cost of
2036 education or training of firefighters, or the recognition of
2037 exemplary service of firefighters.

2038 (c) Be determined by the division to operate in a manner
2039 that is:

2040 1. Consistent with the goals of the division and laws
2041 relating to the safety and training of firefighters.

2042 2. In the best interest of the state.

2043 3. In accordance with the adopted goals and mission of the
2044 division.

2045 (d) Use all of its grants and expenditures solely for the
2046 purpose of educating, training, and recognizing firefighters,
2047 and not for advertising using the likeness or name of any
2048 elected official nor for the purpose of lobbying as defined in
2049 s. 11.045(1).

2050 (e) Be subject to an annual financial audit in accordance
2051 with s. 215.981.

2052 (3) CONTRACT.—The organization shall operate under written
2053 contract with the division. The contract must provide for:

2054 (a) Certification by the division that the organization is
2055 complying with the terms of the contract and in a manner
2056 consistent with the goals and purposes of the department and in
2057 the best interest of the state. Such certification must be made
2058 annually and reported in the official minutes of a meeting of
2059 the organization.

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2060 (b) The reversion of moneys and property held by the
2061 organization for firefighter safety, training, and recognition
2062 to the division if the organization is no longer approved to
2063 operate by the division or if the organization ceases to exist,
2064 or to the state if the division ceases to exist.

2065 (4) BOARD OF DIRECTORS.—The organization shall be governed
2066 by a board of directors. The State Fire Marshal, or his or her
2067 designee, shall appoint a president of the board. The board of
2068 directors shall be appointed by the president of the board.

2069 (5) USE OF PROPERTY.—The division may authorize, without
2070 charge, appropriate use of fixed property and facilities of the
2071 division by the organization, subject to this subsection.

2072 (a) The department may prescribe any condition with which
2073 the organization must comply in order to use the division's
2074 property or facilities.

2075 (b) The department may not authorize the use of the
2076 division's property or facilities if the organization does not
2077 provide equal membership and employment opportunities to all
2078 persons regardless of race, religion, sex, age, or national
2079 origin.

2080 (c) The department shall adopt rules prescribing the
2081 procedures by which the organization is governed and any
2082 conditions with which the organization must comply to use the
2083 division's property or facilities.

2084 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
2085 organization may be held in a separate depository account in the
2086 name of the organization and subject to the contract with the
2087 division.

2088 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall

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2089 submit to the division its annual budget and financial reports,
2090 its federal Internal Revenue Service Application for Recognition
2091 of Exemption Form 1023, and its federal Internal Revenue Service
2092 Return of Organization Exempt from Income Tax Form 990.

2093 (8) ANNUAL AUDIT.—The organization shall provide for an
2094 annual financial audit in accordance with s. 215.981.

2095 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
2096 the division from the organization shall be deposited into the
2097 Insurance Regulatory Trust Fund.

2098 (10) REPEAL.—This section is repealed October 1, 2028,
2099 unless reviewed and saved from repeal by the Legislature.

2100 Section 48. Section 634.181, Florida Statutes, is amended
2101 to read:

2102 634.181 Grounds for compulsory refusal, suspension, or
2103 revocation of license or appointment of salespersons.—

2104 (1) The department shall deny, suspend, revoke, or refuse
2105 to renew or continue the license or appointment of any such
2106 salesperson if it finds that as to the salesperson any one or
2107 more of the following applicable grounds exist:

2108 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2109 in obtaining or attempting to obtain the license or appointment.

2110 (b)~~(2)~~ If the license or appointment is willfully used, or
2111 to be used, to circumvent any of the requirements or
2112 prohibitions of this part, any applicable provision of the
2113 Florida Insurance Code, or rule of the department or commission.

2114 (c)~~(3)~~ Willful misrepresentation of any service agreement
2115 or willful deception with regard to any agreement, done either
2116 in person or by any form of dissemination of information or
2117 advertising.

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2118 (d)~~(4)~~ If in the adjustment of claims arising out of
2119 service agreements, she or he has materially misrepresented to a
2120 service agreement holder or other interested party the terms and
2121 coverage of a service agreement with intent and for the purpose
2122 of effecting settlement of the claim on less favorable terms
2123 than those provided in and contemplated by the service
2124 agreement.

2125 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
2126 to engage in the service agreement business.

2127 (f)~~(6)~~ For demonstrated lack of adequate knowledge and
2128 technical competence to engage in the transactions authorized by
2129 the license or appointment.

2130 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2131 business under the license or appointment.

2132 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2133 withholding of moneys belonging to a service agreement company,
2134 insurer, or service agreement holder or to others and received
2135 in the conduct of business under the license or appointment.

2136 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for
2137 unlawfully dividing or offering to divide her or his commission
2138 with another.

2139 (j)~~(10)~~ Willful failure to comply with, or willful
2140 violation of any proper order of the department or office, or
2141 willful violation of any provision of this part, or of any
2142 applicable provision of the insurance code, or applicable rule
2143 of the department or commission.

2144 (k)~~(11)~~ Having been found guilty of, or having pleaded
2145 guilty or nolo contendere to, a felony or a crime punishable by
2146 imprisonment of 1 year or more under the law of the United

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2147 States of America or any state thereof or under the law of any
2148 other country which involves moral turpitude, without regard to
2149 whether a judgment of conviction has been entered by the court
2150 having jurisdiction of the cases.

2151 (1)~~(12)~~ Failure to refund unearned pro rata commission to
2152 the agreement holder or the service agreement company, if the
2153 service agreement company is making a full unearned pro rata
2154 refund to the agreement holder.

2155 (m) Having been the subject of, or having had a license,
2156 permit, appointment, registration, or other authority to conduct
2157 business subject to, any decision, finding, injunction,
2158 suspension, prohibition, revocation, denial, judgment, final
2159 agency action, or administrative order by any court of competent
2160 jurisdiction, administrative law proceeding, state agency,
2161 federal agency, national securities, commodities, or options
2162 exchange, or national securities, commodities, or options
2163 association involving a violation of any federal or state
2164 securities or commodities law or any rule or regulation adopted
2165 thereunder, or a violation of any rule or regulation of any
2166 national securities, commodities, or options exchange or
2167 national securities, commodities, or options association.

2168 (2) When a licensee is charged with a felony enumerated in
2169 s. 626.207(2), the department shall, immediately upon receipt of
2170 information on or indictment for the felony, temporarily suspend
2171 a license or appointment issued under this chapter. Such
2172 suspension shall continue if the licensee is found guilty of, or
2173 pleads guilty or nolo contendere to, the crime, regardless of
2174 whether a judgment or conviction is entered, during a pending
2175 appeal. A person may not transact insurance business after

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2176 suspension of his or her license or appointment.

2177 (3) The department may adopt rules to administer this
2178 section.

2179 Section 49. Section 634.191, Florida Statutes, is amended
2180 to read:

2181 634.191 Grounds for discretionary refusal, suspension, or
2182 revocation of license or appointment of salespersons.—

2183 (1) The department may, in its discretion, deny, suspend,
2184 revoke, or refuse to renew or continue the license or
2185 appointment of any salesperson if it finds that as to the
2186 salesperson any one or more of the following applicable grounds
2187 exist under circumstances for which such denial, suspension,
2188 revocation, or refusal is not mandatory under s. 634.181:

2189 (a)~~(1)~~ For any cause for which granting of the license or
2190 appointment could have been refused had it then existed and been
2191 known to the department.

2192 (b)~~(2)~~ Violation of any provision of this part or of any
2193 other law applicable to the business of service agreements in
2194 the course of dealings under the license or appointment.

2195 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule
2196 of the department or commission.

2197 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any
2198 company or insurer the salesperson represents or has represented
2199 any money coming into her or his hands belonging to the company
2200 or insurer.

2201 (e)~~(5)~~ If, in the conduct of business under the license or
2202 appointment, the salesperson has engaged in unfair methods of
2203 competition or in unfair or deceptive acts or practices, as such
2204 methods, acts, or practices are or may be defined under this

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2205 part, or has otherwise shown herself or himself to be a source
2206 of injury or loss to the public or detrimental to the public
2207 interest.

2208 (f)-(6) Failure to report to the department within 30 days
2209 the final disposition of an administrative action taken against
2210 a salesperson by a governmental agency or other regulatory
2211 agency in this state or any other state or jurisdiction relating
2212 to the business of insurance, the sale of securities, or an
2213 activity involving fraud, dishonesty, trustworthiness, or breach
2214 of a fiduciary duty. The salesperson must submit a copy of the
2215 order, consent to order, or other relevant legal documents to
2216 the department ~~Having been found guilty of, or having pleaded~~
2217 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
2218 ~~imprisonment of 1 year or more under the law of the United~~
2219 ~~States of America or any state thereof or under the law of any~~
2220 ~~other country, without regard to whether a judgment of~~
2221 ~~conviction has been entered by the court having jurisdiction of~~
2222 ~~the cases.~~

2223 (2) The department may adopt rules to administer this
2224 section.

2225 Section 50. Section 634.320, Florida Statutes, is amended
2226 to read:

2227 634.320 Grounds for compulsory refusal, suspension, or
2228 revocation of license or appointment of sales representatives.-

2229 (1) The department shall deny, suspend, revoke, or refuse
2230 to renew or continue the license or appointment of any sales
2231 representative if it is found that any one or more of the
2232 following grounds applicable to the sales representative exist:

2233 (a)-(1) Material misstatement, misrepresentation, or fraud

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2234 in obtaining or attempting to obtain a license or appointment.

2235 (b)~~(2)~~ The license or appointment is willfully used, or to
2236 be used, to circumvent any of the requirements or prohibitions
2237 of this part.

2238 (c)~~(3)~~ Willful misrepresentation of any warranty contract
2239 or willful deception with regard to any such contract, done
2240 either in person or by any form of dissemination of information
2241 or advertising.

2242 (d)~~(4)~~ In the adjustment of claims arising out of
2243 warranties, material misrepresentation to a warranty holder or
2244 other interested party of the terms and coverage of a contract,
2245 with the intent and for the purpose of effecting settlement of
2246 such claim on less favorable terms than those provided in and
2247 contemplated by the contract.

2248 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2249 engage in the business of home warranty.

2250 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
2251 technical competence to engage in the transactions authorized by
2252 the license or appointment.

2253 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2254 business under the license or appointment.

2255 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2256 withholding of moneys belonging to an association, insurer, or
2257 warranty holder, or to others, and received in the conduct of
2258 business under the license or appointment.

2259 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
2260 rebate, or unlawfully dividing, or offering to divide, her or
2261 his commission with another.

2262 (j)~~(10)~~ Willful failure to comply with, or willful

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2263 violation of, any proper order or rule of the department or
2264 commission or willful violation of any provision of this part.

2265 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo
2266 contendere to a felony or a crime punishable by imprisonment of
2267 1 year or more under the law of the United States of America or
2268 any state thereof or under the law of any other country
2269 ~~involving moral turpitude~~, without regard to whether judgment of
2270 conviction has been entered by the court.

2271 (1) Having been the subject of, or having had a license,
2272 permit, appointment, registration, or other authority to conduct
2273 business subject to, any decision, finding, injunction,
2274 suspension, prohibition, revocation, denial, judgment, final
2275 agency action, or administrative order by any court of competent
2276 jurisdiction, administrative law proceeding, state agency,
2277 federal agency, national securities, commodities, or options
2278 exchange, or national securities, commodities, or options
2279 association involving a violation of any federal or state
2280 securities or commodities law or any rule or regulation adopted
2281 thereunder, or a violation of any rule or regulation of any
2282 national securities, commodities, or options exchange or
2283 national securities, commodities, or options association.

