

**By** the Appropriations Committee on Agriculture, Environment, and General Government; 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. 112.215, F.S.; redefining the term  
8       "employee" as "government employee" and revising the  
9       definition of the term; revising eligibility for plans  
10      of deferred compensation established by the Chief  
11      Financial Officer; revising the membership of the  
12      Deferred Compensation Advisory Council; making  
13      technical changes; amending s. 215.55952, F.S.;  
14      revising the initial date and subsequent intervals in  
15      which the Chief Financial Officer must provide the  
16      Governor and the Legislature with a report on the  
17      economic impact of certain hurricanes; amending s.  
18      274.01, F.S.; revising the definition of the term  
19      "governmental unit" for purposes of ch. 274, F.S.;  
20      amending s. 440.13, F.S.; authorizing, rather than  
21      requiring, a judge of compensation claims to order an  
22      injured employee's evaluation by an expert medical  
23      advisor under certain circumstances; revising the  
24      schedules of maximum reimbursement allowances  
25      determined by the three-member panel under the  
26      Workers' Compensation Law; revising reimbursement  
27      requirements for certain providers; requiring the  
28      department to annually notify carriers and self-  
29      insurers of certain schedules; requiring the

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30 publication of a schedule in a certain manner;  
31 providing construction; revising factors the panel  
32 must consider in establishing the uniform schedule of  
33 maximum reimbursement allowances; deleting certain  
34 standards for practice parameters; amending s.  
35 440.385, F.S.; revising eligibility requirements for  
36 the board of directors of the Florida Self-Insurers  
37 Guaranty Association, Incorporated; providing  
38 construction; authorizing the Chief Financial Officer  
39 to remove a director under certain circumstances;  
40 specifying requirements for, and restrictions on,  
41 directors; prohibiting directors and employees of the  
42 association from knowingly accepting certain gifts or  
43 expenditures; providing penalties; amending s.  
44 497.005, F.S.; adding and revising definitions for  
45 purposes of the Florida Funeral, Cemetery, and  
46 Consumer Services Act; amending s. 624.1265, F.S.;  
47 revising conditions for a nonprofit religious  
48 organization to be exempt from requirements of the  
49 Florida Insurance Code; amending s. 624.501, F.S.;  
50 deleting an application filing and license fee for  
51 reinsurance intermediaries; amending s. 626.015, F.S.;  
52 revising the definition of the term "association" for  
53 purposes of part I of ch. 626, F.S.; amending s.  
54 626.171, F.S.; deleting the authority of designated  
55 examination centers to take fingerprints of applicants  
56 for a license as an agent, customer representative,  
57 adjuster, service representative, or reinsurance  
58 intermediary; amending s. 626.173, F.S.; providing

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

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

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117 may deny such license; amending s. 626.9892, F.S.;

118 revising a condition and adding violations for which

119 the department may pay rewards under the Anti-Fraud

120 Reward Program; amending s. 626.9957, F.S.; providing

121 for the expiration of a health coverage navigator's

122 registration under certain circumstances; specifying a

123 restriction on expired registrations; amending s.

124 627.351, F.S.; revising requirements for membership of

125 the Florida Medical Malpractice Joint Underwriting

126 Association; providing construction; specifying a

127 requirement for filling vacancies; authorizing the

128 Chief Financial Officer to remove board members under

129 certain circumstances; providing requirements for, and

130 restrictions on, board members; providing penalties;

131 amending s. 627.4215, F.S.; revising the applicability

132 of disclosure requirements for health insurers

133 relating to behavioral health insurance coverage;

134 amending s. 627.7015, F.S.; providing that a disputed

135 property insurance claim is not eligible for mediation

136 until certain conditions are met; providing that fees

137 for a rescheduled mediation conference be assessed by

138 the department rather than the administrator;

139 authorizing the department to suspend an insurer's

140 authority to appoint licensees under certain

141 circumstances; amending s. 627.7074, F.S.; authorizing

142 the department to designate, by written contract or

143 agreement, an entity or a person to administer the

144 alternative dispute resolution process for sinkhole

145 insurance claims; amending s. 627.745, F.S.; revising

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

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175 use of property, annual budgets and reports, an annual  
176 audit, and the division's receipt of proceeds;  
177 authorizing moneys received to be held in a depository  
178 account; providing for future repeal; amending s.  
179 634.181, F.S.; adding grounds for compulsory  
180 disciplinary actions by the department against motor  
181 vehicle service agreement salespersons; requiring the  
182 department to immediately temporarily suspend a  
183 license or appointment under certain circumstances;  
184 prohibiting a person from transacting insurance  
185 business after such suspension; authorizing the  
186 department to adopt rules; amending s. 634.191, F.S.;  
187 revising grounds for discretionary disciplinary  
188 actions by the department against motor vehicle  
189 service agreement salespersons; requiring salespersons  
190 to submit certain documents to the department;  
191 authorizing the department to adopt rules; amending s.  
192 634.320, F.S.; revising grounds for compulsory  
193 disciplinary actions by the department against home  
194 warranty association sales representatives; requiring  
195 the department to immediately temporarily suspend a  
196 license or appointment under certain circumstances;  
197 prohibiting a person from transacting insurance  
198 business after such suspension; authorizing the  
199 department to adopt rules; amending s. 634.321, F.S.;  
200 revising grounds for discretionary disciplinary  
201 actions by the department against home warranty  
202 association sales representatives; authorizing the  
203 department to adopt rules; amending s. 634.419, F.S.;

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204 providing that specified home solicitation sale  
205 requirements do not apply to certain persons relating  
206 to the solicitation of service warranty or related  
207 service or product sales; amending s. 634.422, F.S.;  
208 revising grounds for compulsory disciplinary actions  
209 by the department against service warranty association  
210 sales representatives; requiring the department to  
211 immediately temporarily suspend a license or  
212 appointment under certain circumstances; prohibiting a  
213 person from transacting insurance business after such  
214 suspension; authorizing the department to adopt rules;  
215 amending s. 634.423, F.S.; revising grounds for  
216 discretionary disciplinary actions by the department  
217 against service warranty association sales  
218 representatives; authorizing the department to adopt  
219 rules; reordering and amending s. 648.25, F.S.;  
220 defining and redefining terms; amending s. 648.26,  
221 F.S.; authorizing certain actions by the department or  
222 the Office of Insurance Regulation relating to certain  
223 confidential records relating to bail bond agents;  
224 amending s. 648.27, F.S.; deleting a provision  
225 relating to the continuance of a temporary bail bond  
226 agent license; amending s. 648.285, F.S.; revising  
227 requirements, conditions, and procedures for a bail  
228 bond agency license; providing applicability;  
229 conforming a provision to changes made by the act;  
230 amending s. 648.30, F.S.; revising requirements and  
231 conditions for the licensure and appointment as a bail  
232 bond agent or bail bond agency; conforming a provision



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233 to changes made by the act; amending s. 648.31, F.S.;

234 specifying that there is no fee for the issuance of

235 any appointment to a bail bond agency; conforming a

236 provision to changes made by the act; amending s.

237 648.34, F.S.; revising qualifications for a bail bond

238 agent license; conforming a provision to changes made

239 by the act; amending s. 648.355, F.S.; deleting

240 provisions relating to temporary licenses as a limited

241 surety agent or professional bail bond agent;

242 specifying requirements for an individual licensed as

243 a temporary bail bond agent to qualify for bail bond

244 agent license; prohibiting the department from issuing

245 a temporary bail bond agent license beginning on a

246 specified date; providing construction relating to

247 existing temporary licenses; amending s. 648.382,

248 F.S.; revising requirements for the appointment of

249 bail bond agents or bail bond agencies; conforming a

250 provision to changes made by the act; amending s.

251 648.386, F.S.; defining the term "classroom

252 instruction"; revising requirements for approval and

253 certification as an approved limited surety agent and

254 professional bail bond agent continuing education

255 school; amending s. 648.387, F.S.; renaming primary

256 bail bond agents as bail bond agents in charge;

257 revising the department's disciplinary authority;

258 revising prohibited actions and the applicability of

259 such prohibitions; providing for the automatic

260 expiration of a bail bond agency's license under

261 certain circumstances; creating s. 648.3875, F.S.;

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262 providing requirements for applying for designation as  
263 a bail bond agent in charge; amending s. 648.39, F.S.;  
264 revising applicability of provisions relating to  
265 termination of appointments of certain agents and  
266 agencies; repealing s. 648.41, F.S., relating to  
267 termination of appointment of temporary bail bond  
268 agents; amending s. 648.42, F.S.; conforming a  
269 provision to changes made by the act; making a  
270 technical change; amending s. 648.44, F.S.; revising  
271 applicability of prohibited acts; revising and  
272 specifying prohibited acts of bail bond agents and  
273 bail bond agencies; conforming provisions to changes  
274 made by the act; amending s. 648.441, F.S.; revising  
275 applicability of a prohibition against furnishing  
276 supplies to an unlicensed bail bond agent; amending s.  
277 648.46, F.S.; authorizing certain actions by the  
278 department or the office relating to certain  
279 confidential records relating to bail bond agents;  
280 amending s. 648.50, F.S.; revising applicability of  
281 provisions relating to disciplinary actions taken by  
282 the department; conforming provisions to changes made  
283 by the act; amending s. 717.135, F.S.; revising a  
284 requirement for, and a prohibition on, claimants'  
285 representatives relating to unclaimed property  
286 recovery agreements and purchase agreements; providing  
287 construction; amending s. 843.021, F.S.; revising a  
288 defense to an unlawful possession of a concealed  
289 handcuff key; amending ss. 631.152, 631.398, and  
290 903.09, F.S.; conforming cross-references; ratifying

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291 specified rules of the department; providing  
292 construction; providing effective dates.

293

294 Be It Enacted by the Legislature of the State of Florida:

295

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

298 20.121 Department of Financial Services.—There is created a  
299 Department of Financial Services.

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

302 (e) The Division of Investigative and Forensic Services,  
303 which shall function as a criminal justice agency for purposes  
304 of ss. 943.045-943.08. The division may initiate and conduct  
305 investigations into any matter under the jurisdiction of the  
306 Chief Financial Officer and Fire Marshal within or outside of  
307 this state as it deems necessary. If, during an investigation,  
308 the division has reason to believe that any criminal law of this  
309 state or the United States has or may have been violated, it  
310 shall refer any records tending to show such violation to state  
311 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~  
312 prosecutorial agencies and shall provide investigative  
313 assistance to those agencies as appropriate ~~required~~. The  
314 division shall include the following bureaus and office:

315 1. The Bureau of Forensic Services;

316 2. The Bureau of Fire, Arson, and Explosives  
317 Investigations;

318 3. The Office of Fiscal Integrity, which shall have a  
319 separate budget;

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320 4. The Bureau of Insurance Fraud; and

321 5. The Bureau of Workers' Compensation Fraud.

322 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT.—The~~  
323 ~~Strategic Markets Research and Assessment Unit is established~~  
324 ~~within the Department of Financial Services. The Chief Financial~~  
325 ~~Officer or his or her designee shall report on September 1,~~  
326 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~  
327 ~~the Senate, and the Speaker of the House of Representatives on~~  
328 ~~the status of the state's financial services markets. At a~~  
329 ~~minimum, the report must include a summary of issues, trends,~~  
330 ~~and threats that broadly impact the condition of the financial~~  
331 ~~services industries, along with the effect of such conditions on~~  
332 ~~financial institutions, the securities industries, other~~  
333 ~~financial entities, and the credit market. The Chief Financial~~  
334 ~~Officer shall also provide findings and recommendations~~  
335 ~~regarding regulatory and policy changes to the Cabinet, the~~  
336 ~~President of the Senate, and the Speaker of the House of~~  
337 ~~Representatives.~~

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

341 112.215 Government employees; deferred compensation  
342 program.—

343 (2) For the purposes of this section, the term "government  
344 employee" means any person employed, whether appointed, elected,  
345 or under contract, by providing services for the state or any  
346 governmental unit of the state, including, but not limited to,  
347 any state agency; any ~~or~~ county, municipality, or other  
348 political subdivision of the state; any special district or

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349 water management district, as the terms are defined in s.  
350 189.012 municipality; any state university or Florida College  
351 System institution, as the terms are defined in s. 1000.21(6)  
352 and (3), respectively ~~board of trustees~~; or any constitutional  
353 county officer under s. 1(d), Art. VIII of the State  
354 Constitution for which compensation or statutory fees are paid.

355 (4) (a) The Chief Financial Officer, with the approval of  
356 the State Board of Administration, shall establish a state ~~such~~  
357 plan or plans of deferred compensation for government ~~state~~  
358 employees ~~and may include persons employed by a state university~~  
359 ~~as defined in s. 1000.21, a special district as defined in s.~~  
360 ~~189.012, or a water management district as defined in s.~~  
361 ~~189.012~~, including all such investment vehicles or products  
362 incident thereto, as may be available through, or offered by,  
363 qualified companies or persons, and may approve one or more such  
364 plans for implementation ~~by and on behalf of the state and its~~  
365 ~~agencies and employees.~~

366 (b) If the Chief Financial Officer deems it advisable, he  
367 or she shall have the power, with the approval of the State  
368 Board of Administration, to create a trust or other special  
369 funds for the segregation of funds or assets resulting from  
370 compensation deferred at the request of government employees  
371 participating in ~~of the state plan or its agencies and~~ for the  
372 administration of such program.

373 (c) The Chief Financial Officer, with the approval of the  
374 State Board of Administration, may delegate responsibility for  
375 administration of the state plan to a person the Chief Financial  
376 Officer determines to be qualified, compensate such person, and,  
377 directly or through such person or pursuant to a collective

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378 bargaining agreement, contract with a private corporation or  
379 institution to provide such services as may be part of any such  
380 plan or as may be deemed necessary or proper by the Chief  
381 Financial Officer or such person, including, but not limited to,  
382 providing consolidated billing, individual and collective  
383 recordkeeping and accountings, asset purchase, control, and  
384 safekeeping, and direct disbursement of funds to employees or  
385 other beneficiaries. The Chief Financial Officer may authorize a  
386 person, private corporation, or institution to make direct  
387 disbursement of funds under the state plan to an employee or  
388 other beneficiary.

389 (d) In accordance with such approved plan, and upon  
390 contract or agreement with an eligible government employee,  
391 deferrals of compensation may be accomplished by payroll  
392 deductions made by the appropriate officer or officers of the  
393 state, with such funds being thereafter held and administered in  
394 accordance with the plan.

395 (e) The administrative costs of the deferred compensation  
396 plan must be wholly or partially self-funded. Fees for such  
397 self-funding of the plan shall be paid by investment providers  
398 and may be recouped from their respective plan participants.  
399 Such fees shall be deposited in the Deferred Compensation Trust  
400 Fund.

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

403 1. One member shall be appointed by the Speaker of the  
404 House of Representatives and the President of the Senate jointly  
405 and shall be an employee of the legislative branch.

406 2. One member shall be appointed by the Chief Justice of

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407 the Supreme Court and shall be an employee of the judicial  
408 branch.

409 3. One member shall be appointed by the chair of the Public  
410 Employees Relations Commission and shall be a nonexempt public  
411 employee.

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

414 a. One member shall be appointed by the Chancellor of the  
415 State University System and shall be an employee of the  
416 university system.

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

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

421 d. One member shall be appointed by the Executive Director  
422 of the State Board of Administration and shall be an employee of  
423 the State Board of Administration.

424 e. One member shall be appointed by the Chancellor of the  
425 Florida College System and shall be an employee of the Florida  
426 College System.

427 (12) The Chief Financial Officer may adopt any rule  
428 necessary to administer and implement this act with respect to  
429 the state deferred compensation plan or plans ~~for state~~  
430 ~~employees and persons employed by a state university as defined~~  
431 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~  
432 ~~water management district as defined in s. 189.012.~~

433 Section 3. Section 215.55952, Florida Statutes, is amended  
434 to read:

435 215.55952 Triennial ~~Annual~~ report on economic impact of a

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436 1-in-100-year hurricane.—The Chief Financial Officer shall  
437 provide a report on the economic impact on the state of a 1-in-  
438 100-year hurricane to the Governor, the President of the Senate,  
439 and the Speaker of the House of Representatives by March 1,  
440 2025, and of each triennial year thereafter. The report shall  
441 include an estimate of the short-term and long-term fiscal  
442 impacts of such a storm on Citizens Property Insurance  
443 Corporation, the Florida Hurricane Catastrophe Fund, the private  
444 insurance and reinsurance markets, the state economy, and the  
445 state debt. The report shall also include an analysis of the  
446 average premium increase to fund a 1-in-100-year hurricane event  
447 and list the average cost, in both a percentage and dollar  
448 amount, impact to consumers on a county-level basis. The report  
449 may also include recommendations by the Chief Financial Officer  
450 for preparing for such a hurricane and reducing the economic  
451 impact of such a hurricane on the state. In preparing the  
452 analysis, the Chief Financial Officer shall coordinate with and  
453 obtain data from the Office of Insurance Regulation, Citizens  
454 Property Insurance Corporation, the Florida Hurricane  
455 Catastrophe Fund, the Florida Commission on Hurricane Loss  
456 Projection Methodology, the State Board of Administration, the  
457 Office of Economic and Demographic Research, and other state  
458 agencies.

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

461 274.01 Definitions.—The following words as used in this act  
462 have the meanings set forth in the below subsections, unless a  
463 different meaning is required by the context:

464 (1) "Governmental unit" means the governing board,



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465 commission, or authority of a county, a county agency, a  
466 municipality, a special district as defined in s. 189.012 or  
467 taxing district of the state, or the sheriff of the county.

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

471 440.13 Medical services and supplies; penalty for  
472 violations; limitations.—

473 (9) EXPERT MEDICAL ADVISORS.—

474 (c) If there is disagreement in the opinions of the health  
475 care providers, if two health care providers disagree on medical  
476 evidence supporting the employee's complaints or the need for  
477 additional medical treatment, or if two health care providers  
478 disagree that the employee is able to return to work, the  
479 department may, and the judge of compensation claims may ~~shall~~,  
480 upon his or her own motion or within 15 days after receipt of a  
481 written request by either the injured employee, the employer, or  
482 the carrier, order the injured employee to be evaluated by an  
483 expert medical advisor. The injured employee and the employer or  
484 carrier may agree on the health care provider to serve as an  
485 expert medical advisor. If the parties do not agree, the judge  
486 of compensation claims shall select an expert medical advisor  
487 from the department's list of certified expert medical advisors.  
488 If a certified medical advisor within the relevant medical  
489 specialty is unavailable, the judge of compensation claims shall  
490 appoint any otherwise qualified health care provider to serve as  
491 an expert medical advisor without obtaining the department's  
492 certification. The opinion of the expert medical advisor is  
493 presumed to be correct unless there is clear and convincing

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494 evidence to the contrary as determined by the judge of  
495 compensation claims. The expert medical advisor appointed to  
496 conduct the evaluation shall have free and complete access to  
497 the medical records of the employee. An employee who fails to  
498 report to and cooperate with such evaluation forfeits  
499 entitlement to compensation during the period of failure to  
500 report or cooperate.