2284 (2) When a licensee is charged with a felony enumerated in
2285 s. 626.207(2), the department shall, immediately upon receipt of
2286 information on or indictment for the felony, temporarily suspend
2287 a license or appointment issued under this chapter. Such
2288 suspension shall continue if the licensee is found guilty of, or
2289 pleads guilty or nolo contendere to, the crime, regardless of
2290 whether a judgment or conviction is entered, during a pending
2291 appeal. A person may not transact insurance business after

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2292 suspension of his or her license or appointment.

2293 (3) The department may adopt rules to administer this
2294 section.

2295 Section 51. Section 634.321, Florida Statutes, is amended
2296 to read:

2297 634.321 Grounds for discretionary refusal, suspension, or
2298 revocation of license or appointment of sales representatives.-

2299 (1) The department may, in its discretion, deny, suspend,
2300 revoke, or refuse to renew or continue the license or
2301 appointment of any sales representative if it is found that any
2302 one or more of the following grounds applicable to the sales
2303 representative exist under circumstances for which such denial,
2304 suspension, revocation, or refusal is not mandatory under s.
2305 634.320:

2306 (a)~~(1)~~ Any cause for which granting of the license or
2307 appointment could have been refused had it then existed and been
2308 known to the department.

2309 (b)~~(2)~~ Violation of any provision of this part, or of any
2310 other law applicable to the business of warranties, in the
2311 course of dealings under the license or appointment.

2312 (c)~~(3)~~ Violation of any lawful order or rule of the
2313 department or commission.

2314 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
2315 home warranty association or insurer the sales representative
2316 represents or has represented any money coming into her or his
2317 hands which belongs to the association or insurer.

2318 (e)~~(5)~~ In the conduct of business under the license or
2319 appointment, engaging in unfair methods of competition or in
2320 unfair or deceptive acts or practices, as such methods, acts, or

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2321 practices are or may be defined under this part, or otherwise
2322 showing herself or himself to be a source of injury or loss to
2323 the public or detriment to the public interest.

2324 (f)(6) Failure to report to the department within 30 days
2325 the final disposition of an administrative action taken against
2326 a sales representative by a governmental agency or other
2327 regulatory agency in this state or any other state or
2328 jurisdiction relating to the business of insurance, the sale of
2329 securities, or an activity involving fraud, dishonesty,
2330 trustworthiness, or breach of a fiduciary duty. The sales
2331 representative must submit a copy of the order, consent to
2332 order, or other relevant legal documents to the department ~~Being~~
2333 ~~found guilty of or pleading guilty or nolo contendere to a~~
2334 ~~felony or a crime punishable by imprisonment of 1 year or more~~
2335 ~~under the law of the United States of America or any state~~
2336 ~~thereof or under the law of any other country, without regard to~~
2337 ~~whether a judgment of conviction has been entered by the court.~~

2338 (2) The department may adopt rules to administer this
2339 section.

2340 Section 52. Section 634.419, Florida Statutes, is amended
2341 to read:

2342 634.419 License and appointment required.—No person or
2343 entity shall solicit, negotiate, advertise, or effectuate
2344 service warranty contracts in this state unless such person or
2345 entity is licensed and appointed as a sales representative.
2346 Sales representatives shall be responsible for the actions of
2347 persons under their supervision. However, a service warranty
2348 association licensed as such under this part shall not be
2349 required to be licensed and appointed as a sales representative

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2350 to solicit, negotiate, advertise, or effectuate its products.
2351 Sections 501.021-501.055 do not apply to persons or entities
2352 licensed and appointed under this section, or their affiliates,
2353 which solicit the sale of a service warranty or related service
2354 or product in connection with a prearranged appointment at the
2355 request of the consumer.

2356 Section 53. Section 634.422, Florida Statutes, is amended
2357 to read:

2358 634.422 Grounds for compulsory refusal, suspension, or
2359 revocation of license or appointment of sales representatives.-

2360 (1) The department shall deny, suspend, revoke, or refuse
2361 to renew or continue the license or appointment of any sales
2362 representative if it is found that any one or more of the
2363 following grounds applicable to the sales representative exist:

2364 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2365 in obtaining or attempting to obtain a license or appointment.

2366 (b)~~(2)~~ The license or appointment is willfully used, or to
2367 be used, to circumvent any of the requirements or prohibitions
2368 of this part.

2369 (c)~~(3)~~ Willful misrepresentation of any service warranty
2370 contract or willful deception with regard to any such contract,
2371 done either in person or by any form of dissemination of
2372 information or advertising.

2373 (d)~~(4)~~ In the adjustment of claims arising out of
2374 warranties, material misrepresentation to a service warranty
2375 holder or other interested party of the terms and coverage of a
2376 contract with the intent and for the purpose of effecting
2377 settlement of the claim on less favorable terms than those
2378 provided in and contemplated by the contract.

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2379 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2380 engage in the business of service warranty.

2381 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
2382 technical competence to engage in the transactions authorized by
2383 the license or appointment.

2384 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2385 business under the license or appointment.

2386 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2387 withholding of moneys belonging to an association, insurer, or
2388 warranty holder, or to others, and received in the conduct of
2389 business under the license or appointment.

2390 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
2391 rebate, or unlawfully dividing, or offering to divide, her or
2392 his commission with another.

2393 (j)~~(10)~~ Willful failure to comply with, or willful
2394 violation of, any proper order or rule of the department or
2395 commission, or willful violation of any provision of this part.

2396 (k)~~(11)~~ Being found guilty of or pleading nolo contendere
2397 to a felony or a crime punishable by imprisonment of 1 year or
2398 more under the law of the United States of America or any state
2399 thereof or under the law of any other country ~~involving moral~~
2400 ~~turpitude~~, without regard to whether judgment of conviction has
2401 been entered by the court having jurisdiction of the case.

2402 (l) Having been the subject of, or having had a license,
2403 permit, appointment, registration, or other authority to conduct
2404 business subject to, any decision, finding, injunction,
2405 suspension, prohibition, revocation, denial, judgment, final
2406 agency action, or administrative order by any court of competent
2407 jurisdiction, administrative law proceeding, state agency,

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2408 federal agency, national securities, commodities, or options
2409 exchange, or national securities, commodities, or options
2410 association involving a violation of any federal or state
2411 securities or commodities law or any rule or regulation adopted
2412 thereunder, or a violation of any rule or regulation of any
2413 national securities, commodities, or options exchange or
2414 national securities, commodities, or options association.

2415 (2) When a licensee is charged with a felony enumerated in
2416 s. 626.207(2), the department shall, immediately upon receipt of
2417 information on or indictment for the felony, temporarily suspend
2418 a license or appointment issued under this chapter. Such
2419 suspension shall continue if the licensee is found guilty of, or
2420 pleads guilty or nolo contendere to, the crime, regardless of
2421 whether a judgment or conviction is entered, during a pending
2422 appeal. A person may not transact insurance business after
2423 suspension of his or her license or appointment.

2424 (3) The department may adopt rules to administer this
2425 section.

2426 Section 54. Section 634.423, Florida Statutes, is amended
2427 to read:

2428 634.423 Grounds for discretionary refusal, suspension, or
2429 revocation of license or appointment of sales representatives.—

2430 (1) The department may deny, suspend, revoke, or refuse to
2431 renew or continue the license or appointment of any sales
2432 representative if it is found that any one or more of the
2433 following grounds applicable to the sales representative exist
2434 under circumstances for which such denial, suspension,
2435 revocation, or refusal is not mandatory under s. 634.422:

2436 (a) ~~(1)~~ Any cause for which granting of the license or

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2437 appointment could have been refused had it then existed and been
2438 known to the department.

2439 (b)~~(2)~~ Violation of any provision of this part, or of any
2440 other law applicable to the business of service warranties, in
2441 the course of dealings under the license or appointment.

2442 (c)~~(3)~~ Violation of any lawful order or rule of the
2443 department or commission.

2444 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
2445 service warranty association or insurer the sales representative
2446 represents or has represented any money coming into her or his
2447 hands which belongs to the association or insurer.

2448 (e)~~(5)~~ In the conduct of business under the license or
2449 appointment, engaging in unfair methods of competition or in
2450 unfair or deceptive acts or practices, as such methods, acts, or
2451 practices are or may be defined under this part, or otherwise
2452 showing herself or himself to be a source of injury or loss to
2453 the public or detriment to the public interest.

2454 (f)~~(6)~~ Failure to report to the department within 30 days
2455 the final disposition of an administrative action taken against
2456 a sales representative by a governmental agency or other
2457 regulatory agency in this state or any other state or
2458 jurisdiction relating to the business of insurance, the sale of
2459 securities, or an activity involving fraud, dishonesty,
2460 trustworthiness, or breach of a fiduciary duty. The sales
2461 representative must submit a copy of the order, consent to
2462 order, or other relevant legal documents to the department ~~Being~~
2463 ~~found guilty of or pleading guilty or nolo contendere to a~~
2464 ~~felony or a crime punishable by imprisonment of 1 year or more~~
2465 ~~under the law of the United States of America or any state~~

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2466 ~~thereof or under the law of any other country, without regard to~~
2467 ~~whether judgment of conviction has been entered by the court~~
2468 ~~having jurisdiction of such case.~~

2469 (2) The department may adopt rules to administer this
2470 section.

2471 Section 55. Section 648.25, Florida Statutes, is reordered
2472 and amended to read:

2473 648.25 Definitions.—As used in this chapter, the term:

2474 (1) "Appointment" means the authority given by an insurer
2475 or the managing general agent of an insurer through the
2476 department to a licensee to transact insurance or adjust claims
2477 on behalf of the insurer or managing general agent.

2478 (2)~~(1)~~ "Bail bond agency" means:

2479 (a) The building where a licensee maintains an office and
2480 where all records required by ss. 648.34 and 648.36 are
2481 maintained; or

2482 (b) An entity that:

2483 1. Charges a fee or premium to release an accused defendant
2484 or detainee from jail; or

2485 2. Engages in or employs others to engage in any activity
2486 that may be performed only by a licensed and appointed bail bond
2487 agent.

2488 (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a
2489 professional bail bond agent as hereafter defined.

2490 (7)~~(3)~~ "Managing general agent" means any individual,
2491 partnership, association, or corporation appointed or employed
2492 by an insurer to supervise or manage the bail bond business
2493 written in this state by limited surety agents appointed by the
2494 insurer.

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2495 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien
2496 surety company which has been authorized to transact surety
2497 business in this state.

2498 (6)~~(5)~~ "Limited surety agent" means any individual
2499 appointed by an insurer by power of attorney to execute or
2500 countersign bail bonds in connection with judicial proceedings
2501 who receives or is promised money or other things of value
2502 therefor.

2503 (4)~~(6)~~ "~~Primary~~ Bail bond agent in charge" means a licensed
2504 bail bond agent who is responsible for the overall operation and
2505 management of a bail bond agency location and whose
2506 responsibilities include hiring and supervising all individuals
2507 within that location. A bail bond agent may be designated as the
2508 ~~primary~~ bail bond agent in charge for only one bail bond agency
2509 location.

2510 (8)~~(7)~~ "Professional bail bond agent" means any person who
2511 pledges United States currency, United States postal money
2512 orders, or cashier's checks as security for a bail bond in
2513 connection with a judicial proceeding and receives or is
2514 promised therefor money or other things of value.

2515 (9)~~(8)~~ "Temporary bail bond agent" means a person licensed
2516 before January 1, 2024, who is employed by a bail bond agent or
2517 agency, insurer, or managing general agent, and such licensee
2518 has the same authority as a licensed bail bond agent, including
2519 presenting defendants in court; apprehending, arresting, and
2520 surrendering defendants to the proper authorities, while
2521 accompanied by a supervising bail bond agent or an agent from
2522 the same agency; and keeping defendants under necessary
2523 surveillance. However, a temporary licensee may not execute or

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2524 sign bonds, handle collateral receipts, or deliver bonds to
2525 appropriate authorities. A temporary licensee may not operate an
2526 agency or branch agency separate from the location of the
2527 supervising bail bond agent, managing general agent, or insurer
2528 by whom the licensee is employed. This does not affect the right
2529 of a bail bond agent or insurer to hire counsel or to obtain the
2530 assistance of law enforcement officers. A temporary bail bond
2531 agent license expires 18 months after issuance and is no longer
2532 valid on or after June 30, 2025.