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

503 (a) A three-member panel is created, consisting of the  
504 Chief Financial Officer, or the Chief Financial Officer's  
505 designee, and two members to be appointed by the Governor,  
506 subject to confirmation by the Senate, one member who, on  
507 account of present or previous vocation, employment, or  
508 affiliation, shall be classified as a representative of  
509 employers, the other member who, on account of previous  
510 vocation, employment, or affiliation, shall be classified as a  
511 representative of employees. The panel shall determine statewide  
512 schedules of maximum reimbursement allowances for medically  
513 necessary treatment, care, and attendance provided by  
514 ~~physicians, hospitals and, ambulatory surgical centers, work-~~  
515 ~~hardening programs, pain programs, and durable medical~~  
516 ~~equipment~~. The maximum reimbursement allowances for inpatient  
517 hospital care shall be based on a schedule of per diem rates, to  
518 be approved by the three-member panel no later than March 1,  
519 1994, to be used in conjunction with a precertification manual  
520 as determined by the department, including maximum hours in  
521 which an outpatient may remain in observation status, which  
522 shall not exceed 23 hours. All compensable charges for hospital

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523 outpatient care shall be reimbursed at 75 percent of usual and  
524 customary charges, except as otherwise provided by this  
525 subsection. Annually, the three-member panel shall adopt  
526 schedules of maximum reimbursement allowances for ~~physicians,~~  
527 hospital inpatient care, hospital outpatient care, and  
528 ambulatory surgical centers, ~~work-hardening programs, and pain~~  
529 ~~programs.~~ A ~~An individual physician,~~ hospital or an, ambulatory  
530 surgical center, ~~pain program, or work-hardening program~~ shall  
531 be reimbursed either the agreed-upon contract price or the  
532 maximum reimbursement allowance in the appropriate schedule.

533 ~~(b) It is the intent of the Legislature to increase the~~  
534 ~~schedule of maximum reimbursement allowances for selected~~  
535 ~~physicians effective January 1, 2004, and to pay for the~~  
536 ~~increases through reductions in payments to hospitals. Revisions~~  
537 ~~developed pursuant to this subsection are limited to the~~  
538 ~~following:~~

539 ~~1.~~ Payments for outpatient physical, occupational, and  
540 speech therapy provided by hospitals shall be ~~reduced to~~ the  
541 schedule of maximum reimbursement allowances for these services  
542 which applies to nonhospital providers.

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

548 ~~(d)3.~~ Outpatient reimbursement for scheduled surgeries  
549 shall be ~~reduced from 75 percent of charges to 60 percent of~~  
550 charges.

551 (e)1. By July 1 of each year, the department shall notify

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552 carriers and self-insurers of the physician and nonhospital  
553 services schedule of maximum reimbursement allowances. The  
554 notice must include publication of this schedule of maximum  
555 reimbursement allowances on the division's website. This  
556 schedule is not subject to approval by the three-member panel  
557 and does not include reimbursement for prescription medication.

558 2. Subparagraph 1. shall take effect January 1, following  
559 the July 1, 2024, notice of the physician and nonhospital  
560 services schedule of maximum reimbursement allowances which the  
561 department provides to carriers and self-insurers.

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

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

571 (h)(e) As to reimbursement for a prescription medication,  
572 the reimbursement amount for a prescription shall be the average  
573 wholesale price plus \$4.18 for the dispensing fee. For  
574 repackaged or relabeled prescription medications dispensed by a  
575 dispensing practitioner as provided in s. 465.0276, the fee  
576 schedule for reimbursement shall be 112.5 percent of the average  
577 wholesale price, plus \$8.00 for the dispensing fee. For purposes  
578 of this subsection, the average wholesale price shall be  
579 calculated by multiplying the number of units dispensed times  
580 the per-unit average wholesale price set by the original

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581 manufacturer of the underlying drug dispensed by the  
582 practitioner, based upon the published manufacturer's average  
583 wholesale price published in the Medi-Span Master Drug Database  
584 as of the date of dispensing. All pharmaceutical claims  
585 submitted for repackaged or relabeled prescription medications  
586 must include the National Drug Code of the original  
587 manufacturer. Fees for pharmaceuticals and pharmaceutical  
588 services shall be reimbursable at the applicable fee schedule  
589 amount except where the employer or carrier, or a service  
590 company, third party administrator, or any entity acting on  
591 behalf of the employer or carrier directly contracts with the  
592 provider seeking reimbursement for a lower amount.

593 (i)~~(d)~~ Reimbursement for all fees and other charges for  
594 such treatment, care, and attendance, including treatment, care,  
595 and attendance provided by any hospital or other health care  
596 provider, ambulatory surgical center, work-hardening program, or  
597 pain program, must not exceed the amounts provided by the  
598 uniform schedule of maximum reimbursement allowances as  
599 determined by the panel or as otherwise provided in this  
600 section. This subsection also applies to independent medical  
601 examinations performed by health care providers under this  
602 chapter. In determining the uniform schedule, the panel shall  
603 first approve the data which it finds representative of  
604 prevailing charges in the state for similar treatment, care, and  
605 attendance of injured persons. Each health care provider, health  
606 care facility, ambulatory surgical center, work-hardening  
607 program, or pain program receiving workers' compensation  
608 payments shall maintain records verifying their usual charges.  
609 In establishing the uniform schedule of maximum reimbursement

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610 allowances, the panel must consider:

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

614 2. The impact upon cost to employers for providing a level  
615 of reimbursement for treatment, care, and attendance which will  
616 ensure the availability of treatment, care, and attendance  
617 required by injured workers; and

618 3. The financial impact of the reimbursement allowances  
619 upon health care providers and health care facilities, including  
620 trauma centers as defined in s. 395.4001, and its effect upon  
621 their ability to make available to injured workers such  
622 medically necessary remedial treatment, care, and attendance.  
623 The uniform schedule of maximum reimbursement allowances must be  
624 reasonable, must promote health care cost containment and  
625 efficiency with respect to the workers' compensation health care  
626 delivery system, and must be sufficient to ensure availability  
627 of such medically necessary remedial treatment, care, and  
628 attendance to injured workers; ~~and~~

629 ~~4. The most recent average maximum allowable rate of~~  
630 ~~increase for hospitals determined by the Health Care Board under~~  
631 ~~chapter 408.~~

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

634 1. Take testimony, receive records, and collect data to  
635 evaluate the adequacy of the workers' compensation fee schedule,  
636 nationally recognized fee schedules and alternative methods of  
637 reimbursement to health care providers and health care  
638 facilities for inpatient and outpatient treatment and care.

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639           2. Survey health care providers and health care facilities  
640 to determine the availability and accessibility of workers'  
641 compensation health care delivery systems for injured workers.

642           3. Survey carriers to determine the estimated impact on  
643 carrier costs and workers' compensation premium rates by  
644 implementing changes to the carrier reimbursement schedule or  
645 implementing alternative reimbursement methods.

646           4. Submit recommendations on or before January 15, 2017,  
647 and biennially thereafter, to the President of the Senate and  
648 the Speaker of the House of Representatives on methods to  
649 improve the workers' compensation health care delivery system.

650  
651 The department, as requested, shall provide data to the panel,  
652 including, but not limited to, utilization trends in the  
653 workers' compensation health care delivery system. The  
654 department shall provide the panel with an annual report  
655 regarding the resolution of medical reimbursement disputes and  
656 any actions pursuant to subsection (8). The department shall  
657 provide administrative support and service to the panel to the  
658 extent requested by the panel. For prescription medication  
659 purchased under the requirements of this subsection, a  
660 dispensing practitioner shall not possess such medication unless  
661 payment has been made by the practitioner, the practitioner's  
662 professional practice, or the practitioner's practice management  
663 company or employer to the supplying manufacturer, wholesaler,  
664 distributor, or drug repackager within 60 days of the dispensing  
665 practitioner taking possession of that medication.

666           ~~(14) PRACTICE PARAMETERS. The practice parameters and~~  
667 ~~protocols mandated under this chapter shall be the practice~~

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668 ~~parameters and protocols adopted by the United States Agency for~~  
669 ~~Healthcare Research and Quality in effect on January 1, 2003.~~

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

672 440.385 Florida Self-Insurers Guaranty Association,  
673 Incorporated.—

674 (2) BOARD OF DIRECTORS.—The board of directors of the  
675 association shall consist of nine persons and shall be organized  
676 as established in the plan of operation. Each director must ~~All~~  
677 ~~board members shall~~ be experienced in self-insurance in this  
678 state. Each director shall serve for a 4-year term and may be  
679 reappointed. Appointments after January 1, 2002, shall be made  
680 by the department upon recommendation of members of the  
681 association or other persons with experience in self-insurance  
682 as determined by the Chief Financial Officer. These appointments  
683 are deemed to be within the scope of the exemption provided in  
684 s. 112.313(7) (b). Any vacancy on the board shall be filled for  
685 the remaining period of the term in the same manner as  
686 appointments other than initial appointments are made. Each  
687 director shall be reimbursed for expenses incurred in carrying  
688 out the duties of the board on behalf of the association.

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

693 (b) Directors are subject to the code of ethics under part  
694 III of chapter 112, including, but not limited to, the code of  
695 ethics and public disclosure and reporting of financial  
696 interests, pursuant to s. 112.3145. For purposes of applying



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697 part III of chapter 112 to activities of members of the board of  
698 directors, those persons are considered public officers and the  
699 association is considered their agency. Notwithstanding s.  
700 112.3143(2), a director may not vote on any measure that he or  
701 she knows would inure to his or her special private gain or  
702 loss; that he or she knows would inure to the special private  
703 gain or loss of any principal by which he or she is retained,  
704 other than an agency as defined in s. 112.312; or that he or she  
705 knows would inure to the special private gain or loss of a  
706 relative or business associate of the public officer. Before the  
707 vote is taken, such director shall publicly state to the board  
708 the nature of his or her interest in the matter from which he or  
709 she is abstaining from voting and, within 15 days after the vote  
710 occurs, disclose the nature of his or her interest as a public  
711 record in a memorandum filed with the person responsible for  
712 recording the minutes of the meeting, who shall incorporate the  
713 memorandum in the minutes.

714 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other  
715 law, an employee of the association or a director may not  
716 knowingly accept, directly or indirectly, any gift or  
717 expenditure from a person or an entity, or an employee or a  
718 representative of such person or entity, which has a contractual  
719 relationship with the association or which is under  
720 consideration for a contract.

721 (d) A director who fails to comply with paragraph (b) or  
722 paragraph (c) is subject to the penalties provided under ss.  
723 112.317 and 112.3173.

724 Section 7. Present subsections (62) through (77) and (78)  
725 of section 497.005, Florida Statutes, are redesignated as

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726 subsections (63) through (78) and (80), respectively, a new  
727 subsection (62) and subsection (79) are added to that section,  
728 and subsections (9) and (61) of that section are amended, to  
729 read:

730 497.005 Definitions.—As used in this chapter, the term:

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

736 (61) "Preneed ~~contract~~" means any arrangement or method, of  
737 which the provider of funeral merchandise or services has actual  
738 knowledge, whereby any person agrees to furnish funeral  
739 merchandise or service in the future.

740 (62) "Preneed contract" means any arrangement or method for  
741 which the provider of funeral merchandise or services receives  
742 any payment in advance for funeral or burial merchandise and  
743 services after the death of the contract beneficiary. The term  
744 excludes a transportation protection agreement and any payments  
745 received on a transportation protection agreement.

746 (79) "Transportation protection agreement" means an  
747 agreement that exclusively provides or arranges for services  
748 related to the preparation for the purpose of transportation and  
749 subsequent transportation of human remains or cremated remains.  
750 The Florida Insurance Code, as defined in s. 624.01, does not  
751 apply to any transportation protection agreement sold by any  
752 licensee under this chapter.

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

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755           624.1265 Nonprofit religious organization exemption;  
756 authority; notice.—

757           (1) A nonprofit religious organization is not subject to  
758 the requirements of the Florida Insurance Code if the nonprofit  
759 religious organization:

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

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

764           (c) Acts as a facilitator among participants who have  
765 financial, physical, or medical needs to assist those with  
766 financial, physical, or medical needs in accordance with  
767 criteria established by the nonprofit religious organization;

768           (d) Provides for the financial or medical needs of a  
769 participant through contributions from other participants, or  
770 through payments directly from one participant to another  
771 participant;

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

774           1. Among the participants; or

775           2. By the nonprofit religious organization to the  
776 participants;

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

781           (g) Conducts an annual audit that is performed by an  
782 independent certified public accounting firm in accordance with  
783 generally accepted accounting principles and that is made

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784 available to the public by providing a copy upon request or by  
785 posting on the nonprofit religious organization's website; and  
786 (h) Does not market or sell health plans by agents licensed  
787 by the department under chapter 626.

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

790 624.501 Filing, license, appointment, and miscellaneous  
791 fees.—The department, commission, or office, as appropriate,  
792 shall collect in advance, and persons so served shall pay to it  
793 in advance, fees, licenses, and miscellaneous charges as  
794 follows:

795 (25) Reinsurance intermediary:

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

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

799 Section 10. Subsection (5) of section 626.015, Florida  
800 Statutes, is amended to read:

801 626.015 Definitions.—As used in this part:

802 (5) "Association" includes the Florida Association of  
803 Insurance Agents (FAIA), the National Association of Insurance  
804 and Financial Advisors (NAIFA), the National Association of  
805 Benefits and Insurance Professionals Florida Chapter (NABIP  
806 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the  
807 Latin American Association of Insurance Agencies (LAAIA), the  
808 Florida Association of Public Insurance Adjusters (FAPIA), the  
809 Florida Bail Agents Association (FBAA), or the Professional Bail  
810 Agents of the United States (PBUS).

811 Section 11. Subsection (4) of section 626.171, Florida  
812 Statutes, is amended to read:

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813           626.171 Application for license as an agent, customer  
814 representative, adjuster, service representative, or reinsurance  
815 intermediary.-

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

834           Section 12. Paragraph (c) of subsection (1) of section  
835 626.173, Florida Statutes, is amended to read:

836           626.173 Insurance agency closure; cancellation of  
837 licenses.-

838           (1) If a licensed insurance agency permanently ceases the  
839 transacting of insurance or ceases the transacting of insurance  
840 for more than 30 days, the agent in charge, the director of the  
841 agency, or other officer listed on the original application for

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842 licensure must, within 35 days after the agency first ceases the  
843 transacting of insurance, do all of the following:

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

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

855 626.207 Disqualification of applicants and licensees;  
856 penalties against licensees; rulemaking authority.—

857 (8) The department shall adopt rules establishing specific  
858 penalties against licensees in accordance with ss. 626.641 and  
859 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.  
860 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.  
861 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.  
862 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.  
863 634.423, s. 642.041, or s. 642.043. The purpose of the  
864 revocation or suspension is to provide a sufficient penalty to  
865 deter future violations of the Florida Insurance Code. The  
866 imposition of a revocation or the length of suspension shall be  
867 based on the type of conduct and the probability that the  
868 propensity to commit further illegal conduct has been overcome  
869 at the time of eligibility for relicensure. The length of  
870 suspension may be adjusted based on aggravating or mitigating

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871 factors, established by rule and consistent with this purpose.

872 Section 14. Paragraph (j) of subsection (2) of section  
873 626.221, Florida Statutes, is amended to read:

874 626.221 Examination requirement; exemptions.—

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

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

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

899 626.2815 Continuing education requirements.—

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

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

924 (f) Elective continuing education courses for public  
925 adjusters may ~~must~~ be any course related to commercial and  
926 residential property coverages, claim adjusting practices, and  
927 any other adjuster elective courses ~~specifically designed for~~  
928 ~~public adjusters and~~ approved by the department. Notwithstanding



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929 this subsection, public adjusters for workers' compensation  
930 insurance or health insurance are not required to take  
931 continuing education courses pursuant to this section.

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

935 626.321 Limited licenses and registration.-

936 (1) The department shall issue to a qualified applicant a  
937 license as agent authorized to transact a limited class of  
938 business in any of the following categories of limited lines  
939 insurance:

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

956 (b) *Industrial fire insurance or burglary insurance.*-  
957 License covering only industrial fire insurance or burglary

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958 insurance. ~~A licensee under this paragraph may not hold a~~  
959 ~~license as an agent for any other or additional kind or class of~~  
960 ~~insurance coverage except for life insurance and health~~  
961 ~~insurance.~~ Effective July 1, 2019, all licensees holding such  
962 limited license and appointment may renew the license and  
963 appointment, but no new or additional licenses may be issued  
964 pursuant to this paragraph, and a licensee whose limited license  
965 under this paragraph has been terminated, suspended, or revoked  
966 may not have such license reinstated.

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

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

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

1006 Section 17. Paragraph (n) of subsection (1) of section  
 1007 626.611, Florida Statutes, is amended to read:

1008 626.611 Grounds for compulsory refusal, suspension, or  
 1009 revocation of agent's, title agency's, adjuster's, customer  
 1010 representative's, service representative's, or managing general  
 1011 agent's license or appointment.—

1012 (1) The department shall deny an application for, suspend,  
 1013 revoke, or refuse to renew or continue the license or  
 1014 appointment of any applicant, agent, title agency, adjuster,  
 1015 customer representative, service representative, or managing

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1016 general agent, and it shall suspend or revoke the eligibility to  
1017 hold a license or appointment of any such person, if it finds  
1018 that as to the applicant, licensee, or appointee any one or more  
1019 of the following applicable grounds exist:

1020 (n) Having been found guilty of or having pleaded guilty or  
1021 nolo contendere to a misdemeanor directly related to the  
1022 financial services business, any felony, or any a crime  
1023 punishable by imprisonment of 1 year or more under the law of  
1024 the United States of America or of any state thereof or under  
1025 the law of any other country, without regard to whether a  
1026 judgment of conviction has been entered by the court having  
1027 jurisdiction of such cases.