2533 Section 56. Subsection (3) of section 648.26, Florida
2534 Statutes, is amended to read:

2535 648.26 Department of Financial Services; administration.—

2536 (3) The papers, documents, reports, or any other
2537 investigatory records of the department are confidential and
2538 exempt from ~~the provisions of~~ s. 119.07(1) until such
2539 investigation is completed or ceases to be active. For the
2540 purpose of this section, an investigation is considered active
2541 ~~“active”~~ while the investigation is being conducted by the
2542 department with a reasonable, good faith belief that it may lead
2543 to the filing of administrative, civil, or criminal proceedings.
2544 An investigation does not cease to be active if the department
2545 is proceeding with reasonable dispatch and there is good faith
2546 belief that action may be initiated by the department or other
2547 administrative or law enforcement agency. This subsection does
2548 not prevent the department or office from disclosing the content
2549 of a complaint or such information as it deems necessary to
2550 conduct the investigation, to update the complainant as to the
2551 status and outcome of the complaint, or to share such
2552 information with any law enforcement agency or other regulatory

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2553 body.

2554 Section 57. Subsection (5) of section 648.27, Florida
2555 Statutes, is amended to read:

2556 648.27 Licenses and appointments; general.—

2557 (5) ~~(a)~~ The license of a bail bond agent shall continue in
2558 force, without further examination unless deemed necessary by
2559 the department, until suspended, revoked, or otherwise
2560 terminated.

2561 ~~(b) The license of a temporary bail bond agent shall~~
2562 ~~continue in force until suspended, revoked, or otherwise~~
2563 ~~terminated.~~

2564 Section 58. Section 648.285, Florida Statutes, is amended
2565 to read:

2566 648.285 Bond agency; ownership requirements; applications
2567 for bail bond agency licenses.—

2568 (1) A person may not own, control, manage, or otherwise
2569 have a pecuniary interest in a bail bond agency unless such
2570 individual is a licensed pursuant to s. 648.27, ~~and~~ appointed
2571 through the department, and actively engaged as a bail bond
2572 agent for at least the preceding 24 months. Any agency that is
2573 not in compliance with this subsection is ~~shall be~~ subject to
2574 the issuance of an immediate final order of suspension of its
2575 license and all operations until the agency achieves compliance.

2576 (2) Effective January 1, 2024, the department may issue a
2577 bail bond agency license to any person only after such person
2578 files a written application with the department and qualifies
2579 for such license.

2580 (3) An application for a bail bond agency license must be
2581 signed by an individual required to be listed in the application

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2582 under paragraph (a). A bail bond agency license may permit a
2583 third party to complete, submit, and sign an application on the
2584 bail bond agency's behalf; however, the bail bond agency is
2585 responsible for ensuring that the information on the application
2586 is true and correct, and the bail bond agency is accountable for
2587 any misstatements or misrepresentations. The application for a
2588 bail bond agency license must include:

2589 (a) The name and license number of each owner, partner,
2590 officer, director, president, senior vice president, secretary,
2591 treasurer, and limited liability company member who directs or
2592 participates in the management or control of the bail bond
2593 agency, whether through ownership of voting securities, by
2594 contract, by ownership of any agency bank account, or otherwise.

2595 (b) The residence address of each person required to be
2596 listed in the application under paragraph (a).

2597 (c) The name, principal business street address, and valid
2598 e-mail address of the bail bond agency and the name, address,
2599 and e-mail address of the agency's registered agent or person or
2600 company authorized to accept service on behalf of the bail bond
2601 agency.

2602 (d) The physical address of each branch bail bond agency,
2603 including its name, e-mail address, and telephone number, and
2604 the date that the branch location began transacting bail bond
2605 business.

2606 (e) The name of the full-time bail bond agent in charge of
2607 the agency office, including branch locations, and his or her
2608 corresponding location.

2609 (f) Such additional information as the department requires
2610 by rule to ascertain the trustworthiness and competence of

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2611 persons required to be listed on the application and to
2612 ascertain that such persons meet the requirements of this code.
2613 However, the department may not require that credit or character
2614 reports be submitted for persons required to be listed on the
2615 application.

2616 (4) The department must issue a license to each agency upon
2617 approval of the application, and each agency location must
2618 display the license prominently in a manner that makes it
2619 clearly visible to any customer or potential customer who enters
2620 the agency location.

2621 (5) A bail bond agency that holds a current and valid
2622 registration number with the department shall have its
2623 registration automatically converted to a license on July 1,
2624 2024.

2625 (6) Section 112.011 does not apply to bail bond agencies or
2626 to applicants for licensure as owners of bail bond agencies.

2627 (7)~~(2)~~ If the owner of a bail bond agency dies or becomes
2628 mentally incapacitated, a personal representative or legal
2629 guardian may be issued a temporary permit to manage the affairs
2630 of the bail bond agency. Such person must appoint or maintain
2631 the appointment of a ~~primary~~ bail bond agent in charge, as
2632 provided in s. 648.387, and may not engage in any activities as
2633 a licensed bail bond agent but must comply with s. 648.387
2634 during the administration of the estate or guardianship. A
2635 temporary permit is valid for a maximum of 24 months.

2636 (8)~~(3)~~ Application for a temporary permit must be made by
2637 the personal representative or legal guardian upon statements
2638 and affidavits filed with the department on forms prescribed and
2639 furnished by it. The applicant must meet the qualifications for

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2640 licensure as a bail bond agent, except for the residency,
2641 examination, education, and experience requirements.

2642 Section 59. Subsection (1) of section 648.30, Florida
2643 Statutes, is amended to read:

2644 648.30 Licensure and appointment required; prohibited acts;
2645 penalties.—

2646 (1) (a) A person or entity may not act in the capacity of a
2647 bail bond agent or ~~temporary~~ bail bond agency ~~agent~~ or perform
2648 any of the functions, duties, or powers prescribed for bail bond
2649 agents or ~~temporary~~ bail bond agencies ~~agents~~ under this chapter
2650 unless that person or entity is qualified, licensed, and
2651 appointed as provided in this chapter and employed by a bail
2652 bond agency.

2653 (b) A bail bond agent may not sell a bail bond issued by an
2654 insurer for which the agent and the agent's bail bond agency do
2655 not hold a current appointment.

2656 (c) Except as otherwise provided in this part, a person or
2657 entity, other than a bail bond agency or an employee of a bail
2658 bond agency, may not perform any of the functions of a bail bond
2659 agency without a bail bond agency license.

2660 Section 60. Section 648.31, Florida Statutes, is amended to
2661 read:

2662 648.31 Appointment taxes and fees.—The department shall
2663 collect in advance all appointment taxes and fees for the
2664 issuance of any appointment to a bail bond agent ~~or temporary~~
2665 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for
2666 the issuance of any appointment to a bail bond agency.

2667 Section 61. Subsection (2) of section 648.34, Florida
2668 Statutes, is amended to read:

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2669 648.34 Bail bond agents; qualifications.—

2670 (2) To qualify as a bail bond agent, it must affirmatively
2671 appear at the time of application and throughout the period of
2672 licensure that the applicant ~~has complied with the provisions of~~
2673 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
2674 ~~section and:~~

2675 (a) ~~The applicant~~ Is a natural person who has reached the
2676 age of 18 years and holds a high school diploma or its
2677 equivalent.

2678 (b) ~~The applicant~~ Is a United States citizen or legal alien
2679 who possesses work authorization from the United States Bureau
2680 of Citizenship and Immigration Services and is a resident of
2681 this state. An individual who is a resident of this state shall
2682 be deemed to meet the residence requirement of this paragraph,
2683 notwithstanding the existence, at the time of application for
2684 license, of a license in the applicant's name on the records of
2685 another state as a resident licensee of such other state, if the
2686 applicant furnishes a letter of clearance satisfactory to the
2687 department that his or her resident licenses have been canceled
2688 or changed to a nonresident basis and that he or she is in good
2689 standing.

2690 (c) Will maintain his or her ~~The~~ place of business ~~of the~~
2691 ~~applicant will be located~~ in this state and in the county where
2692 the applicant will maintain his or her records and be actively
2693 engaged in the bail bond business and work with a licensed
2694 ~~maintain an~~ agency accessible to the public which is open for
2695 reasonable business hours.

2696 (d) ~~The applicant~~ Is vouched for and recommended upon sworn
2697 statements filed with the department by at least three reputable

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2698 citizens who are residents of the same counties in which the
2699 applicant proposes to engage in the bail bond business.

2700 (e) ~~The applicant~~ Is a person of high character and
2701 approved integrity and has not been convicted of or pleaded
2702 guilty or no contest to a felony, a crime involving moral
2703 turpitude, or a crime punishable by imprisonment of 1 year or
2704 more under the law of any state, territory, or country, whether
2705 or not a judgment or conviction has been entered.

2706 (f) Within 2 years immediately before applying for the
2707 license, has successfully completed a basic certification course
2708 in the criminal justice system which consists of at least 120
2709 hours of classroom instruction with a passing grade of 80
2710 percent or higher and has successfully completed a
2711 correspondence course for bail bond agents approved by the
2712 department.

2713 (g) ~~(f)~~ ~~The applicant~~ Has passed any required examination.
2714 Section 62. Section 648.355, Florida Statutes, is amended
2715 to read:

2716 648.355 ~~Temporary limited license as Limited surety agents~~
2717 and agent or professional bail bond agents agent; qualifications
2718 pending examination.-

2719 (1) ~~The department may, in its discretion, issue a~~
2720 ~~temporary license as a limited surety agent or professional bail~~
2721 ~~bond agent, subject to the following conditions:~~

2722 (a) ~~The applicant is a natural person at least 18 years of~~
2723 ~~age and holds a high school diploma or its equivalent.~~

2724 (b) ~~The applicant is a United States citizen or legal alien~~
2725 ~~who possesses work authorization from the United States Bureau~~
2726 ~~of Citizenship and Immigration Services and is a resident of~~

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2727 ~~this state. An individual who is a resident of this state shall~~
2728 ~~be deemed to meet the residence requirement of this paragraph,~~
2729 ~~notwithstanding the existence, at the time of application for~~
2730 ~~temporary license, of a license in the individual's name on the~~
2731 ~~records of another state as a resident licensee of such other~~
2732 ~~state, if the applicant furnishes a letter of clearance~~
2733 ~~satisfactory to the department that the individual's resident~~
2734 ~~licenses have been canceled or changed to a nonresident basis~~
2735 ~~and that the individual is in good standing.~~

2736 ~~(c) The applicant is a person of high character and~~
2737 ~~approved integrity and has never been convicted of or pleaded~~
2738 ~~guilty or no contest to a felony, a crime involving moral~~
2739 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
2740 ~~more under the law of any state, territory, or country, whether~~
2741 ~~or not a judgment or conviction is entered.~~

2742 ~~(d) Within 4 years prior to the date of application for a~~
2743 ~~temporary license, the applicant has successfully completed a~~
2744 ~~basic certification course in the criminal justice system,~~
2745 ~~consisting of not less than 120 hours of classroom instruction~~
2746 ~~with a passing grade of 80 percent or higher and has~~
2747 ~~successfully completed a correspondence course for bail bond~~
2748 ~~agents approved by the department.~~