1028 Section 18. Subsection (18) is added to section 626.621,  
1029 Florida Statutes, to read:

1030 626.621 Grounds for discretionary refusal, suspension, or  
1031 revocation of agent's, adjuster's, customer representative's,  
1032 service representative's, or managing general agent's license or  
1033 appointment.—The department may, in its discretion, deny an  
1034 application for, suspend, revoke, or refuse to renew or continue  
1035 the license or appointment of any applicant, agent, adjuster,  
1036 customer representative, service representative, or managing  
1037 general agent, and it may suspend or revoke the eligibility to  
1038 hold a license or appointment of any such person, if it finds  
1039 that as to the applicant, licensee, or appointee any one or more  
1040 of the following applicable grounds exist under circumstances  
1041 for which such denial, suspension, revocation, or refusal is not  
1042 mandatory under s. 626.611:

1043 (18) Cancellation of the applicant's, licensee's, or  
1044 appointee's resident license in a state other than Florida.

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1045 Section 19. Paragraphs (d) and (g) of subsection (2) and  
1046 paragraphs (a), (b), and (e) through (j) of subsection (3) of  
1047 section 626.7492, Florida Statutes, are amended to read:

1048 626.7492 Reinsurance intermediaries.—

1049 (2) DEFINITIONS.—As used in this section:

1050 (d) "Producer" means a licensed ~~an~~ agent, broker, or  
1051 insurance agency that is appointed as a reinsurance intermediary  
1052 ~~licensed~~ pursuant to the applicable provision of the Florida  
1053 Insurance Code.

1054 (g) "Reinsurance intermediary manager" means any person who  
1055 has authority to bind, or manages all or part of, the assumed  
1056 reinsurance business of a reinsurer, including the management of  
1057 a separate division, department, or underwriting office, and  
1058 acts as a representative ~~an agent~~ for the reinsurer whether  
1059 known as a reinsurance intermediary manager, manager, or other  
1060 similar term. Notwithstanding the above, none of the following  
1061 persons is a reinsurance intermediary manager with respect to  
1062 the reinsurer for the purposes of this section:

1063 1. An employee of the reinsurer. ~~†~~

1064 2. A manager of the United States branch of an alien  
1065 reinsurer. ~~†~~

1066 3. An underwriting manager which, pursuant to contract,  
1067 manages all the reinsurance operations of the reinsurer, is  
1068 under common control with the reinsurer, subject to the holding  
1069 company act, and whose compensation is not based on the volume  
1070 of premiums written.

1071 4. The manager of a group, association, pool, or  
1072 organization of insurers which engage in joint underwriting or  
1073 joint reinsurance and who are subject to examination by the

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1074 insurance regulatory authority of the state in which the  
1075 manager's principal business office is located.

1076 (3) LICENSURE.—

1077 (a) No person shall act as a reinsurance intermediary  
1078 broker in this state if the reinsurance intermediary broker  
1079 maintains an office either directly or as a member or employee  
1080 of a firm or association, or an officer, director, or employee  
1081 of a corporation:

1082 1. In this state, unless the reinsurance intermediary  
1083 broker is a licensed producer in this state; or

1084 2. In another state, unless the reinsurance intermediary  
1085 broker is a licensed producer in this state or in another state  
1086 having a law substantially similar to this section or the  
1087 reinsurance intermediary broker is licensed in this state as an  
1088 insurance agency and appointed as a ~~nonresident~~ reinsurance  
1089 intermediary.

1090 (b) No person shall act as a reinsurance intermediary  
1091 manager:

1092 1. For a reinsurer domiciled in this state, unless the  
1093 reinsurance intermediary manager is a licensed producer in this  
1094 state;

1095 2. In this state, if the reinsurance intermediary manager  
1096 maintains an office either directly or as a member or employee  
1097 of a firm or association, or an officer, director, or employee  
1098 of a corporation in this state, unless the reinsurance  
1099 intermediary manager is a licensed producer in this state;

1100 3. In another state for a nondomestic insurer, unless the  
1101 reinsurance intermediary manager is a licensed producer in this  
1102 state or another state having a law substantially similar to

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1103 this section, or the person is licensed in this state as a  
1104 producer ~~nonresident reinsurance intermediary~~.

1105 (e) If the applicant for a reinsurance intermediary  
1106 appointment ~~license~~ is a nonresident, the applicant, as a  
1107 condition precedent to receiving or holding an appointment ~~a~~  
1108 ~~license~~, must designate the Chief Financial Officer as agent for  
1109 service of process in the manner, and with the same legal  
1110 effect, provided for by this section for designation of service  
1111 of process upon unauthorized insurers. Such applicant shall also  
1112 furnish the department with the name and address of a resident  
1113 of this state upon whom notices or orders of the department or  
1114 process affecting the nonresident reinsurance intermediary may  
1115 be served. The licensee shall promptly notify the department in  
1116 writing of each change in its designated agent for service of  
1117 process, and the change shall not become effective until  
1118 acknowledged by the department.

1119 (f) ~~The department may refuse to issue a reinsurance~~  
1120 ~~intermediary license if, in its judgment, the applicant, anyone~~  
1121 ~~named on the application, or any member, principal, officer, or~~  
1122 ~~director of the applicant, has demonstrated a lack of fitness~~  
1123 ~~and trustworthiness, or that any controlling person of the~~  
1124 ~~applicant is not fit or trustworthy to act as a reinsurance~~  
1125 ~~intermediary, or that any of the foregoing has given cause for~~  
1126 ~~revocation or suspension of the license, or has failed to comply~~  
1127 ~~with any prerequisite for the issuance of the license.~~

1128 (g) ~~Reinsurance intermediaries shall be licensed,~~  
1129 ~~appointed, renewed, continued, reinstated, or terminated as~~  
1130 ~~prescribed in this chapter for insurance representatives in~~  
1131 ~~general, except that they shall be exempt from the photo,~~

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1132 education, ~~and examination provisions.~~ License, Appointment, and  
1133 other fees shall be those prescribed in s. 624.501.

1134 ~~(g)(h)~~ The grounds and procedures for refusal of an a  
1135 ~~license or~~ appointment or suspension or revocation of a license  
1136 or appointment issued to a reinsurance intermediary under this  
1137 section are as set forth in ss. 626.611-626.691 for insurance  
1138 representatives in general.

1139 ~~(h)(i)~~ An attorney licensed in this state, when acting in a  
1140 professional capacity, is exempt from this subsection.

1141 ~~(i)(j)~~ The department may develop necessary rules to carry  
1142 out this section.

1143 Section 20. Subsection (5) of section 626.752, Florida  
1144 Statutes, is amended to read:

1145 626.752 Exchange of business.—

1146 (5) Within 15 days after the last day of each month, any  
1147 insurer accepting business under this section shall report to  
1148 the department the name, address, telephone number, and social  
1149 security number of each agent from which the insurer received  
1150 more than four personal lines risks during the calendar year,  
1151 except for risks being removed from the Citizens Property  
1152 Insurance Corporation and placed with that insurer by a  
1153 brokering agent. Once the insurer has reported pursuant to this  
1154 subsection an agent's name to the department, additional reports  
1155 on the same agent shall not be required. However, the fee set  
1156 forth in s. 624.501 must be paid for the agent by the insurer  
1157 for each year until the insurer notifies the department that the  
1158 insurer is no longer accepting business from the agent pursuant  
1159 to this section. The insurer may require that the agent  
1160 reimburse the insurer for the fee. If the insurer or employer



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1161 does not pay the fees and taxes due pursuant to this subsection  
1162 within 21 days after notice by the department, the department  
1163 must suspend the insurer's or employer's authority to appoint  
1164 licensees until all outstanding fees and taxes have been paid.

1165 Section 21. Subsection (3) of section 626.785, Florida  
1166 Statutes, is amended to read:

1167 626.785 Qualifications for license.—

1168 (3) Notwithstanding any other provisions of this chapter, a  
1169 funeral director, a direct disposer, or an employee of a funeral  
1170 establishment that holds a preneed license pursuant to s.

1171 497.452 may obtain an agent's license or a limited license to  
1172 sell only policies of life insurance covering the expense of a  
1173 prearrangement for funeral services or merchandise so as to  
1174 provide funds at the time the services and merchandise are  
1175 needed. The face amount of insurance covered by any such policy  
1176 shall not exceed \$21,000, plus an annual percentage increase  
1177 based on the Annual Consumer Price Index compiled by the United  
1178 States Department of Labor, beginning with the Annual Consumer  
1179 Price Index announced by the United States Department of Labor  
1180 for 2016.

1181 Section 22. Subsection (4) of section 626.793, Florida  
1182 Statutes, is amended to read:

1183 626.793 Excess or rejected business.—

1184 (4) Within 15 days after the last day of each month, any  
1185 insurer accepting business under this section shall report to  
1186 the department the name, address, telephone number, and social  
1187 security number of each agent from which the insurer received  
1188 more than four risks during the calendar year. Once the insurer  
1189 has reported an agent's name to the department pursuant to this

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1190 subsection, additional reports on the same agent shall not be  
1191 required. However, the fee set forth in s. 624.501 must be paid  
1192 for the agent by the insurer for each year until the insurer  
1193 notifies the department that the insurer is no longer accepting  
1194 business from the agent pursuant to this section. The insurer  
1195 may require that the agent reimburse the insurer for the fee. If  
1196 the insurer or employer does not pay the fees and taxes due  
1197 pursuant to this subsection within 21 days after notice by the  
1198 department, the department must suspend the insurer's or  
1199 employer's authority to appoint licensees until all outstanding  
1200 fees and taxes have been paid.

1201 Section 23. Subsection (5) of section 626.837, Florida  
1202 Statutes, is amended to read:

1203 626.837 Excess or rejected business.—

1204 (5) Within 15 days after the last day of each month, any  
1205 insurer accepting business under this section shall report to  
1206 the department the name, address, telephone number, and social  
1207 security number of each agent from which the insurer received  
1208 more than four risks during the calendar year. Once the insurer  
1209 has reported pursuant to this subsection an agent's name to the  
1210 department, additional reports on the same agent shall not be  
1211 required. However, the fee set forth in s. 624.501 must be paid  
1212 for the agent by the insurer for each year until the insurer  
1213 notifies the department that the insurer is no longer accepting  
1214 business from the agent pursuant to this section. The insurer  
1215 may require that the agent reimburse the insurer for the fee. If  
1216 the insurer or employer does not pay the fees and taxes due  
1217 pursuant to this subsection within 21 days after notice by the  
1218 department, the department must suspend the insurer's or

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1219 employer's authority to appoint licensees until all outstanding  
1220 fees and taxes have been paid.

1221 Section 24. Paragraph (e) is added to subsection (2) of  
1222 section 626.8411, Florida Statutes, to read:

1223 626.8411 Application of Florida Insurance Code provisions  
1224 to title insurance agents or agencies.—

1225 (2) The following provisions of part I do not apply to  
1226 title insurance agents or title insurance agencies:

1227 (e) Section 626.173(1)(c), relating to notifying  
1228 policyholders of the agency closure.

1229 Section 25. Present subsections (8) through (11) of section  
1230 626.8437, Florida Statutes, are redesignated as subsections (9)  
1231 through (12), respectively, and a new subsection (8) and  
1232 subsection (13) are added to that section, to read:

1233 626.8437 Grounds for denial, suspension, revocation, or  
1234 refusal to renew license or appointment.—The department shall  
1235 deny, suspend, revoke, or refuse to renew or continue the  
1236 license or appointment of any title insurance agent or agency,  
1237 and it shall suspend or revoke the eligibility to hold a license  
1238 or appointment of such person, if it finds that as to the  
1239 applicant, licensee, appointee, or any principal thereof, any  
1240 one or more of the following grounds exist:

1241 (8) Misappropriation, conversion, or improper withholding  
1242 of funds not legally entitled thereto and which are received in  
1243 a fiduciary capacity and held as part of an escrow agreement,  
1244 real estate sales contract, or as provided on a settlement  
1245 statement in a real estate transaction.

1246 (13) Revocation or cancellation of a licensee's resident  
1247 license in a jurisdiction other than this state.

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1248 Section 26. Subsections (7) and (8) are added to section  
1249 626.844, Florida Statutes, to read:

1250 626.844 Grounds for discretionary refusal, suspension, or  
1251 revocation of license or appointment.—The department may, in its  
1252 discretion, deny, suspend, revoke, or refuse to renew or  
1253 continue the license or appointment of any title insurance agent  
1254 or agency, and it may suspend or revoke the eligibility to hold  
1255 a license or appointment of any such title insurance agent or  
1256 agency if it finds that as to the applicant or licensee or  
1257 appointee, or any principal thereof, any one or more of the  
1258 following grounds exist under circumstances for which such  
1259 denial, suspension, revocation, or refusal is not mandatory  
1260 under s. 626.8437:

1261 (7) Having been the subject of, or having had a license,  
1262 permit, appointment, registration, or other authority to conduct  
1263 business subject to, any decision, finding, injunction,  
1264 suspension, prohibition, revocation, denial, judgment, final  
1265 agency action, or administrative order by any court of competent  
1266 jurisdiction, administrative law proceeding, state agency,  
1267 federal agency, national securities, commodities, or option  
1268 exchange, or national securities, commodities, or option  
1269 association involving a violation of any federal or state  
1270 securities or commodities law or any rule or regulation adopted  
1271 thereunder, or a violation of any rule or regulation of any  
1272 national securities, commodities, or options exchange or  
1273 national securities, commodities, or options association.

1274 (8) Revocation or cancellation of a licensee's resident  
1275 license in a jurisdiction other than this state.

1276 Section 27. Section 626.8473, Florida Statutes, is amended

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1277 to read:

1278 626.8473 Escrow; trust fund.-

1279 (1) A title insurance agency agent may engage in business  
1280 as an escrow agent as to funds received from others to be  
1281 subsequently disbursed ~~by the title insurance agent~~ in  
1282 connection with real estate closing transactions involving the  
1283 issuance of title ~~insurance binders~~, commitments, policies of  
1284 title insurance, or guarantees of title, provided that a  
1285 licensed and appointed title insurance agency agent complies  
1286 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such  
1287 requirements added after the initial licensure of the agency  
1288 ~~agent~~.

1289 (2) All funds received by a title insurance agency agent as  
1290 described in subsection (1) shall be trust funds received in a  
1291 fiduciary capacity by the title insurance agency agent and shall  
1292 be the property of the person or persons entitled thereto.

1293 (3) All funds received by a title insurance agency agent to  
1294 be held in trust shall be immediately placed in a financial  
1295 institution that is located within this state and is a member of  
1296 the Federal Deposit Insurance Corporation or the National Credit  
1297 Union Share Insurance Fund. These funds shall be invested in an  
1298 escrow account in accordance with the investment requirements  
1299 and standards established for deposits and investments of state  
1300 funds in s. 17.57, where the funds shall be kept until  
1301 disbursement thereof is properly authorized.

1302 (4) Funds required to be maintained in escrow trust  
1303 accounts pursuant to this section shall not be subject to any  
1304 debts of the title insurance agency agent and shall be used only  
1305 in accordance with the terms of the individual, escrow,

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1306 settlement, or closing instructions under which the funds were  
1307 accepted.

1308 (5) The title insurance agency ~~agents~~ shall maintain  
1309 separate records of all receipts and disbursements of escrow,  
1310 settlement, or closing funds.

1311 (6) In the event that the department promulgates rules  
1312 necessary to implement the requirements of this section pursuant  
1313 to s. 624.308, the department shall consider reasonable  
1314 standards necessary for the protection of funds held in trust,  
1315 including, but not limited to, standards for accounting of  
1316 funds, standards for receipt and disbursement of funds, and  
1317 protection for the person or persons to whom the funds are to be  
1318 disbursed.

1319 (7) A title insurance agency ~~agent~~, or any officer,  
1320 director, or employee thereof, or any person associated  
1321 therewith as an independent contractor for bookkeeping or  
1322 similar purposes, who converts or misappropriates funds received  
1323 or held in escrow or in trust by such title insurance agency  
1324 ~~agent~~, or any person who knowingly receives or conspires to  
1325 receive such funds, commits:

1326 (a) If the funds converted or misappropriated are \$300 or  
1327 less, a misdemeanor of the first degree, punishable as provided  
1328 in s. 775.082 or s. 775.083.

1329 (b) If the funds converted or misappropriated are more than  
1330 \$300, but less than \$20,000, a felony of the third degree,  
1331 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1332 (c) If the funds converted or misappropriated are \$20,000  
1333 or more, but less than \$100,000, a felony of the second degree,  
1334 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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1335 (d) If the funds converted or misappropriated are \$100,000  
1336 or more, a felony of the first degree, punishable as provided in  
1337 s. 775.082, s. 775.083, or s. 775.084.

1338 (8) An attorney shall deposit and maintain all funds  
1339 received in connection with transactions in which the attorney  
1340 is serving as a title or real estate settlement agent into a  
1341 separate trust account that is maintained exclusively for funds  
1342 received in connection with such transactions and permit the  
1343 account to be audited by its title insurers, unless maintaining  
1344 funds in the separate account for a particular client would  
1345 violate applicable rules of The Florida Bar.

1346 Section 28. Subsection (19) of section 626.854, Florida  
1347 Statutes, is amended to read:

1348 626.854 "Public adjuster" defined; prohibitions.—The  
1349 Legislature finds that it is necessary for the protection of the  
1350 public to regulate public insurance adjusters and to prevent the  
1351 unauthorized practice of law.

1352 (19) Except as otherwise provided in this chapter, no  
1353 person, except an attorney at law or a licensed and appointed  
1354 public adjuster, may for money, commission, or any other thing  
1355 of value, directly or indirectly:

1356 (a) Prepare, complete, or file an insurance claim for an  
1357 insured or a third-party claimant;

1358 (b) Act on behalf of or aid an insured or a third-party  
1359 claimant in negotiating for or effecting the settlement of a  
1360 claim for loss or damage covered by an insurance contract;

1361 (c) Offer to initiate or negotiate a claim on behalf of an  
1362 insured;

1363 (d) Advertise services that require a license as a public

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1364 adjuster; or

1365 (e) Solicit, investigate, or adjust a claim on behalf of a  
1366 public adjuster, an insured, or a third-party claimant.