2749 ~~(e) The applicant must be employed full time at the time of~~
2750 ~~licensure, and at all times throughout the existence of the~~
2751 ~~temporary license, by only one licensed and appointed~~
2752 ~~supervising bail bond agent, who supervises the work of the~~
2753 ~~applicant and is responsible for the licensee's conduct in the~~
2754 ~~bail bond business. The applicant must be appointed by the same~~
2755 ~~insurers as the supervising bail bond agent. The supervising~~

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2756 ~~bail bond agent shall certify monthly to the department under~~
2757 ~~oath, on a form prescribed by the department, the names and~~
2758 ~~hours worked each week of all temporary bail bond agents. Filing~~
2759 ~~a false certification is grounds for the immediate suspension of~~
2760 ~~the license and imposition of a \$5,000 administrative fine. The~~
2761 ~~department may adopt rules that establish standards for the~~
2762 ~~employment requirements.~~

2763 ~~(f) The application must be accompanied by an affidavit~~
2764 ~~verifying proposed employment and a report as to the applicant's~~
2765 ~~integrity and moral character on a form prescribed by the~~
2766 ~~department and executed by the proposed employer.~~

2767 ~~(g) The applicant must file with the department statements~~
2768 ~~by at least three reputable citizens who are residents of the~~
2769 ~~same counties in which the applicant proposes to engage as a~~
2770 ~~temporary licensee.~~

2771 ~~(h) The applicant's employer is responsible for the bail~~
2772 ~~bonding acts of any licensee under this section.~~

2773 ~~(2) All applicable license fees, as prescribed in s.~~
2774 ~~624.501, must be paid before issuance of the temporary license.~~

2775 ~~(3) The temporary license shall be effective for 18 months,~~
2776 ~~subject to earlier termination at the request of the employer or~~
2777 ~~if suspended or revoked by the department.~~

2778 ~~(4) The applicant shall furnish, with the application for~~
2779 ~~temporary license, a complete set of the applicant's~~
2780 ~~fingerprints in accordance with s. 626.171(4) and a recent~~
2781 ~~credential-sized, fullface photograph of the applicant. The~~
2782 ~~department may shall not issue a temporary license under this~~
2783 ~~section until the department has received a report from the~~
2784 ~~Department of Law Enforcement and the Federal Bureau of~~

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2785 Investigation relative to the existence or nonexistence of a
2786 criminal history report based on the applicant's fingerprints.

2787 (2)~~(5)~~ The department may collect a fee necessary to cover
2788 the cost of a character and credit report made by an established
2789 and reputable independent reporting service. The fee shall be
2790 deposited to the credit of the Insurance Regulatory Trust Fund.

2791 (3)~~(6)~~ Effective July 1, 2023, any individual licensed by
2792 the department as a temporary bail bond agent may take the
2793 required bail bond agent's licensure examination, may file an
2794 application for a bail bond agent's license if otherwise
2795 qualified for licensure, and may take the required bail bond
2796 agent's licensure examination ~~After licensure as a temporary~~
2797 ~~licensee for at least 12 months, such licensee may file an~~
2798 ~~application for and become eligible for a regular bail bond~~
2799 ~~agent's license based on the licensee's experience in the bail~~
2800 ~~bond business and education pursuant to paragraph (1)(d) and, if~~
2801 ~~otherwise qualified, take the required bail bond agent's~~
2802 ~~licensure examination. The applicant and supervising bail bond~~
2803 ~~agent must each file an affidavit under oath, on a form~~
2804 ~~prescribed by the department, verifying the required employment~~
2805 ~~of the temporary agent before issuance of the license.~~

2806 ~~(7) In no event shall a temporary licensee licensed under~~
2807 ~~this section perform any of the functions for which a bail bond~~
2808 ~~agent's license is required after expiration of the temporary~~
2809 ~~license without having passed the written examination as for a~~
2810 ~~regular bail bond agent's license.~~

2811 ~~(8)(a) A temporary licensee has the same authority as a~~
2812 ~~licensed bail bond agent, including presenting defendants in~~
2813 ~~court; apprehending, arresting, and surrendering defendants to~~

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2814 ~~the proper authorities, and keeping defendants under necessary~~
2815 ~~surveillance. However, a temporary licensee must be accompanied~~
2816 ~~by a supervising bail bond agent or an agent from the same~~
2817 ~~agency when apprehending, arresting, or surrendering defendants~~
2818 ~~to authorities.~~

2819 ~~(b) A temporary licensee may not execute or sign bonds,~~
2820 ~~handle collateral receipts, deliver bonds to appropriate~~
2821 ~~authorities, or operate an agency or branch agency separate from~~
2822 ~~the location of the supervising bail bond agent, managing~~
2823 ~~general agent, or insurer by whom the licensee is employed.~~

2824 (4)(9) Effective July 1, 2023, the department may not issue
2825 a temporary bail bond agent's license. An individual currently
2826 licensed as a temporary bail bond agent may continue to be
2827 licensed in accordance with this chapter. A temporary bail bond
2828 agent's license may not be reinstated if the license expires or
2829 is terminated, suspended, or revoked ~~The department shall not~~
2830 ~~issue a temporary bail bond agent's license to any individual~~
2831 ~~who has held such a temporary license in this state within 2~~
2832 ~~years after the expiration of such temporary bail bond agent's~~
2833 ~~license.~~

2834 Section 63. Subsections (1) through (4) of section 648.382,
2835 Florida Statutes, are amended to read:

2836 648.382 Appointment of bail bond agents and bail bond
2837 agencies ~~temporary bail bond agents~~; effective date of
2838 appointment.-

2839 (1)(a) Each insurer or ~~appointing a bail bond agent and~~
2840 ~~each insurer~~, managing general agent, ~~or bail bond agent~~
2841 appointing a ~~temporary~~ bail bond agent or bail bond agency in
2842 this state must file the appointment with the department and, at

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2843 the same time, pay the applicable appointment fees and taxes. A
2844 person appointed under this section must hold a valid bail bond
2845 agent's or ~~temporary~~ bail bond agency's agent's license.

2846 (b) Effective July 1, 2025, each insurer or managing
2847 general agent appointing a bail bond agency in this state must
2848 file the appointment with the department. An entity appointed
2849 under this section must hold a valid bail bond agency's license.

2850 (2) Before ~~Prior to~~ any appointment, an appropriate officer
2851 or official of the appointing insurer ~~in the case of a bail bond~~
2852 ~~agent or an insurer, managing general agent, or bail bond agent~~
2853 ~~in the case of a temporary bail bond agent~~ must submit:

2854 (a) A certified statement or affidavit to the department
2855 stating what investigation has been made concerning the proposed
2856 appointee and the proposed appointee's background and the
2857 appointing person's opinion to the best of his or her knowledge
2858 and belief as to the moral character and reputation of the
2859 proposed appointee. In lieu of such certified statement or
2860 affidavit, by authorizing the effectuation of an appointment for
2861 a licensee, the appointing entity certifies to the department
2862 that such investigation has been made and that the results of
2863 the investigation and the appointing person's opinion is that
2864 the proposed appointee is a person of good moral character and
2865 reputation and is fit to engage in the bail bond business;

2866 (b) An affidavit under oath on a form prescribed by the
2867 department, signed by the proposed appointee, stating that
2868 premiums are not owed to any insurer and that the appointee will
2869 discharge all outstanding forfeitures and judgments on bonds
2870 previously written. If the appointee does not satisfy or
2871 discharge such forfeitures or judgments, the former insurer

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2872 shall file a notice, with supporting documents, with the
2873 appointing insurer, the former agent or agency, and the
2874 department, stating under oath that the licensee has failed to
2875 timely satisfy forfeitures and judgments on bonds written and
2876 that the insurer has satisfied the forfeiture or judgment from
2877 its own funds. Upon receipt of such notification and supporting
2878 documents, the appointing insurer shall immediately cancel the
2879 licensee's appointment. The licensee may be reappointed only
2880 upon certification by the former insurer that all forfeitures
2881 and judgments on bonds written by the licensee have been
2882 discharged. The appointing insurer or former agent or agency
2883 may, within 10 days, file a petition with the department seeking
2884 relief from this paragraph. Filing of the petition stays the
2885 duty of the appointing insurer to cancel the appointment until
2886 the department grants or denies the petition; ~~and~~

2887 (c) Any other information that the department reasonably
2888 requires concerning the proposed appointee; and

2889 (d) Effective January 1, 2025, a certification that the
2890 appointing entity obtained from each appointee the following
2891 sworn statement:

2892
2893 Pursuant to section 648.382(2)(b), Florida Statutes, I
2894 do solemnly swear that I owe no premium to any insurer
2895 and that I will discharge all outstanding forfeitures
2896 and judgments on bonds that have been previously
2897 written. I acknowledge that failure to do this will
2898 result in my active appointments being canceled.

2899
2900 An appointed bail bond agency must have the attestation under

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2901 this paragraph signed by its owner.

2902 (3) By authorizing the effectuation of an appointment for a
2903 licensee, the appointing insurer certifies to the department
2904 that the insurer will be bound by the acts of the bail bond
2905 agent or bail bond agency acting within the scope of the agent's
2906 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
2907 ~~temporary bail bond agent, the appointing insurer, managing~~
2908 ~~general agent, or bail bond agent, as the case may be, must~~
2909 ~~certify to the department that he or she will supervise the~~
2910 ~~temporary bail bond agent's activities.~~

2911 (4) Each appointing insurer or, ~~managing general agent, or~~
2912 ~~bail bond agent~~ must advise the department in writing within 5
2913 days after receiving notice or learning that an appointee has
2914 been arrested for, pled guilty or nolo contendere to, or been
2915 found guilty of, a felony or other offense punishable by
2916 imprisonment of 1 year or more under the law of any
2917 jurisdiction, whether judgment was entered or withheld by the
2918 court.

2919 Section 64. Present subsections (1) through (4) of section
2920 648.386, Florida Statutes, are redesignated as subsections (2)
2921 through (5), respectively, a new subsection (1) is added to that
2922 section, and present subsection (2) of that section is amended,
2923 to read:

2924 648.386 Qualifications for prelicensing and continuing
2925 education schools and instructors.—

2926 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
2927 section, the term "classroom instruction" means a course
2928 designed to be presented to a group of students by a live
2929 instructor using lecture, video, webcast, or virtual or other

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2930 audio-video presentation.

2931 (3)~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION

2932 SCHOOLS.—In order to be considered for approval and
2933 certification as an approved limited surety agent and
2934 professional bail bond agent continuing education school, such
2935 entity must:

2936 (a) Provide a minimum of three classroom-instruction
2937 continuing education classes per calendar year.

2938 (b) Submit a course curriculum to the department for
2939 approval.

2940 (c) Offer continuing education classes that comprise ~~which~~
2941 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
2942 instruction coursework and are taught by an approved supervising
2943 instructor or guest lecturer approved by the entity or the
2944 supervising instructor.

2945 Section 65. Section 648.387, Florida Statutes, is amended
2946 to read:

2947 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2948 (1) The owner or operator of a bail bond agency shall
2949 designate a ~~primary~~ bail bond agent in charge for each location,
2950 and shall file with the department the name and license number
2951 of the person and the address of the location on a form approved
2952 by the department. The designation of the ~~primary~~ bail bond
2953 agent in charge may be changed if the department is notified
2954 immediately. Failure to notify the department within 10 working
2955 days after such change is grounds for disciplinary action
2956 pursuant to s. 648.45.

2957 (2) The ~~primary~~ bail bond agent in charge is responsible
2958 for the overall operation and management of a bail bond agency

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2959 location, whose responsibilities may include, without
2960 limitations, hiring and supervising of all individuals within
2961 the location, whether they deal with the public in the
2962 solicitation or negotiation of bail bond contracts or in the
2963 collection or accounting of moneys. A person may be designated
2964 as the primary bail bond agent in charge for only one agency and
2965 location.

2966 (3) The department may suspend or revoke the license of the
2967 owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail bond
2968 agency agent if the a bail bond agency employs, contracts with,
2969 or uses the services of a person who has had a license denied or
2970 whose license is currently suspended or revoked. However, a
2971 person who has been denied a license for failure to pass a
2972 required examination may be employed to perform clerical or
2973 administrative functions for which licensure is not required.

2974 (4) An owner, a bail bond agent in charge ~~operator~~, or a
2975 bail bond agency primary agent may not employ, contract with, or
2976 use the services of any person in a bail bond agency who has
2977 been charged with, found guilty of, or pled guilty or nolo
2978 contendere to a felony or a crime punishable by imprisonment of
2979 1 year or more under the law of any jurisdiction, without regard
2980 to whether judgment was entered or withheld by the court.

2981 (5) A bail bond agency location may not conduct surety
2982 business unless a ~~primary~~ bail bond agent in charge is
2983 designated by, and provides services to, the bail bond agency at
2984 all times. If the bail bond agent in charge designated with the
2985 department ends his or her affiliation with the bail bond agency
2986 for any reason, and the bail bond agency fails to designate
2987 another bail bond agent in charge within the 10-day period under

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2988 subsection (1) and such failure continues for 90 days, the bail
2989 bond agency license automatically expires on the 91st day after
2990 the date the designated bail bond agent in charge ended his or
2991 her affiliation with the agency ~~The failure to designate a~~
2992 ~~primary agent on a form prescribed by the department, within 10~~
2993 ~~working days after an agency's inception or a change of primary~~
2994 ~~agent, is a violation of this chapter, punishable as provided in~~
2995 ~~s. 648.45.~~

2996 Section 66. Section 648.3875, Florida Statutes, is created
2997 to read:

2998 648.3875 Bail bond agent in charge; qualifications.—

2999 (1) An application for designation as a bail bond agent in
3000 charge must be submitted on forms prescribed by the department.
3001 The application must include the applicant's full name and the
3002 applicant's license number issued pursuant to s. 648.27.

3003 (2) To qualify as a bail bond agent in charge, it must
3004 affirmatively appear that, at the time of application and
3005 throughout the period of licensure, the applicant has complied
3006 with s. 648.285 and that the applicant has been licensed as a
3007 bail bond agent for the 24 months immediately preceding the
3008 appointment as the bail bond agent in charge.

3009 Section 67. Section 648.39, Florida Statutes, is amended to
3010 read:

3011 648.39 Termination of appointment of managing general
3012 agents, bail bond agents, and ~~temporary~~ bail bond agencies
3013 agents.—

3014 (1) An insurer that ~~who~~ terminates the appointment of a
3015 managing general agent, bail bond agent, or ~~temporary~~ bail bond
3016 agency agent shall, within 10 days after such termination, file

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3017 written notice thereof with the department together with a
3018 statement that it has given or mailed notice to the terminated
3019 agent or agency. Such notice filed with the department must
3020 state the reasons, if any, for such termination. Information so
3021 furnished to the department is confidential and exempt from ~~the~~
3022 ~~provisions of~~ s. 119.07(1).

3023 (2) Each insurer shall, within 5 days after terminating the
3024 appointment of any managing general agent, bail bond agent, or
3025 ~~temporary~~ bail bond agency agent, give written notice thereof to
3026 each clerk of the circuit court and sheriff with whom such
3027 person is registered.

3028 (3) An insurer that terminates the appointment of a
3029 managing general agent or, bail bond agent, ~~or temporary bail~~
3030 ~~bond agent~~ may authorize such person to continue to attempt the
3031 arrest and surrender of a defendant for whom a surety bond had
3032 been written by the bail bond agent before ~~prior to~~ termination
3033 and to seek discharge of forfeitures and judgments as provided
3034 in chapter 903.

3035 Section 68. Section 648.41, Florida Statutes, is repealed.

3036 Section 69. Section 648.42, Florida Statutes, is amended to
3037 read:

3038 648.42 Registration of bail bond agents.—A bail bond agent
3039 may not become a surety on an undertaking unless he or she has
3040 registered in the office of the sheriff and with the clerk of
3041 the circuit court in the county in which the bail bond agent
3042 resides. The bail bond agent may register in a like manner in
3043 any other county, and any bail bond agent shall file a certified
3044 copy of his or her appointment by power of attorney from each
3045 insurer which he or she represents as a bail bond agent with

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3046 each of such officers. Registration and filing of a certified
3047 copy of renewed power of attorney shall be performed by April 1
3048 of each odd-numbered year. The clerk of the circuit court and
3049 the sheriff may ~~shall~~ not permit the registration of a bail bond
3050 agent unless such bail bond agent is currently licensed by the
3051 department and appointed by an insurer ~~the department~~. ~~Nothing~~
3052 ~~in this section shall prevent the registration of a temporary~~
3053 ~~licensee at the jail for the purposes of enabling the licensee~~
3054 ~~to perform the duties under such license as set forth in this~~
3055 ~~chapter.~~

3056 Section 70. Subsections (1) and (2) and paragraphs (c) and
3057 (d) of subsection (8) of section 648.44, Florida Statutes, are
3058 amended to read:

3059 648.44 Prohibitions; penalty.—

3060 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
3061 may not:

3062 (a) Suggest or advise the employment of, or name for
3063 employment, any particular attorney or attorneys to represent
3064 his or her principal.

3065 (b) Directly or indirectly solicit business in or on the
3066 property or grounds of a jail, prison, or other place where
3067 prisoners are confined or in or on the property or grounds of
3068 any court. The term "solicitation" includes the distribution of
3069 business cards, print advertising, or other written or oral
3070 information directed to prisoners or potential indemnitors,
3071 unless a request is initiated by the prisoner or a potential
3072 indemnitor. Permissible print advertising in the jail is
3073 strictly limited to a listing in a telephone directory and the
3074 posting of the bail bond agent's or agency's name, address, e-

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3075 mail address, web address, and telephone number in a designated
3076 location within the jail.

3077 (c) Initiate in-person or telephone solicitation after 9:00
3078 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
3079 ~~cases,~~ at the residence of the detainee or the detainee's
3080 family. Any solicitation ~~not prohibited by this chapter~~ must
3081 comply with the telephone solicitation requirements in ss.
3082 501.059(2) and (4), 501.613, and 501.616(6).

3083 (d) Wear or display any identification other than the
3084 department issued or approved license or approved department
3085 identification, which includes a citation of the licensee's
3086 arrest powers, in or on the property or grounds of a jail,
3087 prison, or other place where prisoners are confined or in or on
3088 the property or grounds of any court.

3089 (e) Pay a fee or rebate or give or promise anything of
3090 value to a jailer, police officer, peace officer, or committing
3091 trial court judge or any other person who has power to arrest or
3092 to hold in custody or to any public official or public employee
3093 in order to secure a settlement, compromise, remission, or
3094 reduction of the amount of any bail bond or estreatment thereof.

3095 (f) Pay a fee or rebate or give anything of value to an
3096 attorney in a bail bond matter, except in defense of any action
3097 on a bond.

3098 (g) Pay a fee or rebate or give or promise anything of
3099 value to the principal or anyone in his or her behalf.

3100 (h) Participate in the capacity of an attorney at a trial
3101 or hearing of one on whose bond he or she is surety.

3102 (i) Loiter in or about a jail, courthouse, or where
3103 prisoners are confined.

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3104 (j) Accept anything of value from a principal for providing
3105 a bail bond except the premium and transfer fee authorized by
3106 the office, except that the bail bond agent or bail bond agency
3107 may accept collateral security or other indemnity from the
3108 principal or another person in accordance with ~~the provisions of~~
3109 s. 648.442, together with documentary stamp taxes, if
3110 applicable. No fees, expenses, or charges of any kind shall be
3111 permitted to be deducted from the collateral held or any return
3112 premium due, except as authorized by this chapter or rule of the
3113 department or commission. A bail bond agent or bail bond agency
3114 may, upon written agreement with another party, receive a fee or
3115 compensation for returning to custody an individual who has fled
3116 the jurisdiction of the court or caused the forfeiture of a
3117 bond.

3118 (k) Write more than one power of attorney per charge on a
3119 bond, except in the case of a cosurety, unless the power of
3120 attorney prohibits a cosurety.

3121 (l) Execute a bond in this state on his or her own behalf.

3122 (m) Execute a bond in this state if a judgment has been
3123 entered on a bond executed by the bail bond agent or the bail
3124 bond agency is a named party on the judgment, which has remained
3125 unpaid for 35 days, unless the full amount of the judgment is
3126 deposited with the clerk in accordance with s. 903.27(5).

3127 (n) Make a statement or representation to a court, unless
3128 such statement or representation is under oath. Such statement
3129 or representation may not be false, misleading, or deceptive.

3130 (o) Attempt to collect, through threat or coercion, amounts
3131 due for the payment of any indebtedness related to the issuance
3132 of a bail bond in violation of s. 559.72.

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3133 (p) Conduct bail bond business with any person, other than
3134 the defendant, on the grounds of the jail or courthouse for the
3135 purpose of executing a bond.

3136 (2) The following persons or classes may ~~shall~~ not be bail
3137 bond agents, ~~temporary bail bond agents,~~ or employees of a bail
3138 bond agent or a bail bond agency business and may ~~shall~~ not
3139 directly or indirectly receive any benefits from the execution
3140 of any bail bond:

3141 (a) Jailers or persons employed in any jail.

3142 (b) Police officers or employees of any police department
3143 or law enforcement agency.

3144 (c) Committing trial court judges, employees of a court, or
3145 employees of the clerk of any court.

3146 (d) Sheriffs and deputy sheriffs or employees of any
3147 sheriff's department.

3148 (e) Attorneys.

3149 (f) Persons having the power to arrest or persons who have
3150 authority over or control of federal, state, county, or
3151 municipal prisoners.

3152 (8)

3153 (c) Any law enforcement agency, state attorney's office,
3154 court clerk, or insurer that is aware that a bail bond agent ~~or~~
3155 ~~temporary bail bond agent~~ has been convicted of or who has
3156 pleaded guilty or no contest to a crime as described in
3157 paragraph (a) shall notify the department of this fact.

3158 (d) Upon the filing of an information or indictment against
3159 a bail bond agent ~~or temporary bail bond agent,~~ the state
3160 attorney or clerk of the circuit court shall immediately furnish
3161 the department a certified copy of the information or

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3162 indictment.

3163 Section 71. Subsection (1) of section 648.441, Florida
3164 Statutes, is amended to read:

3165 648.441 Furnishing supplies to unlicensed bail bond agent
3166 prohibited; civil liability and penalty.—

3167 (1) An insurer, managing general agent, bail bond agent, or
3168 ~~temporary~~ bail bond agency agent appointed under this chapter
3169 may not furnish to any person any blank forms, applications,
3170 stationery, business card, or other supplies to be used in
3171 soliciting, negotiating, or effecting bail bonds until such
3172 person has received from the department a license to act as a
3173 bail bond agent and is appointed by the insurer. This section
3174 does not prohibit an unlicensed employee, under the direct
3175 supervision and control of a licensed and appointed bail bond
3176 agent, from possessing or executing in the bail bond agency, any
3177 forms, except for powers of attorney, bond forms, and collateral
3178 receipts, while acting within the scope of his or her
3179 employment.