1367 Section 29. Section 626.874, Florida Statutes, is amended  
1368 to read:

1369 626.874 Catastrophe or emergency adjusters.—

1370 (1) In the event of a catastrophe or emergency, the  
1371 department may issue a license, for the purposes and under the  
1372 conditions and for the period of emergency as it shall  
1373 determine, to persons who are residents or nonresidents of this  
1374 state, who are at least 18 years of age, who are United States  
1375 citizens or legal aliens who possess work authorization from the  
1376 United States Bureau of Citizenship and Immigration Services,  
1377 and who are not licensed adjusters under this part but who have  
1378 been designated and certified to it as qualified to act as  
1379 adjusters by an authorized insurer to adjust claims, losses, or  
1380 damages under policies or contracts of insurance issued by such  
1381 insurers, or by a licensed ~~the primary adjuster of an~~  
1382 independent adjusting firm contracted with an authorized insurer  
1383 to adjust claims on behalf of the insurer. The fee for the  
1384 license is as provided in s. 624.501(12)(c).

1385 (2) If any person not a licensed adjuster who has been  
1386 permitted to adjust such losses, claims, or damages under the  
1387 conditions and circumstances set forth in subsection (1),  
1388 engages in any of the misconduct described in or contemplated by  
1389 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without  
1390 notice and hearing, shall be authorized to issue its order  
1391 denying such person the privileges granted under this section;  
1392 and thereafter it shall be unlawful for any such person to



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1393 adjust any such losses, claims, or damages in this state.

1394 Section 30. Subsection (2) of section 626.9892, Florida  
1395 Statutes, is amended to read:

1396 626.9892 Anti-Fraud Reward Program; reporting of insurance  
1397 fraud.—

1398 (2) The department may pay rewards of up to \$25,000 to  
1399 persons providing information leading to the arrest ~~and~~  
1400 ~~conviction~~ of persons committing crimes investigated by the  
1401 department arising from violations of s. 400.9935, s. 440.105,  
1402 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.  
1403 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.  
1404 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.  
1405 817.233, ~~or~~ s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.  
1406 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1407 Section 31. Present subsections (7) through (12) of section  
1408 626.9957, Florida Statutes, are redesignated as subsections (8)  
1409 through (13), respectively, and a new subsection (7) is added to  
1410 that section, to read:

1411 626.9957 Conduct prohibited; denial, revocation,  
1412 termination, expiration, or suspension of registration.—

1413 (7) If a navigator registered under this part fails to  
1414 maintain an active, valid navigator's registration status with  
1415 the Federal Government or an exchange, the navigator's  
1416 registration issued under this part shall expire by operation of  
1417 law. A navigator with an expired registration may not be granted  
1418 subsequent registration until the navigator qualifies as a  
1419 first-time applicant.

1420 Section 32. Paragraph (c) of subsection (4) of section  
1421 627.351, Florida Statutes, is amended to read:

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1422           627.351 Insurance risk apportionment plans.—  
1423           (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—  
1424           (c) The Joint Underwriting Association shall operate  
1425 subject to the supervision and approval of a board of governors  
1426 consisting of representatives of five of the insurers  
1427 participating in the Joint Underwriting Association, an attorney  
1428 named by The Florida Bar, a physician named by the Florida  
1429 Medical Association, a dentist named by the Florida Dental  
1430 Association, and a hospital representative named by the Florida  
1431 Hospital Association. The Chief Financial Officer shall select  
1432 the representatives of the five insurers or other persons with  
1433 experience in medical malpractice insurance as determined by the  
1434 Chief Financial Officer. These appointments are deemed to be  
1435 within the scope of the exemption provided in s. 112.313(7)(b).  
1436 One insurer representative shall be selected from  
1437 recommendations of the American Insurance Association. One  
1438 insurer representative shall be selected from recommendations of  
1439 the Property Casualty Insurers Association of America. One  
1440 insurer representative shall be selected from recommendations of  
1441 the Florida Insurance Council. Two insurer representatives shall  
1442 be selected to represent insurers that are not affiliated with  
1443 these associations. Vacancies on the board shall be filled for  
1444 the remaining period of the term in the same manner as the  
1445 initial appointments. During the first meeting of the board  
1446 after June 30 of each year, the board shall choose one of its  
1447 members to serve as chair of the board and another member to  
1448 serve as vice chair of the board. There is no liability on the  
1449 part of, and no cause of action shall arise against, any member  
1450 insurer, self-insurer, or its agents or employees, the Joint

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1451 Underwriting Association or its agents or employees, members of  
1452 the board of governors, or the office or its representatives for  
1453 any action taken by them in the performance of their powers and  
1454 duties under this subsection.

1455 1. The Chief Financial Officer may remove a board member  
1456 from office for misconduct, malfeasance, misfeasance, or neglect  
1457 of duty. Any vacancy so created shall be filled as provided in  
1458 this paragraph.

1459 2. Board members are subject to the code of ethics under  
1460 part III of chapter 112, including, but not limited to, the code  
1461 of ethics and public disclosure and reporting of financial  
1462 interests, pursuant to s. 112.3145. For purposes of applying  
1463 part III of chapter 112 to activities of members of the board of  
1464 governors, those persons are considered public officers and the  
1465 Joint Underwriting Association is considered their agency.  
1466 Notwithstanding s. 112.3143(2), a board member may not vote on  
1467 any measure that he or she knows would inure to his or her  
1468 special private gain or loss; that he or she knows would inure  
1469 to the special private gain or loss of any principal by which he  
1470 or she is retained, other than an agency as defined in s.  
1471 112.312; or that he or she knows would inure to the special  
1472 private gain or loss of a relative or business associate of the  
1473 public officer. Before the vote is taken, such board member  
1474 shall publicly state to the board the nature of his or her  
1475 interest in the matter from which he or she is abstaining from  
1476 voting and, within 15 days after the vote occurs, disclose the  
1477 nature of his or her interest as a public record in a memorandum  
1478 filed with the person responsible for recording the minutes of  
1479 the meeting, who shall incorporate the memorandum in the

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1480 minutes.

1481 3. Notwithstanding s. 112.3148, s. 112.3149, or any other  
1482 law, a board member may not knowingly accept, directly or  
1483 indirectly, any gift or expenditure from a person or entity, or  
1484 an employee or representative of such person or entity, which  
1485 has a contractual relationship with the Joint Underwriting  
1486 Association or which is under consideration for a contract.

1487 4. A board member who fails to comply with subparagraph 2.  
1488 or subparagraph 3. is subject to the penalties provided under  
1489 ss. 112.317 and 112.3173.

1490 Section 33. Section 627.4215, Florida Statutes, is amended  
1491 to read:

1492 627.4215 Disclosures to policyholders; coverage of  
1493 behavioral health care services.—

1494 (1) A health insurer that offers behavioral health  
1495 insurance coverages required by federal or state law shall make  
1496 all of the following information available on its website:

1497 (a) The federal and state requirements for coverage of  
1498 behavioral health care services.

1499 (b) Contact information for the Division of Consumer  
1500 Services of the department, including a hyperlink, for consumers  
1501 to submit inquiries or complaints relating to health insurer  
1502 products or services regulated by the department or the office.

1503 (2) On an annual basis, a health insurer that offers  
1504 behavioral health insurance coverage required by federal or  
1505 state law shall provide a direct notice to insureds with  
1506 behavioral health insurance coverages required by federal or  
1507 state law which must include a description of the federal and  
1508 state requirements for coverage of behavioral health care

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1509 services. Such notice must also include the website address and  
1510 statewide toll-free telephone number of the Division of Consumer  
1511 Services of the department for receiving and logging complaints.

1512 Section 34. Subsections (2) and (3) of section 627.7015,  
1513 Florida Statutes, are amended to read:

1514 627.7015 Alternative procedure for resolution of disputed  
1515 property insurance claims.—

1516 (2) At the time of issuance and renewal of a policy or at  
1517 the time a first-party claim within the scope of this section is  
1518 filed by the policyholder, the insurer shall notify the  
1519 policyholder of its right to participate in the mediation  
1520 program under this section. A claim is not eligible for  
1521 mediation until an insurer has made a claim determination or  
1522 elected to repair pursuant to s. 627.70131. The department shall  
1523 prepare a consumer information pamphlet for distribution to  
1524 persons participating in mediation.

1525 (3) The costs of mediation must be reasonable, and the  
1526 insurer must bear all of the cost of conducting mediation  
1527 conferences, except as otherwise provided in this section. If a  
1528 policyholder fails to appear at the conference, the conference  
1529 must be rescheduled upon the policyholder's payment of the costs  
1530 of a rescheduled conference. If the insurer fails to appear at  
1531 the conference, the insurer must pay the policyholder's actual  
1532 cash expenses incurred in attending the conference if the  
1533 insurer's failure to attend was not due to a good cause  
1534 acceptable to the department. An insurer will be deemed to have  
1535 failed to appear if the insurer's representative lacks authority  
1536 to settle the full value of the claim. The insurer shall incur  
1537 an additional fee for a rescheduled conference necessitated by

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1538 the insurer's failure to appear at a scheduled conference. The  
1539 fees assessed by the department ~~administrator~~ must include a  
1540 charge necessary to defray the expenses of the department  
1541 related to its duties under this section and must be deposited  
1542 in the Insurance Regulatory Trust Fund. The department may  
1543 suspend the insurer's authority to appoint licensees if the  
1544 insurer does not timely pay the required fees.

1545 Section 35. Subsection (18) is added to section 627.7074,  
1546 Florida Statutes, to read:

1547 627.7074 Alternative procedure for resolution of disputed  
1548 sinkhole insurance claims.—

1549 (18) The department may designate, by means of a written  
1550 contract or agreement, an entity or a person to serve as  
1551 administrator to carry out any of the provisions of this  
1552 section.

1553 Section 36. Section 627.745, Florida Statutes, is amended  
1554 to read:

1555 627.745 Mediation of claims.—

1556 (1) (a) In any claim filed with an insurer for personal  
1557 injury in an amount of \$10,000 or less or any claim for property  
1558 damage in any amount, arising out of the ownership, operation,  
1559 use, or maintenance of a motor vehicle, either party may demand  
1560 mediation of the claim prior to the institution of litigation.

1561 (b) The costs of mediation must be reasonable, and the  
1562 insurer must bear all of the cost of conducting mediation  
1563 conferences, except as otherwise provided in this section. If a  
1564 policyholder fails to appear at the conference, the conference  
1565 must be rescheduled upon the policyholder's payment of the costs  
1566 of a rescheduled conference. If the insurer fails to appear at

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1567 the conference, the insurer must pay the policyholder's actual  
1568 cash expenses incurred in attending the conference if the  
1569 insurer's failure to attend was not due to a good cause  
1570 acceptable to the department. An insurer is deemed to have  
1571 failed to appear if the insurer's representative lacks authority  
1572 to settle the full value of the claim. The insurer shall incur  
1573 an additional fee, paid to the mediator, for a rescheduled  
1574 conference necessitated by the insurer's failure to appear at a  
1575 scheduled conference. The fees assessed by the department or  
1576 administrator must include a charge necessary to defray the  
1577 expenses of the department related to its duties under this  
1578 section and must be deposited in the Insurance Regulatory Trust  
1579 Fund. The department or administrator may request that the  
1580 department suspend the insurer's authority to appoint licensees  
1581 if the insurer does not timely pay the per-mediation-event  
1582 administrative fee. Mediation under this section is also  
1583 available to litigants referred to the department by a county  
1584 court or circuit court.

1585 ~~(b) A request for mediation shall be filed with the~~  
1586 ~~department on a form approved by the department. The request for~~  
1587 ~~mediation shall state the reason for the request for mediation~~  
1588 ~~and the issues in dispute which are to be mediated. The filing~~  
1589 ~~of a request for mediation tolls the applicable time~~  
1590 ~~requirements for filing suit for a period of 60 days following~~  
1591 ~~the conclusion of the mediation process or the time prescribed~~  
1592 ~~in s. 95.11, whichever is later.~~

1593 ~~(c) The insurance policy must specify in detail the terms~~  
1594 ~~and conditions for mediation of a first-party claim.~~

1595 ~~(d) The mediation shall be conducted as an informal process~~

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1596 ~~in which formal rules of evidence and procedure need not be~~  
1597 ~~observed. Any party participating in a mediation must have the~~  
1598 ~~authority to make a binding decision. All parties must mediate~~  
1599 ~~in good faith.~~

1600 ~~(e) The department shall randomly select mediators. Each~~  
1601 ~~party may once reject the mediator selected, either originally~~  
1602 ~~or after the opposing side has exercised its option to reject a~~  
1603 ~~mediator.~~

1604 ~~(f) Costs of mediation shall be borne equally by both~~  
1605 ~~parties unless the mediator determines that one party has not~~  
1606 ~~mediated in good faith.~~

1607 ~~(g) Only one mediation may be requested for each claim,~~  
1608 ~~unless all parties agree to further mediation.~~

1609 ~~(2) Upon receipt of a request for mediation, the department~~  
1610 ~~shall refer the request to a mediator. The mediator shall notify~~  
1611 ~~the applicant and all interested parties, as identified by the~~  
1612 ~~applicant, and any other parties the mediator believes may have~~  
1613 ~~an interest in the mediation, of the date, time, and place of~~  
1614 ~~the mediation conference. The conference may be held by~~  
1615 ~~telephone, if feasible. The mediation conference shall be held~~  
1616 ~~within 45 days after the request for mediation.~~

1617 ~~(2) (a) (3) (a)~~ (2) (a) The department shall approve mediators to  
1618 conduct mediations pursuant to this section. All mediators must  
1619 file an application under oath for approval as a mediator.

1620 (b) To qualify for approval as a mediator, an individual  
1621 must meet one of the following qualifications:

1622 1. Possess an active certification as a Florida Supreme  
1623 Court certified circuit court mediator. A Florida Supreme Court  
1624 certified circuit court mediator in a lapsed, suspended,



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1625 sanctioned, or decertified status is not eligible to participate  
1626 in the mediation program.

1627 2. Be an approved department mediator as of July 1, 2014,  
1628 and have conducted at least one mediation on behalf of the  
1629 department within 4 years immediately preceding that date.

1630 (3)~~(4)~~ The department shall deny an application, or suspend  
1631 or revoke its approval, of a mediator to serve in such capacity  
1632 if the department finds that one or more of the following  
1633 grounds exist:

1634 (a) Lack of one or more of the qualifications specified in  
1635 this section for approval.

1636 (b) Material misstatement, misrepresentation, or fraud in  
1637 obtaining or attempting to obtain the approval.

1638 (c) Demonstrated lack of fitness or trustworthiness to act  
1639 as a mediator.

1640 (d) Fraudulent or dishonest practices in the conduct of  
1641 mediation or in the conduct of business in the financial  
1642 services industry.

1643 (e) Violation of any provision of this code or of a lawful  
1644 order or rule of the department, violation of the Florida Rules  
1645 for Certified and Court-Appointed Mediators, or aiding,  
1646 instructing, or encouraging another party in committing such a  
1647 violation.

1648  
1649 The department may adopt rules to administer this subsection.

1650 (4) The department shall adopt by rule a motor vehicle  
1651 claims insurance mediation program to be administered by the  
1652 department or its designee. The department may also adopt  
1653 special rules that are applicable in cases of an emergency

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1654 within the state. The rules shall be modeled after practices and  
1655 procedures set forth in mediation rules of procedure adopted by  
1656 the Supreme Court. The rules must include:

1657 (a) Reasonable requirements for processing and scheduling  
1658 of requests for mediation.

1659 (b) Provisions governing who may attend mediation  
1660 conferences.

1661 (c) Selection of mediators.

1662 (d) Criteria for the conduct of mediation conferences.

1663 (e) Right to legal counsel.

1664 ~~(5) The department must adopt rules of procedure for claims~~  
1665 ~~mediation, taking into consideration a system which:~~

1666 ~~(a) Is fair.~~

1667 ~~(b) Promotes settlement.~~

1668 ~~(c) Avoids delay.~~

1669 ~~(d) Is nonadversarial.~~

1670 ~~(e) Uses a framework for modern mediating technique.~~

1671 (f) Controls of costs and expenses of mediation.

1672 (5) The department may designate an entity or person to  
1673 serve as an administrator to carry out any of the provisions of  
1674 this section and may take this action by means of a written  
1675 contract or agreement.

1676 (6) Disclosures and information divulged in the mediation  
1677 process are not admissible in any subsequent action or  
1678 proceeding relating to the claim or to the cause of action  
1679 giving rise to the claim. A person demanding mediation under  
1680 this section may not demand or request mediation after a suit is  
1681 filed relating to the same facts already mediated.

1682 Section 37. Present subsections (7) through (12) of section

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1683 631.141, Florida Statutes, are redesignated as subsections (8)  
1684 through (13), respectively, and a new subsection (7) is added to  
1685 that section, to read:

1686 631.141 Conduct of delinquency proceeding; domestic and  
1687 alien insurers.—

1688 (7) In order to preserve as much as possible the right and  
1689 interest of the policyholders whose insurance policies or  
1690 similar contracts are affected by the receivership proceedings,  
1691 the department as a domiciliary receiver may:

1692 (a) Use the property of the estate of the insurer to  
1693 transfer the insurer's book of business, policies, or similar  
1694 contracts of coverage, in whole or in part, to a solvent  
1695 assuming insurer or insurers.

1696 (b) Notwithstanding s. 631.195, share records of the  
1697 insurer with the prospective solvent assuming insurer or  
1698 insurers, but only to the extent necessary to undertake due  
1699 diligence for a transfer contemplated under this section.

1700 Section 38. Subsections (1) and (3) of section 631.252,  
1701 Florida Statutes, are amended to read:

1702 631.252 Continuation of coverage.—

1703 (1) Unless another insurer, with approval of the  
1704 receivership court, assumes or otherwise provides coverage for  
1705 the policies of the insolvent insurer, all insurance policies or  
1706 similar contracts of coverage, other than coverages defined in  
1707 s. 631.713 or health maintenance organization coverage under  
1708 part IV, issued by the insurer shall be canceled upon the  
1709 earlier ~~earliest to occur~~ of the following:

1710 (a) The date of entry of the liquidation or, if the court  
1711 so provides in its order, the expiration of 30 days from the

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1712 date of entry of the liquidation order;

1713 (b) The normal expiration of the policy or contract  
1714 coverage;

1715 (c) The replacement of the coverage by the insured, or the  
1716 replacement of the policy or contract of coverage, with a policy  
1717 or contract acceptable to the insured by the receiver with  
1718 another insurer; ~~or~~

1719 (d) The date proposed by the receiver and approved by the  
1720 receivership court to cancel coverage; or

1721 (e)~~(d)~~ The termination of the coverage by the insured.

1722 (3) The 30-day coverage continuation period provided in  
1723 paragraph (1) (a) and s. 631.57(1) (a)1. may not be extended  
1724 unless the Chief Financial Officer ~~office~~ determines, based on a  
1725 reasonable belief, that market conditions are such that policies  
1726 of residential property insurance coverage cannot be placed with  
1727 an authorized insurer within 30 days and that an additional 15  
1728 days is needed to place such coverage. ~~and~~ Failure of actual  
1729 notice to the policyholder of the insolvency of the insurer, of  
1730 commencement of a delinquency proceeding, or of expiration of  
1731 the extension period does not affect such expiration.

1732 Section 39. Subsection (1) of section 631.56, Florida  
1733 Statutes, is amended, and subsections (5) through (8) are added  
1734 to that section, to read:

1735 631.56 Board of directors.—

1736 (1) The board of directors of the association shall consist  
1737 of not less than five or more than nine persons serving terms as  
1738 established in the plan of operation. Three members of the board  
1739 must be representatives from domestic insurers and appointed by  
1740 the Chief Financial Officer. The department shall approve and

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1741 appoint to the board persons recommended by the member insurers  
1742 or other persons with experience in property and casualty  
1743 insurance or motor vehicle insurance as determined by the Chief  
1744 Financial Officer. These appointments are deemed to be within  
1745 the scope of the exemption provided in s. 112.313(7) (b). ~~In the~~  
1746 ~~event the department finds that any recommended person does not~~  
1747 ~~meet the qualifications for service on the board, the department~~  
1748 ~~shall request the member insurers to recommend another person.~~  
1749 Each member shall serve for a 4-year term and may be  
1750 reappointed. Vacancies on the board shall be filled for the  
1751 remaining period of the term in the same manner as initial  
1752 appointments.

1753 (5) The Chief Financial Officer may remove a board member  
1754 from office for misconduct, malfeasance, misfeasance, or neglect  
1755 of duty. Any vacancy so created shall be filled as provided in  
1756 subsection (1).

1757 (6) Board members are subject to the code of ethics under  
1758 part III of chapter 112, including, but not limited to, the code  
1759 of ethics and public disclosure and reporting of financial  
1760 interests, pursuant to s. 112.3145. For purposes of applying  
1761 part III of chapter 112 to activities of members of the board of  
1762 directors, those persons are considered public officers and the  
1763 association is considered their agency. Notwithstanding s.  
1764 112.3143(2), a board member may not vote on any measure that he  
1765 or she knows would inure to his or her special private gain or  
1766 loss; that he or she knows would inure to the special private  
1767 gain or loss of any principal by which he or she is retained,  
1768 other than an agency as defined in s. 112.312; or that he or she  
1769 knows would inure to the special private gain or loss of a

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1770 relative or business associate of the public officer. Before the  
1771 vote is taken, such member shall publicly state to the board the  
1772 nature of his or her interest in the matter from which he or she  
1773 is abstaining from voting and, within 15 days after the vote  
1774 occurs, disclose the nature of his or her interest as a public  
1775 record in a memorandum filed with the person responsible for  
1776 recording the minutes of the meeting, who shall incorporate the  
1777 memorandum in the minutes.

1778 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1779 law, a board member may not knowingly accept, directly or  
1780 indirectly, any gift or expenditure from a person or entity, or  
1781 an employee or representative of such person or entity, which  
1782 has a contractual relationship with the association or which is  
1783 under consideration for a contract.

1784 (8) A board member who fails to comply with subsection (6)  
1785 or subsection (7) is subject to the penalties provided under ss.  
1786 112.317 and 112.3173.

1787 Section 40. Paragraph (a) of subsection (1) of section  
1788 631.716, Florida Statutes, is amended, and subsections (4)  
1789 through (7) are added to that section, to read:

1790 631.716 Board of directors.—

1791 (1) (a) The board of directors of the association shall have  
1792 at least 9, but no more than 11, members. The members shall  
1793 consist ~~be comprised~~ of member insurers serving terms as  
1794 established in the plan of operation and 1 Florida Health  
1795 Maintenance Organization Consumer Assistance Plan director  
1796 confirmed pursuant to paragraph (b), or other persons with  
1797 experience in life and annuity or accident and health insurance  
1798 as determined by the Chief Financial Officer. These appointments

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1799 are deemed to be within the scope of the exemption provided in  
1800 s. 112.313(7)(b). At all times, at least 1 ~~member of the~~ board  
1801 member must be a domestic insurer as defined in s. 624.06(1).  
1802 The ~~members of the~~ board members who are member insurers shall  
1803 be elected by member insurers, subject to the approval of the  
1804 department. Each board member shall serve for a 4-year term and  
1805 may be reappointed.

1806 (4) The Chief Financial Officer may remove a board member  
1807 from office for misconduct, malfeasance, misfeasance, or neglect  
1808 of duty. Any vacancy so created shall be filled as provided in  
1809 subsection (1).

1810 (5) Board members are subject to the code of ethics under  
1811 part III of chapter 112, including, but not limited to, the code  
1812 of ethics and public disclosure and reporting of financial  
1813 interests, pursuant to s. 112.3145. For purposes of applying  
1814 part III of chapter 112 to activities of members of the board of  
1815 directors, those persons are considered public officers and the  
1816 association is considered their agency. Notwithstanding s.  
1817 112.3143(2), a board member may not vote on any measure that he  
1818 or she knows would inure to his or her special private gain or  
1819 loss; that he or she knows would inure to the special private  
1820 gain or loss of any principal by which he or she is retained,  
1821 other than an agency as defined in s. 112.312; or that he or she  
1822 knows would inure to the special private gain or loss of a  
1823 relative or business associate of the public officer. Before the  
1824 vote is taken, such member shall publicly state to the board the  
1825 nature of his or her interest in the matter from which he or she  
1826 is abstaining from voting and, within 15 days after the vote  
1827 occurs, disclose the nature of his or her interest as a public

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1828 record in a memorandum filed with the person responsible for  
1829 recording the minutes of the meeting, who shall incorporate the  
1830 memorandum in the minutes.

1831 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1832 law, a board member may not knowingly accept, directly or  
1833 indirectly, any gift or expenditure from a person or entity, or  
1834 an employee or representative of such person or entity, which  
1835 has a contractual relationship with the association or which is  
1836 under consideration for a contract.

1837 (7) A board member who fails to comply with subsection (5)  
1838 or subsection (6) is subject to the penalties provided under ss.  
1839 112.317 and 112.3173.

1840 Section 41. Subsection (1) of section 631.816, Florida  
1841 Statutes, is amended, and subsections (8) through (11) are added  
1842 to that section, to read:

1843 631.816 Board of directors.—

1844 (1) The board of directors of the plan shall consist of not  
1845 less than five or more than nine persons serving terms as  
1846 established in the plan of operation. The department shall  
1847 approve and appoint to the board persons recommended by the  
1848 member HMOs or other persons with experience in health insurance  
1849 as determined by the Chief Financial Officer. These appointments  
1850 are deemed to be within the scope of the exemption provided in  
1851 s. 112.313(7)(b). ~~In the event the department finds that any~~  
1852 ~~recommended person does not meet the qualifications for service~~  
1853 ~~on the board, the department shall request the member HMOs to~~  
1854 ~~recommend another person.~~ Each member shall serve for a 4-year  
1855 term and may be reappointed, except that terms may be staggered  
1856 as defined in the plan of operation. Vacancies on the board



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1857 shall be filled for the remaining period of the term in the same  
1858 manner as initial appointments. In determining voting rights,  
1859 each HMO is entitled to vote on the basis of cumulative weighted  
1860 voting based on the net written premium for non-Medicare and  
1861 non-Medicaid policies.

1862 (8) The Chief Financial Officer may remove a board member  
1863 from office for misconduct, malfeasance, misfeasance, or neglect  
1864 of duty. Any vacancy so created shall be filled as provided in  
1865 subsection (1).

1866 (9) Board members are subject to the code of ethics under  
1867 part III of chapter 112, including, but not limited to, the code  
1868 of ethics and public disclosure and reporting of financial  
1869 interests, pursuant to s. 112.3145. For purposes of applying  
1870 part III of chapter 112 to activities of members of the board of  
1871 directors, those persons are considered public officers and the  
1872 plan is considered their agency. Notwithstanding s. 112.3143(2),  
1873 a board member may not vote on any measure that he or she knows  
1874 would inure to his or her special private gain or loss; that he  
1875 or she knows would inure to the special private gain or loss of  
1876 any principal by which he or she is retained, other than an  
1877 agency as defined in s. 112.312; or that he or she knows would  
1878 inure to the special private gain or loss of a relative or  
1879 business associate of the public officer. Before the vote is  
1880 taken, such member shall publicly state to the board the nature  
1881 of his or her interest in the matter from which he or she is  
1882 abstaining from voting and, within 15 days after the vote  
1883 occurs, disclose the nature of his or her interest as a public  
1884 record in a memorandum filed with the person responsible for  
1885 recording the minutes of the meeting, who shall incorporate the

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1886 memorandum in the minutes.

1887 (10) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1888 law, a board member may not knowingly accept, directly or  
1889 indirectly, any gift or expenditure from a person or entity, or  
1890 an employee or representative of such person or entity, which  
1891 has a contractual relationship with the plan or which is under  
1892 consideration for a contract.

1893 (11) A board member who fails to comply with subsection (9)  
1894 or subsection (10) is subject to the penalties provided under  
1895 ss. 112.317 and 112.3173.

1896 Section 42. Subsection (1) of section 631.912, Florida  
1897 Statutes, is amended, and subsections (4), (5), and (6) are  
1898 added to that section, to read:

1899 631.912 Board of directors.—

1900 (1) The board of directors of the corporation shall consist  
1901 of 11 persons, 1 of whom is the insurance consumer advocate  
1902 appointed under s. 627.0613 or designee and 1 of whom is  
1903 designated by the Chief Financial Officer. The department shall  
1904 appoint to the board 6 persons selected by private carriers from  
1905 among the 20 workers' compensation insurers with the largest  
1906 amount of direct written premium as determined by the  
1907 department, and 2 persons selected by the self-insurance funds  
1908 or other persons with experience in workers' compensation  
1909 insurance as determined by the Chief Financial Officer. These  
1910 appointments are deemed to be within the scope of the exemption  
1911 provided in s. 112.313(7)(b). The Governor shall appoint one  
1912 person who has commercial insurance experience. At least two of  
1913 the private carriers shall be foreign carriers authorized to do  
1914 business in this state. The board shall elect a chairperson from

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1915 among its members. The Chief Financial Officer may remove any  
1916 board member for cause. Each board member shall be appointed to  
1917 serve a 4-year term and may be reappointed. A vacancy on the  
1918 board shall be filled for the remaining period of the term in  
1919 the same manner by which the original appointment was made.

1920 (4) Board members are subject to the code of ethics under  
1921 part III of chapter 112, including, but not limited to, the code  
1922 of ethics and public disclosure and reporting of financial  
1923 interests, pursuant to s. 112.3145. For purposes of applying  
1924 part III of chapter 112 to activities of members of the board of  
1925 directors, those persons are considered public officers and the  
1926 corporation is considered their agency. Notwithstanding s.  
1927 112.3143(2), a board member may not vote on any measure that he  
1928 or she knows would inure to his or her special private gain or  
1929 loss; that he or she knows would inure to the special private  
1930 gain or loss of any principal by which he or she is retained,  
1931 other than an agency as defined in s. 112.312; or that he or she  
1932 knows would inure to the special private gain or loss of a  
1933 relative or business associate of the public officer. Before the  
1934 vote is taken, such member shall publicly state to the board the  
1935 nature of his or her interest in the matter from which he or she  
1936 is abstaining from voting and, within 15 days after the vote  
1937 occurs, disclose the nature of his or her interest as a public  
1938 record in a memorandum filed with the person responsible for  
1939 recording the minutes of the meeting, who shall incorporate the  
1940 memorandum in the minutes.

1941 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1942 law, a board member may not knowingly accept, directly or  
1943 indirectly, any gift or expenditure from a person or entity, or

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1944 an employee or representative of such person or entity, which  
1945 has a contractual relationship with the corporation or which is  
1946 under consideration for a contract.

1947 (6) A board member who fails to comply with subsection (4)  
1948 or subsection (5) is subject to the penalties provided under ss.  
1949 112.317 and 112.3173.

1950 Section 43. Section 633.1423, Florida Statutes, is created  
1951 to read:

1952 633.1423 State Fire Marshal direct-support organization.-

1953 (1) DEFINITION.-As used in this section, the term  
1954 "organization" means the direct-support organization established  
1955 under this section.

1956 (2) ORGANIZATION ESTABLISHED.-The division may establish a  
1957 direct-support organization, to be known as the "State Fire  
1958 Marshal Safety and Training Force," whose sole purpose is to  
1959 support the safety and training of firefighters and to recognize  
1960 exemplary service. The organization must:

1961 (a) Be a not-for-profit corporation incorporated under  
1962 chapter 617 and approved by the Department of State.

1963 (b) Be organized and operated to raise funds; request and  
1964 receive grants, gifts, and bequests of money; conduct programs  
1965 and activities; acquire, receive, hold, invest, and administer,  
1966 in its own name, securities, funds, or property; and make grants  
1967 and expenditures to or for the direct or indirect benefit of the  
1968 division. Grants and expenditures may include the cost of  
1969 education or training of firefighters, or the recognition of  
1970 exemplary service of firefighters.

1971 (c) Be determined by the division to operate in a manner  
1972 that is:

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1973 1. Consistent with the goals of the division and laws  
1974 relating to the safety and training of firefighters.

1975 2. In the best interest of the state.

1976 3. In accordance with the adopted goals and mission of the  
1977 division.

1978 (d) Use all of its grants and expenditures solely for the  
1979 purpose of educating, training, and recognizing firefighters,  
1980 and not for advertising using the likeness or name of any  
1981 elected official nor for the purpose of lobbying as defined in  
1982 s. 11.045(1).

1983 (e) Be subject to an annual financial audit in accordance  
1984 with s. 215.981.

1985 (3) CONTRACT.—The organization shall operate under written  
1986 contract with the division. The contract must provide for:

1987 (a) Certification by the division that the organization is  
1988 complying with the terms of the contract and in a manner  
1989 consistent with the goals and purposes of the department and in  
1990 the best interest of the state. Such certification must be made  
1991 annually and reported in the official minutes of a meeting of  
1992 the organization.

1993 (b) The reversion of moneys and property held by the  
1994 organization for firefighter safety, training, and recognition  
1995 to the division if the organization is no longer approved to  
1996 operate by the division or if the organization ceases to exist,  
1997 or to the state if the division ceases to exist.

1998 (4) BOARD OF DIRECTORS.—The organization shall be governed  
1999 by a board of directors. The State Fire Marshal, or his or her  
2000 designee, shall appoint a president of the board. The board of  
2001 directors shall be appointed by the president of the board.

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2002        (5) USE OF PROPERTY.—The division may authorize, without  
2003 charge, appropriate use of fixed property and facilities of the  
2004 division by the organization, subject to this subsection.

2005        (a) The department may prescribe any condition with which  
2006 the organization must comply in order to use the division's  
2007 property or facilities.

2008        (b) The department may not authorize the use of the  
2009 division's property or facilities if the organization does not  
2010 provide equal membership and employment opportunities to all  
2011 persons regardless of race, religion, sex, age, or national  
2012 origin.

2013        (c) The department shall adopt rules prescribing the  
2014 procedures by which the organization is governed and any  
2015 conditions with which the organization must comply to use the  
2016 division's property or facilities.

2017        (6) DEPOSITORY ACCOUNT.—Any moneys received by the  
2018 organization may be held in a separate depository account in the  
2019 name of the organization and subject to the contract with the  
2020 division.

2021        (7) ANNUAL BUDGETS AND REPORTS.—The organization shall  
2022 submit to the division its annual budget and financial reports,  
2023 its federal Internal Revenue Service Application for Recognition  
2024 of Exemption Form 1023, and its federal Internal Revenue Service  
2025 Return of Organization Exempt from Income Tax Form 990.

2026        (8) ANNUAL AUDIT.—The organization shall provide for an  
2027 annual financial audit in accordance with s. 215.981.

2028        (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by  
2029 the division from the organization shall be deposited into the  
2030 Insurance Regulatory Trust Fund.

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2031        (10) REPEAL.—This section is repealed October 1, 2028,  
2032 unless reviewed and saved from repeal by the Legislature.

2033        Section 44. Section 634.181, Florida Statutes, is amended  
2034 to read:

2035        634.181 Grounds for compulsory refusal, suspension, or  
2036 revocation of license or appointment of salespersons.—

2037        (1) The department shall deny, suspend, revoke, or refuse  
2038 to renew or continue the license or appointment of any such  
2039 salesperson if it finds that as to the salesperson any one or  
2040 more of the following applicable grounds exist:

2041        (a)~~(1)~~ Material misstatement, misrepresentation, or fraud  
2042 in obtaining or attempting to obtain the license or appointment.

2043        (b)~~(2)~~ If the license or appointment is willfully used, or  
2044 to be used, to circumvent any of the requirements or  
2045 prohibitions of this part, any applicable provision of the  
2046 Florida Insurance Code, or rule of the department or commission.

2047        (c)~~(3)~~ Willful misrepresentation of any service agreement  
2048 or willful deception with regard to any agreement, done either  
2049 in person or by any form of dissemination of information or  
2050 advertising.

2051        (d)~~(4)~~ If in the adjustment of claims arising out of  
2052 service agreements, she or he has materially misrepresented to a  
2053 service agreement holder or other interested party the terms and  
2054 coverage of a service agreement with intent and for the purpose  
2055 of effecting settlement of the claim on less favorable terms  
2056 than those provided in and contemplated by the service  
2057 agreement.

2058        (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness  
2059 to engage in the service agreement business.

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2060        (f)~~(6)~~ For demonstrated lack of adequate knowledge and  
2061 technical competence to engage in the transactions authorized by  
2062 the license or appointment.

2063        (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of  
2064 business under the license or appointment.

2065        (h)~~(8)~~ Misappropriation, conversion, or unlawful  
2066 withholding of moneys belonging to a service agreement company,  
2067 insurer, or service agreement holder or to others and received  
2068 in the conduct of business under the license or appointment.

2069        (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for  
2070 unlawfully dividing or offering to divide her or his commission  
2071 with another.

2072        (j)~~(10)~~ Willful failure to comply with, or willful  
2073 violation of any proper order of the department or office, or  
2074 willful violation of any provision of this part, or of any  
2075 applicable provision of the insurance code, or applicable rule  
2076 of the department or commission.