3180 Section 72. Subsection (3) of section 648.46, Florida
3181 Statutes, is amended to read:

3182 648.46 Procedure for disciplinary action against
3183 licensees.—

3184 (3) The complaint and all information obtained pursuant to
3185 the investigation of the department are confidential and exempt
3186 from the provisions of s. 119.07(1) until such investigation is
3187 completed or ceases to be active. For the purpose of this
3188 section, an investigation is considered "active" while the
3189 investigation is being conducted by the department with a
3190 reasonable, good faith belief that it may lead to the filing of

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3191 administrative, civil, or criminal proceedings. An investigation
3192 does not cease to be active if the department is proceeding with
3193 reasonable dispatch and there is good faith belief that action
3194 may be initiated by the department or other administrative or
3195 law enforcement agency. This subsection does not prevent the
3196 department or office from disclosing the complaint or such
3197 information as it deems necessary to conduct the investigation,
3198 to update the complainant as to the status and outcome of the
3199 complaint, or to share such information with any law enforcement
3200 agency or other regulatory body.

3201 Section 73. Section 648.50, Florida Statutes, is amended to
3202 read:

3203 648.50 Effect of suspension, revocation upon associated
3204 licenses and licensees.—

3205 (1) Upon the suspension, revocation, or refusal to renew or
3206 continue any license or appointment or the eligibility to hold a
3207 license or appointment of a bail bond agent or ~~temporary~~ bail
3208 bond agency agent, the department shall at the same time
3209 likewise suspend or revoke all other licenses or appointments
3210 and the eligibility to hold any other such licenses or
3211 appointments which may be held by the licensee under the Florida
3212 Insurance Code.

3213 (2) In case of the suspension or revocation of the license
3214 or appointment, or the eligibility to hold a license or
3215 appointment, of any bail bond agent, the license, appointment,
3216 or eligibility of any and all bail bond agents who are members
3217 of a bail bond agency, whether incorporated or unincorporated,
3218 ~~and any and all temporary bail bond agents employed by such bail~~
3219 ~~bond agency,~~ who knowingly are parties to the act which formed

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3220 the ground for the suspension or revocation may likewise be
3221 suspended or revoked.

3222 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
3223 ~~temporary bail bond agent~~ has been revoked or suspended may not
3224 ~~shall~~ be employed by any bail bond agent, have any ownership
3225 interest in any business involving bail bonds, or have any
3226 financial interest of any type in any bail bond business during
3227 the period of revocation or suspension.

3228 Section 74. Subsections (4) and (6) of section 717.135,
3229 Florida Statutes, are amended to read:

3230 717.135 Recovery agreements and purchase agreements for
3231 claims filed by a claimant's representative; fees and costs.—

3232 (4) A claimant's representative must use the Unclaimed
3233 Property Recovery Agreement or the Unclaimed Property Purchase
3234 Agreement as the exclusive means of entering into an agreement
3235 or a contract ~~engaging~~ with a claimant or seller to file a claim
3236 with the department.

3237 (6) A claimant's representative may not use or distribute
3238 any other agreement of any type, conveyed by any method, form,
3239 ~~or other media~~ with respect to the claimant or seller which
3240 relates, directly or indirectly, to unclaimed property accounts
3241 held by the department or the Chief Financial Officer other than
3242 the agreements authorized by this section. Any engagement,
3243 authorization, recovery, or fee agreement that is not authorized
3244 by this section is void. A claimant's representative is subject
3245 to administrative and civil enforcement under s. 717.1322 if he
3246 or she uses an agreement that is not authorized by this section.
3247 This subsection does not prohibit lawful nonagreement,
3248 noncontractual, or advertising communications between or among

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3249 the parties.

3250 Section 75. Paragraph (a) of subsection (4) of section
3251 843.021, Florida Statutes, is amended to read:

3252 843.021 Unlawful possession of a concealed handcuff key.—

3253 (4) (a) It is a defense to a charge of violating this
3254 section that the person in custody and in possession of a
3255 concealed handcuff key is:

3256 1. A federal, state, or local law enforcement officer,
3257 including a reserve or auxiliary officer, a licensed security
3258 officer, or a private investigator as defined in s. 493.6101; or

3259 2. A professional bail bond agent, ~~temporary bail bond~~
3260 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3261 Section 76. Section 903.28, Florida Statutes, is amended to
3262 read:

3263 903.28 Remission of forfeiture; conditions.—

3264 (1) On application within 2 years from forfeiture, the
3265 court shall order remission of the forfeiture if it determines
3266 that there was no breach of the bond.

3267 (2) If the defendant surrenders or is apprehended or
3268 deceased within 90 days after forfeiture, the court, on motion
3269 at a hearing upon notice having been given to the clerk of the
3270 circuit court and the state attorney as required in subsection
3271 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 100
3272 percent of a forfeiture if the surety apprehended and
3273 surrendered the defendant or if the apprehension or surrender of
3274 the defendant was substantially procured or caused by the
3275 surety; ~~or~~ or the surety has substantially attempted to procure or
3276 cause the apprehension or surrender of the defendant; or the
3277 defendant is deceased, ~~and the delay has not thwarted the proper~~

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3278 ~~prosecution of the defendant.~~ In addition, remission shall be
3279 granted when the surety did not substantially participate or
3280 attempt to participate in the apprehension or surrender of the
3281 defendant when the costs of returning the defendant to the
3282 jurisdiction of the court, as provided in s. 903.21(3), have
3283 been deducted from the remission ~~and when the delay has not~~
3284 ~~thwarted the proper prosecution of the defendant.~~

3285 (3) If the defendant surrenders or is apprehended or
3286 deceased within 180 days after forfeiture, the court, on motion
3287 at a hearing upon notice having been given to the clerk of the
3288 circuit court and the state attorney as required in subsection
3289 (9) (8), shall direct remission of ~~up to, but not more than,~~ 95
3290 percent of a forfeiture if the surety apprehended and
3291 surrendered the defendant or if the apprehension or surrender of
3292 the defendant was substantially procured or caused by the
3293 surety; ~~or~~ or the surety has substantially attempted to procure or
3294 cause the apprehension or surrender of the defendant; or the
3295 defendant is deceased, ~~and the delay has not thwarted the proper~~
3296 ~~prosecution of the defendant.~~ In addition, remission shall be
3297 granted when the surety did not substantially participate or
3298 attempt to participate in the apprehension or surrender of the
3299 defendant when the costs of returning the defendant to the
3300 jurisdiction of the court, as provided in s. 903.21(3), have
3301 been deducted from the remission ~~and when the delay has not~~
3302 ~~thwarted the proper prosecution of the defendant.~~

3303 (4) If the defendant surrenders or is apprehended or
3304 deceased within 270 days after forfeiture, the court, on motion
3305 at a hearing upon notice having been given to the clerk of the
3306 circuit court and the state attorney as required in subsection

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3307 (9) ~~(8)~~, shall direct remission of up to, but not more than, 90
3308 percent of a forfeiture if the surety apprehended and
3309 surrendered the defendant or if the apprehension or surrender of
3310 the defendant was substantially procured or caused by the
3311 surety; ~~or~~ if the surety has substantially attempted to procure or
3312 cause the apprehension or surrender of the defendant; or the
3313 defendant is deceased, and the delay has not thwarted the proper
3314 prosecution of the defendant. In addition, remission shall be
3315 granted when the surety did not substantially participate or
3316 attempt to participate in the apprehension or surrender of the
3317 defendant when the costs of returning the defendant to the
3318 jurisdiction of the court, as provided in s. 903.21(3), have
3319 been deducted from the remission and when the delay has not
3320 thwarted the proper prosecution of the defendant.

3321 (5) If the defendant surrenders or is apprehended or
3322 deceased within 1 year after forfeiture, the court, on motion at
3323 a hearing upon notice having been given to the clerk of the
3324 circuit court and the state attorney as required in subsection
3325 (9) ~~(8)~~, shall direct remission of up to, but not more than, 85
3326 percent of a forfeiture if the surety apprehended and
3327 surrendered the defendant or if the apprehension or surrender of
3328 the defendant was substantially procured or caused by the
3329 surety; ~~or~~ if the surety has substantially attempted to procure or
3330 cause the apprehension or surrender of the defendant; or the
3331 defendant is deceased, and the delay has not thwarted the proper
3332 prosecution of the defendant. In addition, remission shall be
3333 granted when the surety did not substantially participate or
3334 attempt to participate in the apprehension or surrender of the
3335 defendant when the costs of returning the defendant to the

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3336 jurisdiction of the court, as provided in s. 903.21(3), have
3337 been deducted from the remission ~~and when the delay has not~~
3338 ~~thwarted the proper prosecution of the defendant.~~

3339 (6) If the defendant surrenders or is apprehended or
3340 deceased within 2 years after forfeiture, the court, on motion
3341 at a hearing upon notice having been given to the clerk of the
3342 circuit court and the state attorney as required in subsection
3343 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 50
3344 percent of a forfeiture if the surety apprehended and
3345 surrendered the defendant or if the apprehension or surrender of
3346 the defendant was substantially procured or caused by the
3347 surety; ~~or~~ the surety has substantially attempted to procure or
3348 cause the apprehension or surrender of the defendant; or the
3349 defendant is deceased, ~~and the delay has not thwarted the proper~~
3350 ~~prosecution of the defendant.~~ In addition, remission shall be
3351 granted when the surety did not substantially participate or
3352 attempt to participate in the apprehension or surrender of the
3353 defendant when the costs of returning the defendant to the
3354 jurisdiction of the court, as provided in s. 903.21(3), have
3355 been deducted from the remission ~~and when the delay has not~~
3356 ~~thwarted the proper prosecution of the defendant.~~

3357 (7) Within 2 years after the date of forfeiture, if the
3358 state is unwilling to seek extradition of the defendant from any
3359 jail or prison after a request by the surety agent or the surety
3360 company, and contingent upon the surety agent or surety company
3361 consenting to pay all costs incurred by an official in returning
3362 the defendant to the jurisdiction of the court, as provided in
3363 s. 903.21(3), up to the penal amount of the bond, the court
3364 shall direct remission of 100 percent of the forfeiture.

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3365 (8) The remission of a forfeiture may not be ordered for
3366 any reason other than as specified herein.

3367 (9)~~(8)~~ An application for remission must be accompanied by
3368 affidavits setting forth the facts on which it is founded;
3369 however, the surety must establish by further documentation or
3370 other evidence any claimed attempt at procuring or causing the
3371 apprehension or surrender of the defendant before the court may
3372 order remission based upon an attempt to procure or cause such
3373 apprehension or surrender. The clerk of the circuit court and
3374 the state attorney must be given 20 days' notice before a
3375 hearing on an application and be furnished copies of all papers,
3376 applications, and affidavits. Remission shall be granted on the
3377 condition of payment of costs as provided in s. 903.21(3),
3378 unless the ground for remission is that there was no breach of
3379 the bond.

3380 (10)~~(9)~~ The clerk of the circuit court may enter into a
3381 contract with a private attorney or into an interagency
3382 agreement with a governmental agency to represent the clerk of
3383 the court in an action for the remission of a forfeiture under
3384 this section.

3385 (11)~~(10)~~ The clerk of the circuit court is the real party
3386 in interest for all appeals arising from an action for the
3387 remission of a forfeiture under this section.

3388 Section 77. Paragraph (b) of subsection (6) of section
3389 28.2221, Florida Statutes, is amended to read:

3390 28.2221 Electronic access to official records.—

3391 (6)

3392 (b)1. For the purpose of conducting a title search, as
3393 defined in s. 627.7711(4), of the Official Records, as described

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3394 in s. 28.222(2), and upon presentation of photo identification
3395 and affirmation by sworn affidavit consistent with s. 92.50 to
3396 the county recorder, information restricted from public display,
3397 inspection, or copying under paragraph (5)(a) pursuant to a
3398 request for removal made under s. 119.071(4)(d) may be disclosed
3399 to:

3400 a. A title insurer authorized pursuant to s. 624.401 and
3401 its affiliates as defined in s. 624.10;

3402 b. A title insurance agent or title insurance agency as
3403 those terms are defined in s. 626.841 ~~s. 626.841(1) and (2),~~
3404 ~~respectively;~~ or

3405 c. An attorney duly admitted to practice law in this state
3406 and in good standing with The Florida Bar.