2077        (k)~~(11)~~ Having been found guilty of, or having pleaded  
2078 guilty or nolo contendere to, a felony or a crime punishable by  
2079 imprisonment of 1 year or more under the law of the United  
2080 States of America or any state thereof or under the law of any  
2081 other country which involves moral turpitude, without regard to  
2082 whether a judgment of conviction has been entered by the court  
2083 having jurisdiction of the cases.

2084        (l)~~(12)~~ Failure to refund unearned pro rata commission to  
2085 the agreement holder or the service agreement company, if the  
2086 service agreement company is making a full unearned pro rata  
2087 refund to the agreement holder.

2088        (m) Having been the subject of, or having had a license,



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2089 permit, appointment, registration, or other authority to conduct  
2090 business subject to, any decision, finding, injunction,  
2091 suspension, prohibition, revocation, denial, judgment, final  
2092 agency action, or administrative order by any court of competent  
2093 jurisdiction, administrative law proceeding, state agency,  
2094 federal agency, national securities, commodities, or options  
2095 exchange, or national securities, commodities, or options  
2096 association involving a violation of any federal or state  
2097 securities or commodities law or any rule or regulation adopted  
2098 thereunder, or a violation of any rule or regulation of any  
2099 national securities, commodities, or options exchange or  
2100 national securities, commodities, or options association.

2101 (2) When a licensee is charged with a felony enumerated in  
2102 s. 626.207(2), the department shall, immediately upon receipt of  
2103 information on or indictment for the felony, temporarily suspend  
2104 a license or appointment issued under this chapter. Such  
2105 suspension shall continue if the licensee is found guilty of, or  
2106 pleads guilty or nolo contendere to, the crime, regardless of  
2107 whether a judgment or conviction is entered, during a pending  
2108 appeal. A person may not transact insurance business after  
2109 suspension of his or her license or appointment.

2110 (3) The department may adopt rules to administer this  
2111 section.

2112 Section 45. Section 634.191, Florida Statutes, is amended  
2113 to read:

2114 634.191 Grounds for discretionary refusal, suspension, or  
2115 revocation of license or appointment of salespersons.—

2116 (1) The department may, in its discretion, deny, suspend,  
2117 revoke, or refuse to renew or continue the license or

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2118 appointment of any salesperson if it finds that as to the  
2119 salesperson any one or more of the following applicable grounds  
2120 exist under circumstances for which such denial, suspension,  
2121 revocation, or refusal is not mandatory under s. 634.181:

2122 (a)~~(1)~~ For any cause for which granting of the license or  
2123 appointment could have been refused had it then existed and been  
2124 known to the department.

2125 (b)~~(2)~~ Violation of any provision of this part or of any  
2126 other law applicable to the business of service agreements in  
2127 the course of dealings under the license or appointment.

2128 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule  
2129 of the department or commission.

2130 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any  
2131 company or insurer the salesperson represents or has represented  
2132 any money coming into her or his hands belonging to the company  
2133 or insurer.

2134 (e)~~(5)~~ If, in the conduct of business under the license or  
2135 appointment, the salesperson has engaged in unfair methods of  
2136 competition or in unfair or deceptive acts or practices, as such  
2137 methods, acts, or practices are or may be defined under this  
2138 part, or has otherwise shown herself or himself to be a source  
2139 of injury or loss to the public or detrimental to the public  
2140 interest.

2141 (f)~~(6)~~ Failure to report to the department within 30 days  
2142 the final disposition of an administrative action taken against  
2143 a salesperson by a governmental agency or other regulatory  
2144 agency in this state or any other state or jurisdiction relating  
2145 to the business of insurance, the sale of securities, or an  
2146 activity involving fraud, dishonesty, trustworthiness, or breach

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2147 of a fiduciary duty. The salesperson must submit a copy of the  
2148 order, consent to order, or other relevant legal documents to  
2149 the department ~~Having been found guilty of, or having pleaded~~  
2150 ~~guilty or nolo contendere to, a felony or a crime punishable by~~  
2151 ~~imprisonment of 1 year or more under the law of the United~~  
2152 ~~States of America or any state thereof or under the law of any~~  
2153 ~~other country, without regard to whether a judgment of~~  
2154 ~~conviction has been entered by the court having jurisdiction of~~  
2155 ~~the cases.~~

2156 (2) The department may adopt rules to administer this  
2157 section.

2158 Section 46. Section 634.320, Florida Statutes, is amended  
2159 to read:

2160 634.320 Grounds for compulsory refusal, suspension, or  
2161 revocation of license or appointment of sales representatives.—

2162 (1) The department shall deny, suspend, revoke, or refuse  
2163 to renew or continue the license or appointment of any sales  
2164 representative if it is found that any one or more of the  
2165 following grounds applicable to the sales representative exist:

2166 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud  
2167 in obtaining or attempting to obtain a license or appointment.

2168 (b)~~(2)~~ The license or appointment is willfully used, or to  
2169 be used, to circumvent any of the requirements or prohibitions  
2170 of this part.

2171 (c)~~(3)~~ Willful misrepresentation of any warranty contract  
2172 or willful deception with regard to any such contract, done  
2173 either in person or by any form of dissemination of information  
2174 or advertising.

2175 (d)~~(4)~~ In the adjustment of claims arising out of

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2176 warranties, material misrepresentation to a warranty holder or  
2177 other interested party of the terms and coverage of a contract,  
2178 with the intent and for the purpose of effecting settlement of  
2179 such claim on less favorable terms than those provided in and  
2180 contemplated by the contract.

2181 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to  
2182 engage in the business of home warranty.

2183 (f)~~(6)~~ Demonstrated lack of adequate knowledge and  
2184 technical competence to engage in the transactions authorized by  
2185 the license or appointment.

2186 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of  
2187 business under the license or appointment.

2188 (h)~~(8)~~ Misappropriation, conversion, or unlawful  
2189 withholding of moneys belonging to an association, insurer, or  
2190 warranty holder, or to others, and received in the conduct of  
2191 business under the license or appointment.

2192 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully  
2193 rebate, or unlawfully dividing, or offering to divide, her or  
2194 his commission with another.

2195 (j)~~(10)~~ Willful failure to comply with, or willful  
2196 violation of, any proper order or rule of the department or  
2197 commission or willful violation of any provision of this part.

2198 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo  
2199 contendere to a felony or a crime punishable by imprisonment of  
2200 1 year or more under the law of the United States of America or  
2201 any state thereof or under the law of any other country  
2202 ~~involving moral turpitude~~, without regard to whether judgment of  
2203 conviction has been entered by the court.

2204 (l) Having been the subject of, or having had a license,

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2205 permit, appointment, registration, or other authority to conduct  
2206 business subject to, any decision, finding, injunction,  
2207 suspension, prohibition, revocation, denial, judgment, final  
2208 agency action, or administrative order by any court of competent  
2209 jurisdiction, administrative law proceeding, state agency,  
2210 federal agency, national securities, commodities, or options  
2211 exchange, or national securities, commodities, or options  
2212 association involving a violation of any federal or state  
2213 securities or commodities law or any rule or regulation adopted  
2214 thereunder, or a violation of any rule or regulation of any  
2215 national securities, commodities, or options exchange or  
2216 national securities, commodities, or options association.

2217 (2) When a licensee is charged with a felony enumerated in  
2218 s. 626.207(2), the department shall, immediately upon receipt of  
2219 information on or indictment for the felony, temporarily suspend  
2220 a license or appointment issued under this chapter. Such  
2221 suspension shall continue if the licensee is found guilty of, or  
2222 pleads guilty or nolo contendere to, the crime, regardless of  
2223 whether a judgment or conviction is entered, during a pending  
2224 appeal. A person may not transact insurance business after  
2225 suspension of his or her license or appointment.

2226 (3) The department may adopt rules to administer this  
2227 section.

2228 Section 47. Section 634.321, Florida Statutes, is amended  
2229 to read:

2230 634.321 Grounds for discretionary refusal, suspension, or  
2231 revocation of license or appointment of sales representatives.-

2232 (1) The department may, in its discretion, deny, suspend,  
2233 revoke, or refuse to renew or continue the license or

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2234 appointment of any sales representative if it is found that any  
2235 one or more of the following grounds applicable to the sales  
2236 representative exist under circumstances for which such denial,  
2237 suspension, revocation, or refusal is not mandatory under s.  
2238 634.320:

2239 (a)~~(1)~~ Any cause for which granting of the license or  
2240 appointment could have been refused had it then existed and been  
2241 known to the department.

2242 (b)~~(2)~~ Violation of any provision of this part, or of any  
2243 other law applicable to the business of warranties, in the  
2244 course of dealings under the license or appointment.

2245 (c)~~(3)~~ Violation of any lawful order or rule of the  
2246 department or commission.

2247 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any  
2248 home warranty association or insurer the sales representative  
2249 represents or has represented any money coming into her or his  
2250 hands which belongs to the association or insurer.

2251 (e)~~(5)~~ In the conduct of business under the license or  
2252 appointment, engaging in unfair methods of competition or in  
2253 unfair or deceptive acts or practices, as such methods, acts, or  
2254 practices are or may be defined under this part, or otherwise  
2255 showing herself or himself to be a source of injury or loss to  
2256 the public or detriment to the public interest.

2257 (f)~~(6)~~ Failure to report to the department within 30 days  
2258 the final disposition of an administrative action taken against  
2259 a sales representative by a governmental agency or other  
2260 regulatory agency in this state or any other state or  
2261 jurisdiction relating to the business of insurance, the sale of  
2262 securities, or an activity involving fraud, dishonesty,

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2263 trustworthiness, or breach of a fiduciary duty. The sales  
2264 representative must submit a copy of the order, consent to  
2265 order, or other relevant legal documents to the department ~~Being~~  
2266 ~~found guilty of or pleading guilty or nolo contendere to a~~  
2267 ~~felony or a crime punishable by imprisonment of 1 year or more~~  
2268 ~~under the law of the United States of America or any state~~  
2269 ~~thereof or under the law of any other country, without regard to~~  
2270 ~~whether a judgment of conviction has been entered by the court.~~

2271 (2) The department may adopt rules to administer this  
2272 section.

2273 Section 48. Section 634.419, Florida Statutes, is amended  
2274 to read:

2275 634.419 License and appointment required.—No person or  
2276 entity shall solicit, negotiate, advertise, or effectuate  
2277 service warranty contracts in this state unless such person or  
2278 entity is licensed and appointed as a sales representative.  
2279 Sales representatives shall be responsible for the actions of  
2280 persons under their supervision. However, a service warranty  
2281 association licensed as such under this part shall not be  
2282 required to be licensed and appointed as a sales representative  
2283 to solicit, negotiate, advertise, or effectuate its products.  
2284 Sections 501.021-501.055 do not apply to persons or entities  
2285 licensed and appointed under this section, or their affiliates,  
2286 which solicit the sale of a service warranty or related service  
2287 or product in connection with a prearranged appointment at the  
2288 request of the consumer.

2289 Section 49. Section 634.422, Florida Statutes, is amended  
2290 to read:

2291 634.422 Grounds for compulsory refusal, suspension, or

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2292 revocation of license or appointment of sales representatives.-

2293 (1) The department shall deny, suspend, revoke, or refuse  
2294 to renew or continue the license or appointment of any sales  
2295 representative if it is found that any one or more of the  
2296 following grounds applicable to the sales representative exist:

2297 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud  
2298 in obtaining or attempting to obtain a license or appointment.

2299 (b)~~(2)~~ The license or appointment is willfully used, or to  
2300 be used, to circumvent any of the requirements or prohibitions  
2301 of this part.

2302 (c)~~(3)~~ Willful misrepresentation of any service warranty  
2303 contract or willful deception with regard to any such contract,  
2304 done either in person or by any form of dissemination of  
2305 information or advertising.

2306 (d)~~(4)~~ In the adjustment of claims arising out of  
2307 warranties, material misrepresentation to a service warranty  
2308 holder or other interested party of the terms and coverage of a  
2309 contract with the intent and for the purpose of effecting  
2310 settlement of the claim on less favorable terms than those  
2311 provided in and contemplated by the contract.

2312 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to  
2313 engage in the business of service warranty.

2314 (f)~~(6)~~ Demonstrated lack of adequate knowledge and  
2315 technical competence to engage in the transactions authorized by  
2316 the license or appointment.

2317 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of  
2318 business under the license or appointment.

2319 (h)~~(8)~~ Misappropriation, conversion, or unlawful  
2320 withholding of moneys belonging to an association, insurer, or



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2321 warranty holder, or to others, and received in the conduct of  
2322 business under the license or appointment.

2323 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully  
2324 rebate, or unlawfully dividing, or offering to divide, her or  
2325 his commission with another.

2326 (j)~~(10)~~ Willful failure to comply with, or willful  
2327 violation of, any proper order or rule of the department or  
2328 commission, or willful violation of any provision of this part.

2329 (k)~~(11)~~ Being found guilty of or pleading nolo contendere  
2330 to a felony or a crime punishable by imprisonment of 1 year or  
2331 more under the law of the United States of America or any state  
2332 thereof or under the law of any other country ~~involving moral~~  
2333 ~~turpitude~~, without regard to whether judgment of conviction has  
2334 been entered by the court having jurisdiction of the case.

2335 (l) Having been the subject of, or having had a license,  
2336 permit, appointment, registration, or other authority to conduct  
2337 business subject to, any decision, finding, injunction,  
2338 suspension, prohibition, revocation, denial, judgment, final  
2339 agency action, or administrative order by any court of competent  
2340 jurisdiction, administrative law proceeding, state agency,  
2341 federal agency, national securities, commodities, or options  
2342 exchange, or national securities, commodities, or options  
2343 association involving a violation of any federal or state  
2344 securities or commodities law or any rule or regulation adopted  
2345 thereunder, or a violation of any rule or regulation of any  
2346 national securities, commodities, or options exchange or  
2347 national securities, commodities, or options association.

2348 (2) When a licensee is charged with a felony enumerated in  
2349 s. 626.207(2), the department shall, immediately upon receipt of

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2350 information on or indictment for the felony, temporarily suspend  
2351 a license or appointment issued under this chapter. Such  
2352 suspension shall continue if the licensee is found guilty of, or  
2353 pleads guilty or nolo contendere to, the crime, regardless of  
2354 whether a judgment or conviction is entered, during a pending  
2355 appeal. A person may not transact insurance business after  
2356 suspension of his or her license or appointment.

2357 (3) The department may adopt rules to administer this  
2358 section.

2359 Section 50. Section 634.423, Florida Statutes, is amended  
2360 to read:

2361 634.423 Grounds for discretionary refusal, suspension, or  
2362 revocation of license or appointment of sales representatives.—

2363 (1) The department may deny, suspend, revoke, or refuse to  
2364 renew or continue the license or appointment of any sales  
2365 representative if it is found that any one or more of the  
2366 following grounds applicable to the sales representative exist  
2367 under circumstances for which such denial, suspension,  
2368 revocation, or refusal is not mandatory under s. 634.422:

2369 (a)~~(1)~~ Any cause for which granting of the license or  
2370 appointment could have been refused had it then existed and been  
2371 known to the department.

2372 (b)~~(2)~~ Violation of any provision of this part, or of any  
2373 other law applicable to the business of service warranties, in  
2374 the course of dealings under the license or appointment.

2375 (c)~~(3)~~ Violation of any lawful order or rule of the  
2376 department or commission.

2377 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any  
2378 service warranty association or insurer the sales representative

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2379 represents or has represented any money coming into her or his  
2380 hands which belongs to the association or insurer.

2381 (e)~~(5)~~ In the conduct of business under the license or  
2382 appointment, engaging in unfair methods of competition or in  
2383 unfair or deceptive acts or practices, as such methods, acts, or  
2384 practices are or may be defined under this part, or otherwise  
2385 showing herself or himself to be a source of injury or loss to  
2386 the public or detriment to the public interest.

2387 (f)~~(6)~~ Failure to report to the department within 30 days  
2388 the final disposition of an administrative action taken against  
2389 a sales representative by a governmental agency or other  
2390 regulatory agency in this state or any other state or  
2391 jurisdiction relating to the business of insurance, the sale of  
2392 securities, or an activity involving fraud, dishonesty,  
2393 trustworthiness, or breach of a fiduciary duty. The sales  
2394 representative must submit a copy of the order, consent to  
2395 order, or other relevant legal documents to the department ~~Being~~  
2396 ~~found guilty of or pleading guilty or nolo contendere to a~~  
2397 ~~felony or a crime punishable by imprisonment of 1 year or more~~  
2398 ~~under the law of the United States of America or any state~~  
2399 ~~thereof or under the law of any other country, without regard to~~  
2400 ~~whether judgment of conviction has been entered by the court~~  
2401 ~~having jurisdiction of such case.~~

2402 (2) The department may adopt rules to administer this  
2403 section.

2404 Section 51. Section 648.25, Florida Statutes, is reordered  
2405 and amended to read:

2406 648.25 Definitions.—As used in this chapter, the term:

2407 (1) "Appointment" means the authority given by an insurer

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2408 or the managing general agent of an insurer through the  
2409 department to a licensee to transact insurance or adjust claims  
2410 on behalf of the insurer or managing general agent.

2411 (2)~~(1)~~ "Bail bond agency" means:

2412 (a) The building where a licensee maintains an office and  
2413 where all records required by ss. 648.34 and 648.36 are  
2414 maintained; or

2415 (b) An entity that:

2416 1. Charges a fee or premium to release an accused defendant  
2417 or detainee from jail; or

2418 2. Engages in or employs others to engage in any activity  
2419 that may be performed only by a licensed and appointed bail bond  
2420 agent.

2421 (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a  
2422 professional bail bond agent as hereafter defined.

2423 (7)~~(3)~~ "Managing general agent" means any individual,  
2424 partnership, association, or corporation appointed or employed  
2425 by an insurer to supervise or manage the bail bond business  
2426 written in this state by limited surety agents appointed by the  
2427 insurer.

2428 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien  
2429 surety company which has been authorized to transact surety  
2430 business in this state.

2431 (6)~~(5)~~ "Limited surety agent" means any individual  
2432 appointed by an insurer by power of attorney to execute or  
2433 countersign bail bonds in connection with judicial proceedings  
2434 who receives or is promised money or other things of value  
2435 therefor.

2436 (4)~~(6)~~ "~~Primary~~ Bail bond agent in charge" means a licensed

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2437 bail bond agent who is responsible for the overall operation and  
2438 management of a bail bond agency location and whose  
2439 responsibilities include hiring and supervising all individuals  
2440 within that location. A bail bond agent may be designated as the  
2441 ~~primary~~ bail bond agent in charge for only one bail bond agency  
2442 location.