3407 2. The photo identification and affirmation by sworn
3408 affidavit may be delivered in person, by mail, or by electronic
3409 transmission to the county recorder.

3410 3. The affiant requestor must attest to his or her
3411 authority and the authorized purpose to access exempt
3412 information pursuant to this section for the property specified
3413 within the sworn affidavit.

3414 4. The affiant requestor must identify the Official Records
3415 book and page number, instrument number, or the clerk's file
3416 number for each document requested within the sworn affidavit
3417 and must include a description of the lawful purpose and
3418 identify the individual or property that is the subject of the
3419 search within the sworn affidavit.

3420 5. Affidavits submitted by a title insurer, title insurance
3421 agent, or title insurance agency must include the Florida
3422 Company Code or the license number, as applicable, and an

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3423 attestation to the affiant requestor's authorization to transact
3424 business in this state. Affidavits submitted by an attorney
3425 authorized under this section must include the affiant
3426 requestor's Florida Bar number and a statement that the affiant
3427 requestor has an agency agreement with a title insurer directly
3428 or through his or her law firm.

3429 6. The county recorder must record such affidavit in the
3430 Official Records, as described in s. 28.222(2), but may not
3431 place the image or copy of the affidavit on a publicly available
3432 Internet website for general public display.

3433 7. Upon providing a document disclosing redacted
3434 information to an affiant requestor under this section, the
3435 county recorder must provide a copy of the affidavit requesting
3436 disclosure of the redacted information to each affected party at
3437 the address listed on the document or on the request for removal
3438 made by the affected party under s. 119.071. The county recorder
3439 must prepare a certificate of mailing to be affixed to the
3440 affidavit and must receive the statutory service charges as
3441 prescribed by s. 28.24 from the affiant requestor.

3442 8. Any party making a false attestation under this section
3443 is subject to the penalty of perjury under s. 837.012.

3444 Section 78. Paragraph (d) of subsection (4) of section
3445 119.071, Florida Statutes, is amended to read:

3446 119.071 General exemptions from inspection or copying of
3447 public records.—

3448 (4) AGENCY PERSONNEL INFORMATION.—

3449 (d)1. For purposes of this paragraph, the term:

3450 a. "Home addresses" means the dwelling location at which an
3451 individual resides and includes the physical address, mailing

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3452 address, street address, parcel identification number, plot
3453 identification number, legal property description, neighborhood
3454 name and lot number, GPS coordinates, and any other descriptive
3455 property information that may reveal the home address.

3456 b. "Telephone numbers" includes home telephone numbers,
3457 personal cellular telephone numbers, personal pager telephone
3458 numbers, and telephone numbers associated with personal
3459 communications devices.

3460 2.a. The home addresses, telephone numbers, dates of birth,
3461 and photographs of active or former sworn law enforcement
3462 personnel or of active or former civilian personnel employed by
3463 a law enforcement agency, including correctional and
3464 correctional probation officers, personnel of the Department of
3465 Children and Families whose duties include the investigation of
3466 abuse, neglect, exploitation, fraud, theft, or other criminal
3467 activities, personnel of the Department of Health whose duties
3468 are to support the investigation of child abuse or neglect, and
3469 personnel of the Department of Revenue or local governments
3470 whose responsibilities include revenue collection and
3471 enforcement or child support enforcement; the names, home
3472 addresses, telephone numbers, photographs, dates of birth, and
3473 places of employment of the spouses and children of such
3474 personnel; and the names and locations of schools and day care
3475 facilities attended by the children of such personnel are exempt
3476 from s. 119.07(1) and s. 24(a), Art. I of the State
3477 Constitution.

3478 b. The home addresses, telephone numbers, dates of birth,
3479 and photographs of current or former nonsworn investigative
3480 personnel of the Department of Financial Services whose duties

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3481 include the investigation of fraud, theft, workers' compensation
3482 coverage requirements and compliance, other related criminal
3483 activities, or state regulatory requirement violations; the
3484 names, home addresses, telephone numbers, dates of birth, and
3485 places of employment of the spouses and children of such
3486 personnel; and the names and locations of schools and day care
3487 facilities attended by the children of such personnel are exempt
3488 from s. 119.07(1) and s. 24(a), Art. I of the State
3489 Constitution.

3490 c. The home addresses, telephone numbers, dates of birth,
3491 and photographs of current or former nonsworn investigative
3492 personnel of the Office of Financial Regulation's Bureau of
3493 Financial Investigations whose duties include the investigation
3494 of fraud, theft, other related criminal activities, or state
3495 regulatory requirement violations; the names, home addresses,
3496 telephone numbers, dates of birth, and places of employment of
3497 the spouses and children of such personnel; and the names and
3498 locations of schools and day care facilities attended by the
3499 children of such personnel are exempt from s. 119.07(1) and s.
3500 24(a), Art. I of the State Constitution.

3501 d. The home addresses, telephone numbers, dates of birth,
3502 and photographs of current or former firefighters certified in
3503 compliance with s. 633.408; the names, home addresses, telephone
3504 numbers, photographs, dates of birth, and places of employment
3505 of the spouses and children of such firefighters; and the names
3506 and locations of schools and day care facilities attended by the
3507 children of such firefighters are exempt from s. 119.07(1) and
3508 s. 24(a), Art. I of the State Constitution.

3509 e. The home addresses, dates of birth, and telephone

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3510 numbers of current or former justices of the Supreme Court,
3511 district court of appeal judges, circuit court judges, and
3512 county court judges; the names, home addresses, telephone
3513 numbers, dates of birth, and places of employment of the spouses
3514 and children of current or former justices and judges; and the
3515 names and locations of schools and day care facilities attended
3516 by the children of current or former justices and judges are
3517 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3518 Constitution.

3519 f. The home addresses, telephone numbers, dates of birth,
3520 and photographs of current or former state attorneys, assistant
3521 state attorneys, statewide prosecutors, or assistant statewide
3522 prosecutors; the names, home addresses, telephone numbers,
3523 photographs, dates of birth, and places of employment of the
3524 spouses and children of current or former state attorneys,
3525 assistant state attorneys, statewide prosecutors, or assistant
3526 statewide prosecutors; and the names and locations of schools
3527 and day care facilities attended by the children of current or
3528 former state attorneys, assistant state attorneys, statewide
3529 prosecutors, or assistant statewide prosecutors are exempt from
3530 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3531 g. The home addresses, dates of birth, and telephone
3532 numbers of general magistrates, special magistrates, judges of
3533 compensation claims, administrative law judges of the Division
3534 of Administrative Hearings, and child support enforcement
3535 hearing officers; the names, home addresses, telephone numbers,
3536 dates of birth, and places of employment of the spouses and
3537 children of general magistrates, special magistrates, judges of
3538 compensation claims, administrative law judges of the Division

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3539 of Administrative Hearings, and child support enforcement
3540 hearing officers; and the names and locations of schools and day
3541 care facilities attended by the children of general magistrates,
3542 special magistrates, judges of compensation claims,
3543 administrative law judges of the Division of Administrative
3544 Hearings, and child support enforcement hearing officers are
3545 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3546 Constitution.

3547 h. The home addresses, telephone numbers, dates of birth,
3548 and photographs of current or former human resource, labor
3549 relations, or employee relations directors, assistant directors,
3550 managers, or assistant managers of any local government agency
3551 or water management district whose duties include hiring and
3552 firing employees, labor contract negotiation, administration, or
3553 other personnel-related duties; the names, home addresses,
3554 telephone numbers, dates of birth, and places of employment of
3555 the spouses and children of such personnel; and the names and
3556 locations of schools and day care facilities attended by the
3557 children of such personnel are exempt from s. 119.07(1) and s.
3558 24(a), Art. I of the State Constitution.

3559 i. The home addresses, telephone numbers, dates of birth,
3560 and photographs of current or former code enforcement officers;
3561 the names, home addresses, telephone numbers, dates of birth,
3562 and places of employment of the spouses and children of such
3563 personnel; and the names and locations of schools and day care
3564 facilities attended by the children of such personnel are exempt
3565 from s. 119.07(1) and s. 24(a), Art. I of the State
3566 Constitution.

3567 j. The home addresses, telephone numbers, places of

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3568 employment, dates of birth, and photographs of current or former
3569 guardians ad litem, as defined in s. 39.820; the names, home
3570 addresses, telephone numbers, dates of birth, and places of
3571 employment of the spouses and children of such persons; and the
3572 names and locations of schools and day care facilities attended
3573 by the children of such persons are exempt from s. 119.07(1) and
3574 s. 24(a), Art. I of the State Constitution.

3575 k. The home addresses, telephone numbers, dates of birth,
3576 and photographs of current or former juvenile probation
3577 officers, juvenile probation supervisors, detention
3578 superintendents, assistant detention superintendents, juvenile
3579 justice detention officers I and II, juvenile justice detention
3580 officer supervisors, juvenile justice residential officers,
3581 juvenile justice residential officer supervisors I and II,
3582 juvenile justice counselors, juvenile justice counselor
3583 supervisors, human services counselor administrators, senior
3584 human services counselor administrators, rehabilitation
3585 therapists, and social services counselors of the Department of
3586 Juvenile Justice; the names, home addresses, telephone numbers,
3587 dates of birth, and places of employment of spouses and children
3588 of such personnel; and the names and locations of schools and
3589 day care facilities attended by the children of such personnel
3590 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3591 Constitution.

3592 l. The home addresses, telephone numbers, dates of birth,
3593 and photographs of current or former public defenders, assistant
3594 public defenders, criminal conflict and civil regional counsel,
3595 and assistant criminal conflict and civil regional counsel; the
3596 names, home addresses, telephone numbers, dates of birth, and

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3597 places of employment of the spouses and children of current or
3598 former public defenders, assistant public defenders, criminal
3599 conflict and civil regional counsel, and assistant criminal
3600 conflict and civil regional counsel; and the names and locations
3601 of schools and day care facilities attended by the children of
3602 current or former public defenders, assistant public defenders,
3603 criminal conflict and civil regional counsel, and assistant
3604 criminal conflict and civil regional counsel are exempt from s.
3605 119.07(1) and s. 24(a), Art. I of the State Constitution.

3606 m. The home addresses, telephone numbers, dates of birth,
3607 and photographs of current or former investigators or inspectors
3608 of the Department of Business and Professional Regulation; the
3609 names, home addresses, telephone numbers, dates of birth, and
3610 places of employment of the spouses and children of such current
3611 or former investigators and inspectors; and the names and
3612 locations of schools and day care facilities attended by the
3613 children of such current or former investigators and inspectors
3614 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3615 Constitution.

3616 n. The home addresses, telephone numbers, and dates of
3617 birth of county tax collectors; the names, home addresses,
3618 telephone numbers, dates of birth, and places of employment of
3619 the spouses and children of such tax collectors; and the names
3620 and locations of schools and day care facilities attended by the
3621 children of such tax collectors are exempt from s. 119.07(1) and
3622 s. 24(a), Art. I of the State Constitution.

3623 o. The home addresses, telephone numbers, dates of birth,
3624 and photographs of current or former personnel of the Department
3625 of Health whose duties include, or result in, the determination

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3626 or adjudication of eligibility for social security disability
3627 benefits, the investigation or prosecution of complaints filed
3628 against health care practitioners, or the inspection of health
3629 care practitioners or health care facilities licensed by the
3630 Department of Health; the names, home addresses, telephone
3631 numbers, dates of birth, and places of employment of the spouses
3632 and children of such personnel; and the names and locations of
3633 schools and day care facilities attended by the children of such
3634 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
3635 the State Constitution.

3636 p. The home addresses, telephone numbers, dates of birth,
3637 and photographs of current or former impaired practitioner
3638 consultants who are retained by an agency or current or former
3639 employees of an impaired practitioner consultant whose duties
3640 result in a determination of a person's skill and safety to
3641 practice a licensed profession; the names, home addresses,
3642 telephone numbers, dates of birth, and places of employment of
3643 the spouses and children of such consultants or their employees;
3644 and the names and locations of schools and day care facilities
3645 attended by the children of such consultants or employees are
3646 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3647 Constitution.

3648 q. The home addresses, telephone numbers, dates of birth,
3649 and photographs of current or former emergency medical
3650 technicians or paramedics certified under chapter 401; the
3651 names, home addresses, telephone numbers, dates of birth, and
3652 places of employment of the spouses and children of such
3653 emergency medical technicians or paramedics; and the names and
3654 locations of schools and day care facilities attended by the

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3655 children of such emergency medical technicians or paramedics are
3656 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3657 Constitution.

3658 r. The home addresses, telephone numbers, dates of birth,
3659 and photographs of current or former personnel employed in an
3660 agency's office of inspector general or internal audit
3661 department whose duties include auditing or investigating waste,
3662 fraud, abuse, theft, exploitation, or other activities that
3663 could lead to criminal prosecution or administrative discipline;
3664 the names, home addresses, telephone numbers, dates of birth,
3665 and places of employment of spouses and children of such
3666 personnel; and the names and locations of schools and day care
3667 facilities attended by the children of such personnel are exempt
3668 from s. 119.07(1) and s. 24(a), Art. I of the State
3669 Constitution.

3670 s. The home addresses, telephone numbers, dates of birth,
3671 and photographs of current or former directors, managers,
3672 supervisors, nurses, and clinical employees of an addiction
3673 treatment facility; the home addresses, telephone numbers,
3674 photographs, dates of birth, and places of employment of the
3675 spouses and children of such personnel; and the names and
3676 locations of schools and day care facilities attended by the
3677 children of such personnel are exempt from s. 119.07(1) and s.
3678 24(a), Art. I of the State Constitution. For purposes of this
3679 sub-subparagraph, the term "addiction treatment facility" means
3680 a county government, or agency thereof, that is licensed
3681 pursuant to s. 397.401 and provides substance abuse prevention,
3682 intervention, or clinical treatment, including any licensed
3683 service component described in s. 397.311(26).

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3684 t. The home addresses, telephone numbers, dates of birth,
3685 and photographs of current or former directors, managers,
3686 supervisors, and clinical employees of a child advocacy center
3687 that meets the standards of s. 39.3035(2) and fulfills the
3688 screening requirement of s. 39.3035(3), and the members of a
3689 Child Protection Team as described in s. 39.303 whose duties
3690 include supporting the investigation of child abuse or sexual
3691 abuse, child abandonment, child neglect, and child exploitation
3692 or to provide services as part of a multidisciplinary case
3693 review team; the names, home addresses, telephone numbers,
3694 photographs, dates of birth, and places of employment of the
3695 spouses and children of such personnel and members; and the
3696 names and locations of schools and day care facilities attended
3697 by the children of such personnel and members are exempt from s.
3698 119.07(1) and s. 24(a), Art. I of the State Constitution.

3699 u. The home addresses, telephone numbers, places of
3700 employment, dates of birth, and photographs of current or former
3701 staff and domestic violence advocates, as defined in s.
3702 90.5036(1)(b), of domestic violence centers certified by the
3703 Department of Children and Families under chapter 39; the names,
3704 home addresses, telephone numbers, places of employment, dates
3705 of birth, and photographs of the spouses and children of such
3706 personnel; and the names and locations of schools and day care
3707 facilities attended by the children of such personnel are exempt
3708 from s. 119.07(1) and s. 24(a), Art. I of the State
3709 Constitution.

3710 3. An agency that is the custodian of the information
3711 specified in subparagraph 2. and that is not the employer of the
3712 officer, employee, justice, judge, or other person specified in

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3713 subparagraph 2. must maintain the exempt status of that
3714 information only if the officer, employee, justice, judge, other
3715 person, or employing agency of the designated employee submits a
3716 written and notarized request for maintenance of the exemption
3717 to the custodial agency. The request must state under oath the
3718 statutory basis for the individual's exemption request and
3719 confirm the individual's status as a party eligible for exempt
3720 status.

3721 4.a. A county property appraiser, as defined in s.
3722 192.001(3), or a county tax collector, as defined in s.
3723 192.001(4), who receives a written and notarized request for
3724 maintenance of the exemption pursuant to subparagraph 3. must
3725 comply by removing the name of the individual with exempt status
3726 and the instrument number or Official Records book and page
3727 number identifying the property with the exempt status from all
3728 publicly available records maintained by the property appraiser
3729 or tax collector. For written requests received on or before
3730 July 1, 2021, a county property appraiser or county tax
3731 collector must comply with this sub-subparagraph by October 1,
3732 2021. A county property appraiser or county tax collector may
3733 not remove the street address, legal description, or other
3734 information identifying real property within the agency's
3735 records so long as a name or personal information otherwise
3736 exempt from inspection and copying pursuant to this section are
3737 not associated with the property or otherwise displayed in the
3738 public records of the agency.

3739 b. Any information restricted from public display,
3740 inspection, or copying under sub-subparagraph a. must be
3741 provided to the individual whose information was removed.

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3742 5. An officer, an employee, a justice, a judge, or other
3743 person specified in subparagraph 2. may submit a written request
3744 for the release of his or her exempt information to the
3745 custodial agency. The written request must be notarized and must
3746 specify the information to be released and the party authorized
3747 to receive the information. Upon receipt of the written request,
3748 the custodial agency must release the specified information to
3749 the party authorized to receive such information.

3750 6. The exemptions in this paragraph apply to information
3751 held by an agency before, on, or after the effective date of the
3752 exemption.

3753 7. Information made exempt under this paragraph may be
3754 disclosed pursuant to s. 28.2221 to a title insurer authorized
3755 pursuant to s. 624.401 and its affiliates as defined in s.
3756 624.10; a title insurance agent or title insurance agency as
3757 those terms are defined in s. 626.841 ~~s. 626.841(1) or (2),~~
3758 ~~respectively~~; or an attorney duly admitted to practice law in
3759 this state and in good standing with The Florida Bar.

3760 8. The exempt status of a home address contained in the
3761 Official Records is maintained only during the period when a
3762 protected party resides at the dwelling location. Upon
3763 conveyance of real property after October 1, 2021, and when such
3764 real property no longer constitutes a protected party's home
3765 address as defined in sub-subparagraph 1.a., the protected party
3766 must submit a written request to release the removed information
3767 to the county recorder. The written request to release the
3768 removed information must be notarized, must confirm that a
3769 protected party's request for release is pursuant to a
3770 conveyance of his or her dwelling location, and must specify the

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3771 Official Records book and page, instrument number, or clerk's
3772 file number for each document containing the information to be
3773 released.

3774 9. Upon the death of a protected party as verified by a
3775 certified copy of a death certificate or court order, any party
3776 can request the county recorder to release a protected
3777 decedent's removed information unless there is a related request
3778 on file with the county recorder for continued removal of the
3779 decedent's information or unless such removal is otherwise
3780 prohibited by statute or by court order. The written request to
3781 release the removed information upon the death of a protected
3782 party must attach the certified copy of a death certificate or
3783 court order and must be notarized, must confirm the request for
3784 release is due to the death of a protected party, and must
3785 specify the Official Records book and page number, instrument
3786 number, or clerk's file number for each document containing the
3787 information to be released. A fee may not be charged for the
3788 release of any document pursuant to such request.

3789 10. This paragraph is subject to the Open Government Sunset
3790 Review Act in accordance with s. 119.15 and shall stand repealed
3791 on October 2, 2024, unless reviewed and saved from repeal
3792 through reenactment by the Legislature.

3793 Section 79. Subsection (4) of section 631.152, Florida
3794 Statutes, is amended to read:

3795 631.152 Conduct of delinquency proceeding; foreign
3796 insurers.—

3797 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
3798 ancillary delinquency proceedings opened for the purpose of
3799 obtaining records necessary to adjudicate the covered claims of

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3800 Florida policyholders.

3801 Section 80. Paragraph (b) of subsection (3) of section
3802 631.398, Florida Statutes, is amended to read:

3803 631.398 Prevention of insolvencies.—To aid in the detection
3804 and prevention of insurer insolvencies or impairments:

3805 (3)

3806 (b) For an insolvency involving a domestic property
3807 insurer, the department shall:

3808 1. Begin an analysis of the history and causes of the
3809 insolvency once the department is appointed by the court as
3810 receiver.

3811 2. Submit an initial report analyzing the history and
3812 causes of the insolvency to the Governor, the President of the
3813 Senate, the Speaker of the House of Representatives, and the
3814 office. The initial report must be submitted no later than 4
3815 months after the department is appointed as receiver. The
3816 initial report shall be updated at least annually until the
3817 submission of the final report. The report may not be used as
3818 evidence in any proceeding brought by the department or others
3819 to recover assets on behalf of the receivership estate as part
3820 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
3821 of a report under this subparagraph shall not be considered a
3822 waiver of any evidentiary privilege the department may assert
3823 under state or federal law.

3824 3. Provide a special report to the Governor, the President
3825 of the Senate, the Speaker of the House of Representatives, and
3826 the office, within 10 days upon identifying any condition or
3827 practice that may lead to insolvency in the property insurance
3828 marketplace.

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3829 4. Submit a final report analyzing the history and causes
3830 of the insolvency and the review of the Office of Insurance
3831 Regulation's regulatory oversight of the insurer to the
3832 Governor, the President of the Senate, the Speaker of the House
3833 of Representatives, and the office within 30 days of the
3834 conclusion of the insolvency proceeding.

3835 5. Review the Office of Insurance Regulation's regulatory
3836 oversight of the insurer.

3837 Section 81. Subsection (2) of section 903.09, Florida
3838 Statutes, is amended to read:

3839 903.09 Justification of sureties.—

3840 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,
3841 shall justify her or his suretyship by attaching a copy of the
3842 power of attorney issued by the company to the bond or by
3843 attaching to the bond United States currency, a United States
3844 postal money order, or a cashier's check in the amount of the
3845 bond; but the United States currency, United States postal money
3846 order, or cashier's check cannot be used to secure more than one
3847 bond. Nothing herein shall prohibit two or more qualified
3848 sureties from each posting any portion of a bond amount, and
3849 being liable for only that amount, so long as the total posted
3850 by all cosureties is equal to the amount of bond required.

3851 Section 82. (1) The following rule is ratified for the sole
3852 and exclusive purpose of satisfying any condition on the
3853 effectiveness imposed under s. 120.541(3), Florida Statutes:
3854 Rule 69L-7.020, Florida Administrative Code, titled "Florida
3855 Workers' Compensation Health Care Provider Reimbursement Manual"
3856 as filed for adoption with the Department of State pursuant to
3857 the certification package dated October 22, 2021.

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3858 (2) This section serves no other purpose and may not be
3859 codified in the Florida Statutes. After this section becomes
3860 law, its enactment and effective dates shall be noted in the
3861 Florida Administrative Code, the Florida Administrative
3862 Register, or both, as appropriate. This section does not alter
3863 rulemaking additions delegated by prior law, does not constitute
3864 legislative preemption of or exception to any provision of law
3865 governing adoption or enforcement of the rule cited, and is
3866 intended to preserve the status of any cited rule as a rule
3867 under chapter 120, Florida Statutes. This section does not cure
3868 any rulemaking defect or preempt any challenge based on a lack
3869 of authority or a violation of the legal requirements governing
3870 the adoption of any rule cited.

3871 (3) This section takes effect July 1, 2023.

3872 Section 83. Except as otherwise expressly provided in this
3873 act, this act shall take effect upon becoming a law.