2443 ~~(8)-(7)~~ "Professional bail bond agent" means any person who  
2444 pledges United States currency, United States postal money  
2445 orders, or cashier's checks as security for a bail bond in  
2446 connection with a judicial proceeding and receives or is  
2447 promised therefor money or other things of value.

2448 ~~(9)-(8)~~ "Temporary bail bond agent" means a person licensed  
2449 before January 1, 2024, who is employed by a bail bond agent or  
2450 agency, insurer, or managing general agent, and such licensee  
2451 has the same authority as a licensed bail bond agent, including  
2452 presenting defendants in court; apprehending, arresting, and  
2453 surrendering defendants to the proper authorities, while  
2454 accompanied by a supervising bail bond agent or an agent from  
2455 the same agency; and keeping defendants under necessary  
2456 surveillance. However, a temporary licensee may not execute or  
2457 sign bonds, handle collateral receipts, or deliver bonds to  
2458 appropriate authorities. A temporary licensee may not operate an  
2459 agency or branch agency separate from the location of the  
2460 supervising bail bond agent, managing general agent, or insurer  
2461 by whom the licensee is employed. This does not affect the right  
2462 of a bail bond agent or insurer to hire counsel or to obtain the  
2463 assistance of law enforcement officers. A temporary bail bond  
2464 agent license expires 18 months after issuance and is no longer  
2465 valid on or after June 30, 2025.

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2466 Section 52. Subsection (3) of section 648.26, Florida  
2467 Statutes, is amended to read:

2468 648.26 Department of Financial Services; administration.—

2469 (3) The papers, documents, reports, or any other  
2470 investigatory records of the department are confidential and  
2471 exempt from ~~the provisions of~~ s. 119.07(1) until such  
2472 investigation is completed or ceases to be active. For the  
2473 purpose of this section, an investigation is considered active  
2474 ~~“active”~~ while the investigation is being conducted by the  
2475 department with a reasonable, good faith belief that it may lead  
2476 to the filing of administrative, civil, or criminal proceedings.  
2477 An investigation does not cease to be active if the department  
2478 is proceeding with reasonable dispatch and there is good faith  
2479 belief that action may be initiated by the department or other  
2480 administrative or law enforcement agency. This subsection does  
2481 not prevent the department or office from disclosing the content  
2482 of a complaint or such information as it deems necessary to  
2483 conduct the investigation, to update the complainant as to the  
2484 status and outcome of the complaint, or to share such  
2485 information with any law enforcement agency or other regulatory  
2486 body.

2487 Section 53. Subsection (5) of section 648.27, Florida  
2488 Statutes, is amended to read:

2489 648.27 Licenses and appointments; general.—

2490 (5) ~~(a)~~ The license of a bail bond agent shall continue in  
2491 force, without further examination unless deemed necessary by  
2492 the department, until suspended, revoked, or otherwise  
2493 terminated.

2494 ~~(b) The license of a temporary bail bond agent shall~~

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2495 ~~continue in force until suspended, revoked, or otherwise~~  
2496 ~~terminated.~~

2497 Section 54. Section 648.285, Florida Statutes, is amended  
2498 to read:

2499 648.285 Bond agency; ownership requirements; applications  
2500 for bail bond agency licenses.—

2501 (1) A person may not own, control, manage, or otherwise  
2502 have a pecuniary interest in a bail bond agency unless such  
2503 individual is a licensed pursuant to s. 648.27, ~~and~~ appointed  
2504 through the department, and actively engaged as a bail bond  
2505 agent for at least the preceding 24 months. Any agency that is  
2506 not in compliance with this subsection ~~is shall be~~ subject to  
2507 the issuance of an immediate final order of suspension of its  
2508 license and all operations until the agency achieves compliance.

2509 (2) Effective January 1, 2024, the department may issue a  
2510 bail bond agency license to any person only after such person  
2511 files a written application with the department and qualifies  
2512 for such license.

2513 (3) An application for a bail bond agency license must be  
2514 signed by an individual required to be listed in the application  
2515 under paragraph (a). A bail bond agency license may permit a  
2516 third party to complete, submit, and sign an application on the  
2517 bail bond agency's behalf; however, the bail bond agency is  
2518 responsible for ensuring that the information on the application  
2519 is true and correct, and the bail bond agency is accountable for  
2520 any misstatements or misrepresentations. The application for a  
2521 bail bond agency license must include:

2522 (a) The name and license number of each owner, partner,  
2523 officer, director, president, senior vice president, secretary,

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2524 treasurer, and limited liability company member who directs or  
2525 participates in the management or control of the bail bond  
2526 agency, whether through ownership of voting securities, by  
2527 contract, by ownership of any agency bank account, or otherwise.

2528 (b) The residence address of each person required to be  
2529 listed in the application under paragraph (a).

2530 (c) The name, principal business street address, and valid  
2531 e-mail address of the bail bond agency and the name, address,  
2532 and e-mail address of the agency's registered agent or person or  
2533 company authorized to accept service on behalf of the bail bond  
2534 agency.

2535 (d) The physical address of each branch bail bond agency,  
2536 including its name, e-mail address, and telephone number, and  
2537 the date that the branch location began transacting bail bond  
2538 business.

2539 (e) The name of the full-time bail bond agent in charge of  
2540 the agency office, including branch locations, and his or her  
2541 corresponding location.

2542 (f) Such additional information as the department requires  
2543 by rule to ascertain the trustworthiness and competence of  
2544 persons required to be listed on the application and to  
2545 ascertain that such persons meet the requirements of this code.  
2546 However, the department may not require that credit or character  
2547 reports be submitted for persons required to be listed on the  
2548 application.

2549 (4) The department must issue a license to each agency upon  
2550 approval of the application, and each agency location must  
2551 display the license prominently in a manner that makes it  
2552 clearly visible to any customer or potential customer who enters



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2553 the agency location.

2554 (5) A bail bond agency that holds a current and valid  
2555 registration number with the department shall have its  
2556 registration automatically converted to a license on July 1,  
2557 2024.

2558 (6) Section 112.011 does not apply to bail bond agencies or  
2559 to applicants for licensure as owners of bail bond agencies.

2560 (7)~~(2)~~ If the owner of a bail bond agency dies or becomes  
2561 mentally incapacitated, a personal representative or legal  
2562 guardian may be issued a temporary permit to manage the affairs  
2563 of the bail bond agency. Such person must appoint or maintain  
2564 the appointment of a ~~primary~~ bail bond agent in charge, as  
2565 provided in s. 648.387, and may not engage in any activities as  
2566 a licensed bail bond agent but must comply with s. 648.387  
2567 during the administration of the estate or guardianship. A  
2568 temporary permit is valid for a maximum of 24 months.

2569 (8)~~(3)~~ Application for a temporary permit must be made by  
2570 the personal representative or legal guardian upon statements  
2571 and affidavits filed with the department on forms prescribed and  
2572 furnished by it. The applicant must meet the qualifications for  
2573 licensure as a bail bond agent, except for the residency,  
2574 examination, education, and experience requirements.

2575 Section 55. Subsection (1) of section 648.30, Florida  
2576 Statutes, is amended to read:

2577 648.30 Licensure and appointment required; prohibited acts;  
2578 penalties.—

2579 (1) (a) A person or entity may not act in the capacity of a  
2580 bail bond agent or ~~temporary~~ bail bond agency ~~agent~~ or perform  
2581 any of the functions, duties, or powers prescribed for bail bond

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2582 agents or ~~temporary~~ bail bond agencies ~~agents~~ under this chapter  
2583 unless that person or entity is qualified, licensed, and  
2584 appointed as provided in this chapter and employed by a bail  
2585 bond agency.

2586 (b) A bail bond agent may not sell a bail bond issued by an  
2587 insurer for which the agent and the agent's bail bond agency do  
2588 not hold a current appointment.

2589 (c) Except as otherwise provided in this part, a person or  
2590 entity, other than a bail bond agency or an employee of a bail  
2591 bond agency, may not perform any of the functions of a bail bond  
2592 agency without a bail bond agency license.

2593 Section 56. Section 648.31, Florida Statutes, is amended to  
2594 read:

2595 648.31 Appointment taxes and fees.—The department shall  
2596 collect in advance all appointment taxes and fees for the  
2597 issuance of any appointment to a bail bond agent ~~or temporary~~  
2598 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for  
2599 the issuance of any appointment to a bail bond agency.

2600 Section 57. Subsection (2) of section 648.34, Florida  
2601 Statutes, is amended to read:

2602 648.34 Bail bond agents; qualifications.—

2603 (2) To qualify as a bail bond agent, it must affirmatively  
2604 appear at the time of application and throughout the period of  
2605 licensure that the applicant ~~has complied with the provisions of~~  
2606 ~~s. 648.355 and has obtained a temporary license pursuant to such~~  
2607 ~~section and:~~

2608 (a) ~~The applicant~~ Is a natural person who has reached the  
2609 age of 18 years and holds a high school diploma or its  
2610 equivalent.

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2611           (b) ~~The applicant~~ Is a United States citizen or legal alien  
2612 who possesses work authorization from the United States Bureau  
2613 of Citizenship and Immigration Services and is a resident of  
2614 this state. An individual who is a resident of this state shall  
2615 be deemed to meet the residence requirement of this paragraph,  
2616 notwithstanding the existence, at the time of application for  
2617 license, of a license in the applicant's name on the records of  
2618 another state as a resident licensee of such other state, if the  
2619 applicant furnishes a letter of clearance satisfactory to the  
2620 department that his or her resident licenses have been canceled  
2621 or changed to a nonresident basis and that he or she is in good  
2622 standing.

2623           (c) Will maintain his or her ~~The place of business of the~~  
2624 ~~applicant will be located~~ in this state and in the county where  
2625 the applicant will maintain his or her records and be actively  
2626 engaged in the bail bond business and work with a licensed  
2627 ~~maintain an~~ agency accessible to the public which is open for  
2628 reasonable business hours.

2629           (d) ~~The applicant~~ Is vouched for and recommended upon sworn  
2630 statements filed with the department by at least three reputable  
2631 citizens who are residents of the same counties in which the  
2632 applicant proposes to engage in the bail bond business.

2633           (e) ~~The applicant~~ Is a person of high character and  
2634 approved integrity and has not been convicted of or pleaded  
2635 guilty or no contest to a felony, a crime involving moral  
2636 turpitude, or a crime punishable by imprisonment of 1 year or  
2637 more under the law of any state, territory, or country, whether  
2638 or not a judgment or conviction has been entered.

2639           (f) Within 2 years immediately before applying for the

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2640 license, has successfully completed a basic certification course  
2641 in the criminal justice system which consists of at least 120  
2642 hours of classroom instruction with a passing grade of 80  
2643 percent or higher and has successfully completed a  
2644 correspondence course for bail bond agents approved by the  
2645 department.

2646 (g) ~~(f)~~ The applicant Has passed any required examination.  
2647 Section 58. Section 648.355, Florida Statutes, is amended  
2648 to read:

2649 648.355 ~~Temporary limited license as~~ Limited surety agents  
2650 and agent or professional bail bond agents agent; qualifications  
2651 pending examination.-

2652 (1) The department may, ~~in its discretion, issue a~~  
2653 ~~temporary license as a limited surety agent or professional bail~~  
2654 ~~bond agent, subject to the following conditions:~~

2655 ~~(a) The applicant is a natural person at least 18 years of~~  
2656 ~~age and holds a high school diploma or its equivalent.~~

2657 ~~(b) The applicant is a United States citizen or legal alien~~  
2658 ~~who possesses work authorization from the United States Bureau~~  
2659 ~~of Citizenship and Immigration Services and is a resident of~~  
2660 ~~this state. An individual who is a resident of this state shall~~  
2661 ~~be deemed to meet the residence requirement of this paragraph,~~  
2662 ~~notwithstanding the existence, at the time of application for~~  
2663 ~~temporary license, of a license in the individual's name on the~~  
2664 ~~records of another state as a resident licensee of such other~~  
2665 ~~state, if the applicant furnishes a letter of clearance~~  
2666 ~~satisfactory to the department that the individual's resident~~  
2667 ~~licenses have been canceled or changed to a nonresident basis~~  
2668 ~~and that the individual is in good standing.~~

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2669       ~~(c) The applicant is a person of high character and~~  
2670 ~~approved integrity and has never been convicted of or pleaded~~  
2671 ~~guilty or no contest to a felony, a crime involving moral~~  
2672 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~  
2673 ~~more under the law of any state, territory, or country, whether~~  
2674 ~~or not a judgment or conviction is entered.~~

2675       ~~(d) Within 4 years prior to the date of application for a~~  
2676 ~~temporary license, the applicant has successfully completed a~~  
2677 ~~basic certification course in the criminal justice system,~~  
2678 ~~consisting of not less than 120 hours of classroom instruction~~  
2679 ~~with a passing grade of 80 percent or higher and has~~  
2680 ~~successfully completed a correspondence course for bail bond~~  
2681 ~~agents approved by the department.~~

2682       ~~(e) The applicant must be employed full time at the time of~~  
2683 ~~licensure, and at all times throughout the existence of the~~  
2684 ~~temporary license, by only one licensed and appointed~~  
2685 ~~supervising bail bond agent, who supervises the work of the~~  
2686 ~~applicant and is responsible for the licensee's conduct in the~~  
2687 ~~bail bond business. The applicant must be appointed by the same~~  
2688 ~~insurers as the supervising bail bond agent. The supervising~~  
2689 ~~bail bond agent shall certify monthly to the department under~~  
2690 ~~oath, on a form prescribed by the department, the names and~~  
2691 ~~hours worked each week of all temporary bail bond agents. Filing~~  
2692 ~~a false certification is grounds for the immediate suspension of~~  
2693 ~~the license and imposition of a \$5,000 administrative fine. The~~  
2694 ~~department may adopt rules that establish standards for the~~  
2695 ~~employment requirements.~~

2696       ~~(f) The application must be accompanied by an affidavit~~  
2697 ~~verifying proposed employment and a report as to the applicant's~~

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2698 ~~integrity and moral character on a form prescribed by the~~  
2699 ~~department and executed by the proposed employer.~~

2700 ~~(g) The applicant must file with the department statements~~  
2701 ~~by at least three reputable citizens who are residents of the~~  
2702 ~~same counties in which the applicant proposes to engage as a~~  
2703 ~~temporary licensee.~~

2704 ~~(h) The applicant's employer is responsible for the bail~~  
2705 ~~bonding acts of any licensee under this section.~~

2706 ~~(2) All applicable license fees, as prescribed in s.~~  
2707 ~~624.501, must be paid before issuance of the temporary license.~~

2708 ~~(3) The temporary license shall be effective for 18 months,~~  
2709 ~~subject to earlier termination at the request of the employer or~~  
2710 ~~if suspended or revoked by the department.~~

2711 ~~(4) The applicant shall furnish, with the application for~~  
2712 ~~temporary license, a complete set of the applicant's~~  
2713 ~~fingerprints in accordance with s. 626.171(4) and a recent~~  
2714 ~~credential-sized, fullface photograph of the applicant. The~~  
2715 ~~department may ~~shall~~ not issue a ~~temporary~~ license under this~~  
2716 ~~section until the department has received a report from the~~  
2717 ~~Department of Law Enforcement and the Federal Bureau of~~  
2718 ~~Investigation relative to the existence or nonexistence of a~~  
2719 ~~criminal history report based on the applicant's fingerprints.~~

2720 ~~(2)(5)~~ (2) The department may collect a fee necessary to cover  
2721 the cost of a character and credit report made by an established  
2722 and reputable independent reporting service. The fee shall be  
2723 deposited to the credit of the Insurance Regulatory Trust Fund.

2724 (3)(6) Effective July 1, 2023, any individual licensed by  
2725 the department as a temporary bail bond agent may take the  
2726 required bail bond agent's licensure examination, may file an

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2727 application for a bail bond agent's license if otherwise  
2728 qualified for licensure, and may take the required bail bond  
2729 agent's licensure examination ~~After licensure as a temporary~~  
2730 ~~licensee for at least 12 months, such licensee may file an~~  
2731 ~~application for and become eligible for a regular bail bond~~  
2732 ~~agent's license based on the licensee's experience in the bail~~  
2733 ~~bond business and education pursuant to paragraph (1)(d) and, if~~  
2734 ~~otherwise qualified, take the required bail bond agent's~~  
2735 ~~licensure examination. The applicant and supervising bail bond~~  
2736 ~~agent must each file an affidavit under oath, on a form~~  
2737 ~~prescribed by the department, verifying the required employment~~  
2738 ~~of the temporary agent before issuance of the license.~~

2739 ~~(7) In no event shall a temporary licensee licensed under~~  
2740 ~~this section perform any of the functions for which a bail bond~~  
2741 ~~agent's license is required after expiration of the temporary~~  
2742 ~~license without having passed the written examination as for a~~  
2743 ~~regular bail bond agent's license.~~

2744 ~~(8)(a) A temporary licensee has the same authority as a~~  
2745 ~~licensed bail bond agent, including presenting defendants in~~  
2746 ~~court; apprehending, arresting, and surrendering defendants to~~  
2747 ~~the proper authorities; and keeping defendants under necessary~~  
2748 ~~surveillance. However, a temporary licensee must be accompanied~~  
2749 ~~by a supervising bail bond agent or an agent from the same~~  
2750 ~~agency when apprehending, arresting, or surrendering defendants~~  
2751 ~~to authorities.~~

2752 ~~(b) A temporary licensee may not execute or sign bonds,~~  
2753 ~~handle collateral receipts, deliver bonds to appropriate~~  
2754 ~~authorities, or operate an agency or branch agency separate from~~  
2755 ~~the location of the supervising bail bond agent, managing~~

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2756 ~~general agent, or insurer by whom the licensee is employed.~~

2757 (4)(9) Effective July 1, 2023, the department may not issue  
2758 a temporary bail bond agent's license. An individual currently  
2759 licensed as a temporary bail bond agent may continue to be  
2760 licensed in accordance with this chapter. A temporary bail bond  
2761 agent's license may not be reinstated if the license expires or  
2762 is terminated, suspended, or revoked ~~The department shall not~~  
2763 ~~issue a temporary bail bond agent's license to any individual~~  
2764 ~~who has held such a temporary license in this state within 2~~  
2765 ~~years after the expiration of such temporary bail bond agent's~~  
2766 ~~license.~~

2767 Section 59. Subsections (1) through (4) of section 648.382,  
2768 Florida Statutes, are amended to read:

2769 648.382 Appointment of bail bond agents and bail bond  
2770 agencies ~~temporary bail bond agents~~; effective date of  
2771 appointment.-

2772 (1)(a) Each insurer or ~~appointing a bail bond agent and~~  
2773 ~~each insurer~~, managing general agent, ~~or bail bond agent~~  
2774 appointing a ~~temporary~~ bail bond agent or bail bond agency in  
2775 this state must file the appointment with the department and, at  
2776 the same time, pay the applicable appointment fees and taxes. A  
2777 person appointed under this section must hold a valid bail bond  
2778 agent's or ~~temporary~~ bail bond agency's ~~agent's~~ license. There  
2779 is no fee for the issuance of any appointment of a bail bond  
2780 agency.

2781 (b) Effective July 1, 2025, each insurer or managing  
2782 general agent appointing a bail bond agency in this state must  
2783 file the appointment with the department. An entity appointed  
2784 under this section must hold a valid bail bond agency's license.



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2785           (2) Before ~~Prior to~~ any appointment, an appropriate officer  
2786 or official of the appointing insurer ~~in the case of a bail bond~~  
2787 ~~agent or an insurer, managing general agent, or bail bond agent~~  
2788 ~~in the case of a temporary bail bond agent~~ must submit:

2789           (a) A certified statement or affidavit to the department  
2790 stating what investigation has been made concerning the proposed  
2791 appointee and the proposed appointee's background and the  
2792 appointing person's opinion to the best of his or her knowledge  
2793 and belief as to the moral character and reputation of the  
2794 proposed appointee. In lieu of such certified statement or  
2795 affidavit, by authorizing the effectuation of an appointment for  
2796 a licensee, the appointing entity certifies to the department  
2797 that such investigation has been made and that the results of  
2798 the investigation and the appointing person's opinion is that  
2799 the proposed appointee is a person of good moral character and  
2800 reputation and is fit to engage in the bail bond business;

2801           (b) An affidavit under oath on a form prescribed by the  
2802 department, signed by the proposed appointee, stating that  
2803 premiums are not owed to any insurer and that the appointee will  
2804 discharge all outstanding forfeitures and judgments on bonds  
2805 previously written. If the appointee does not satisfy or  
2806 discharge such forfeitures or judgments, the former insurer  
2807 shall file a notice, with supporting documents, with the  
2808 appointing insurer, the former agent or agency, and the  
2809 department, stating under oath that the licensee has failed to  
2810 timely satisfy forfeitures and judgments on bonds written and  
2811 that the insurer has satisfied the forfeiture or judgment from  
2812 its own funds. Upon receipt of such notification and supporting  
2813 documents, the appointing insurer shall immediately cancel the

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2814 licensee's appointment. The licensee may be reappointed only  
2815 upon certification by the former insurer that all forfeitures  
2816 and judgments on bonds written by the licensee have been  
2817 discharged. The appointing insurer or former agent or agency  
2818 may, within 10 days, file a petition with the department seeking  
2819 relief from this paragraph. Filing of the petition stays the  
2820 duty of the appointing insurer to cancel the appointment until  
2821 the department grants or denies the petition; ~~and~~

2822 (c) Any other information that the department reasonably  
2823 requires concerning the proposed appointee; and

2824 (d) Effective January 1, 2025, a certification that the  
2825 appointing entity obtained from each appointee the following  
2826 sworn statement:

2827  
2828 Pursuant to section 648.382(2)(b), Florida Statutes, I  
2829 do solemnly swear that I owe no premium to any insurer  
2830 or agency and that I will discharge all outstanding  
2831 forfeitures and judgments on bonds that have been  
2832 previously written. I acknowledge that failure to do  
2833 this will result in my active appointments being  
2834 canceled.

2835  
2836 An appointed bail bond agency must have the attestation under  
2837 this paragraph signed by its owner.

2838 (3) By authorizing the effectuation of an appointment for a  
2839 licensee, the appointing insurer certifies to the department  
2840 that the insurer will be bound by the acts of the bail bond  
2841 agent or bail bond agency acting within the scope of the agent's  
2842 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~

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2843 ~~temporary bail bond agent, the appointing insurer, managing~~  
2844 ~~general agent, or bail bond agent, as the case may be, must~~  
2845 ~~certify to the department that he or she will supervise the~~  
2846 ~~temporary bail bond agent's activities.~~

2847 (4) Each appointing insurer or, managing general agent, ~~or~~  
2848 ~~bail bond agent~~ must advise the department in writing within 5  
2849 days after receiving notice or learning that an appointee has  
2850 been arrested for, pled guilty or nolo contendere to, or been  
2851 found guilty of, a felony or other offense punishable by  
2852 imprisonment of 1 year or more under the law of any  
2853 jurisdiction, whether judgment was entered or withheld by the  
2854 court.

2855 Section 60. Present subsections (1) through (4) of section  
2856 648.386, Florida Statutes, are redesignated as subsections (2)  
2857 through (5), respectively, a new subsection (1) is added to that  
2858 section, and present subsection (2) of that section is amended,  
2859 to read:

2860 648.386 Qualifications for prelicensing and continuing  
2861 education schools and instructors.—

2862 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this  
2863 section, the term "classroom instruction" means a course  
2864 designed to be presented to a group of students by a live  
2865 instructor using lecture, video, webcast, or virtual or other  
2866 audio-video presentation.

2867 (3) ~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION  
2868 SCHOOLS.—In order to be considered for approval and  
2869 certification as an approved limited surety agent and  
2870 professional bail bond agent continuing education school, such  
2871 entity must:

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2872 (a) Provide a minimum of three classroom-instruction  
2873 continuing education classes per calendar year.

2874 (b) Submit a course curriculum to the department for  
2875 approval.

2876 (c) Offer continuing education classes that comprise ~~which~~  
2877 ~~are comprised of~~ a minimum of 2 hours of approved classroom-  
2878 instruction coursework and are taught by an approved supervising  
2879 instructor or guest lecturer approved by the entity or the  
2880 supervising instructor.

2881 Section 61. Section 648.387, Florida Statutes, is amended  
2882 to read:

2883 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2884 (1) The owner or operator of a bail bond agency shall  
2885 designate a ~~primary~~ bail bond agent in charge for each location,  
2886 and shall file with the department the name and license number  
2887 of the person and the address of the location on a form approved  
2888 by the department. The designation of the ~~primary~~ bail bond  
2889 agent in charge may be changed if the department is notified  
2890 immediately. Failure to notify the department within 10 working  
2891 days after such change is grounds for disciplinary action  
2892 pursuant to s. 648.45.

2893 (2) The ~~primary~~ bail bond agent in charge is responsible  
2894 for the overall operation and management of a bail bond agency  
2895 location, whose responsibilities may include, without  
2896 limitations, hiring and supervising of all individuals within  
2897 the location, whether they deal with the public in the  
2898 solicitation or negotiation of bail bond contracts or in the  
2899 collection or accounting of moneys. A person may be designated  
2900 as the primary bail bond agent in charge for only one agency and

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2901 location.

2902 (3) The department may suspend or revoke the license of the  
2903 owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail bond  
2904 ~~agency agent~~ if the ~~a~~ bail bond agency employs, contracts with,  
2905 or uses the services of a person who has had a license denied or  
2906 whose license is currently suspended or revoked. However, a  
2907 person who has been denied a license for failure to pass a  
2908 required examination may be employed to perform clerical or  
2909 administrative functions for which licensure is not required.

2910 (4) An owner, a bail bond agent in charge ~~operator~~, or a  
2911 bail bond agency ~~primary agent~~ may not employ, contract with, or  
2912 use the services of any person in a bail bond agency who has  
2913 been charged with, found guilty of, or pled guilty or nolo  
2914 contendere to a felony or a crime punishable by imprisonment of  
2915 1 year or more under the law of any jurisdiction, without regard  
2916 to whether judgment was entered or withheld by the court.

2917 (5) A bail bond agency location may not conduct surety  
2918 business unless a ~~primary~~ bail bond agent in charge is  
2919 designated by, and provides services to, the bail bond agency at  
2920 all times. If the bail bond agent in charge designated with the  
2921 department ends his or her affiliation with the bail bond agency  
2922 for any reason, and the bail bond agency fails to designate  
2923 another bail bond agent in charge within the 10-day period under  
2924 subsection (1) and such failure continues for 90 days, the bail  
2925 bond agency license automatically expires on the 91st day after  
2926 the date the designated bail bond agent in charge ended his or  
2927 her affiliation with the agency ~~The failure to designate a~~  
2928 ~~primary agent on a form prescribed by the department, within 10~~  
2929 ~~working days after an agency's inception or a change of primary~~

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2930 ~~agent, is a violation of this chapter, punishable as provided in~~  
 2931 ~~s. 648.45.~~

2932 Section 62. Section 648.3875, Florida Statutes, is created  
 2933 to read:

2934 648.3875 Bail bond agent in charge; qualifications.—

2935 (1) An application for designation as a bail bond agent in  
 2936 charge must be submitted on forms prescribed by the department.  
 2937 The application must include the applicant's full name and the  
 2938 applicant's license number issued pursuant to s. 648.27.

2939 (2) To qualify as a bail bond agent in charge, it must  
 2940 affirmatively appear that, at the time of application and  
 2941 throughout the period of licensure, the applicant has complied  
 2942 with s. 648.285 and that the applicant has been licensed as a  
 2943 bail bond agent for the 24 months immediately preceding the  
 2944 appointment as the bail bond agent in charge.

2945 Section 63. Section 648.39, Florida Statutes, is amended to  
 2946 read:

2947 648.39 Termination of appointment of managing general  
 2948 agents, bail bond agents, and ~~temporary~~ bail bond agencies  
 2949 ~~agents.—~~

2950 (1) An insurer that ~~who~~ terminates the appointment of a  
 2951 managing general agent, bail bond agent, or ~~temporary~~ bail bond  
 2952 agency agent shall, within 10 days after such termination, file  
 2953 written notice thereof with the department together with a  
 2954 statement that it has given or mailed notice to the terminated  
 2955 agent or agency. Such notice filed with the department must  
 2956 state the reasons, if any, for such termination. Information so  
 2957 furnished to the department is confidential and exempt from ~~the~~  
 2958 ~~provisions of~~ s. 119.07(1).

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2959 (2) Each insurer shall, within 5 days after terminating the  
2960 appointment of any managing general agent, bail bond agent, or  
2961 ~~temporary~~ bail bond agency agent, give written notice thereof to  
2962 each clerk of the circuit court and sheriff with whom such  
2963 person is registered.

2964 (3) An insurer that terminates the appointment of a  
2965 managing general agent or, bail bond agent, ~~or temporary bail~~  
2966 ~~bond agent~~ may authorize such person to continue to attempt the  
2967 arrest and surrender of a defendant for whom a surety bond had  
2968 been written by the bail bond agent before ~~prior to~~ termination  
2969 and to seek discharge of forfeitures and judgments as provided  
2970 in chapter 903.

2971 Section 64. Section 648.41, Florida Statutes, is repealed.

2972 Section 65. Section 648.42, Florida Statutes, is amended to  
2973 read:

2974 648.42 Registration of bail bond agents.—A bail bond agent  
2975 may not become a surety on an undertaking unless he or she has  
2976 registered in the office of the sheriff and with the clerk of  
2977 the circuit court in the county in which the bail bond agent  
2978 resides. The bail bond agent may register in a like manner in  
2979 any other county, and any bail bond agent shall file a certified  
2980 copy of his or her appointment by power of attorney from each  
2981 insurer which he or she represents as a bail bond agent with  
2982 each of such officers. Registration and filing of a certified  
2983 copy of renewed power of attorney shall be performed by April 1  
2984 of each odd-numbered year. The clerk of the circuit court and  
2985 the sheriff may ~~shall~~ not permit the registration of a bail bond  
2986 agent unless such bail bond agent is currently licensed by the  
2987 department and appointed by an insurer ~~the department~~. ~~Nothing~~

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2988 ~~in this section shall prevent the registration of a temporary~~  
2989 ~~licensee at the jail for the purposes of enabling the licensee~~  
2990 ~~to perform the duties under such license as set forth in this~~  
2991 ~~chapter.~~

2992 Section 66. Subsections (1) and (2) and paragraphs (c) and  
2993 (d) of subsection (8) of section 648.44, Florida Statutes, are  
2994 amended to read:

2995 648.44 Prohibitions; penalty.—

2996 (1) A bail bond agent or ~~temporary~~ bail bond agency agent  
2997 may not:

2998 (a) Suggest or advise the employment of, or name for  
2999 employment, any particular attorney or attorneys to represent  
3000 his or her principal.

3001 (b) Directly or indirectly solicit business in or on the  
3002 property or grounds of a jail, prison, or other place where  
3003 prisoners are confined or in or on the property or grounds of  
3004 any court. The term "solicitation" includes the distribution of  
3005 business cards, print advertising, or other written or oral  
3006 information directed to prisoners or potential indemnitors,  
3007 unless a request is initiated by the prisoner or a potential  
3008 indemnitor. Permissible print advertising in the jail is  
3009 strictly limited to a listing in a telephone directory and the  
3010 posting of the bail bond agent's or agency's name, address, e-  
3011 mail address, web address, and telephone number in a designated  
3012 location within the jail.

3013 (c) Initiate in-person or telephone solicitation after 9:00  
3014 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~  
3015 ~~eases,~~ at the residence of the detainee or the detainee's  
3016 family. Any solicitation ~~not prohibited by this chapter~~ must



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3017 comply with the telephone solicitation requirements in ss.  
3018 501.059(2) and (4), 501.613, and 501.616(6).

3019 (d) Wear or display any identification other than the  
3020 department issued or approved license or approved department  
3021 identification, which includes a citation of the licensee's  
3022 arrest powers, in or on the property or grounds of a jail,  
3023 prison, or other place where prisoners are confined or in or on  
3024 the property or grounds of any court.

3025 (e) Pay a fee or rebate or give or promise anything of  
3026 value to a jailer, police officer, peace officer, or committing  
3027 trial court judge or any other person who has power to arrest or  
3028 to hold in custody or to any public official or public employee  
3029 in order to secure a settlement, compromise, remission, or  
3030 reduction of the amount of any bail bond or estreatment thereof.

3031 (f) Pay a fee or rebate or give anything of value to an  
3032 attorney in a bail bond matter, except in defense of any action  
3033 on a bond.

3034 (g) Pay a fee or rebate or give or promise anything of  
3035 value to the principal or anyone in his or her behalf.

3036 (h) Participate in the capacity of an attorney at a trial  
3037 or hearing of one on whose bond he or she is surety.

3038 (i) Loiter in or about a jail, courthouse, or where  
3039 prisoners are confined.

3040 (j) Accept anything of value from a principal for providing  
3041 a bail bond except the premium and transfer fee authorized by  
3042 the office, except that the bail bond agent or bail bond agency  
3043 may accept collateral security or other indemnity from the  
3044 principal or another person in accordance with ~~the provisions of~~  
3045 s. 648.442, together with documentary stamp taxes, if

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3046 applicable. No fees, expenses, or charges of any kind shall be  
3047 permitted to be deducted from the collateral held or any return  
3048 premium due, except as authorized by this chapter or rule of the  
3049 department or commission. A bail bond agent or bail bond agency  
3050 may, upon written agreement with another party, receive a fee or  
3051 compensation for returning to custody an individual who has fled  
3052 the jurisdiction of the court or caused the forfeiture of a  
3053 bond.

3054 (k) Write more than one power of attorney per charge on a  
3055 bond, except in the case of a cosurety, unless the power of  
3056 attorney prohibits a cosurety.

3057 (l) Execute a bond in this state on his or her own behalf.

3058 (m) Execute a bond in this state if a judgment has been  
3059 entered on a bond executed by the bail bond agent or the bail  
3060 bond agency is a named party on the judgment, which has remained  
3061 unpaid for 35 days, unless the full amount of the judgment is  
3062 deposited with the clerk in accordance with s. 903.27(5).

3063 (n) Make a statement or representation to a court, unless  
3064 such statement or representation is under oath. Such statement  
3065 or representation may not be false, misleading, or deceptive.

3066 (o) Attempt to collect, through threat or coercion, amounts  
3067 due for the payment of any indebtedness related to the issuance  
3068 of a bail bond in violation of s. 559.72.

3069 (p) Conduct bail bond business with any person, other than  
3070 the defendant, on the grounds of the jail or courthouse for the  
3071 purpose of executing a bond.

3072 (2) The following persons or classes may ~~shall~~ not be bail  
3073 bond agents, ~~temporary bail bond agents~~, or employees of a bail  
3074 bond agent or a bail bond agency business and may ~~shall~~ not

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3075 directly or indirectly receive any benefits from the execution  
3076 of any bail bond:

3077 (a) Jailers or persons employed in any jail.

3078 (b) Police officers or employees of any police department  
3079 or law enforcement agency.

3080 (c) Committing trial court judges, employees of a court, or  
3081 employees of the clerk of any court.

3082 (d) Sheriffs and deputy sheriffs or employees of any  
3083 sheriff's department.

3084 (e) Attorneys.

3085 (f) Persons having the power to arrest or persons who have  
3086 authority over or control of federal, state, county, or  
3087 municipal prisoners.

3088 (8)

3089 (c) Any law enforcement agency, state attorney's office,  
3090 court clerk, or insurer that is aware that a bail bond agent ~~or~~  
3091 ~~temporary bail bond agent~~ has been convicted of or who has  
3092 pleaded guilty or no contest to a crime as described in  
3093 paragraph (a) shall notify the department of this fact.

3094 (d) Upon the filing of an information or indictment against  
3095 a bail bond agent ~~or temporary bail bond agent~~, the state  
3096 attorney or clerk of the circuit court shall immediately furnish  
3097 the department a certified copy of the information or  
3098 indictment.

3099 Section 67. Subsection (1) of section 648.441, Florida  
3100 Statutes, is amended to read:

3101 648.441 Furnishing supplies to unlicensed bail bond agent  
3102 prohibited; civil liability and penalty.—

3103 (1) An insurer, managing general agent, bail bond agent, or

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3104 ~~temporary~~ bail bond agency agent appointed under this chapter  
3105 may not furnish to any person any blank forms, applications,  
3106 stationery, business card, or other supplies to be used in  
3107 soliciting, negotiating, or effecting bail bonds until such  
3108 person has received from the department a license to act as a  
3109 bail bond agent and is appointed by the insurer. This section  
3110 does not prohibit an unlicensed employee, under the direct  
3111 supervision and control of a licensed and appointed bail bond  
3112 agent, from possessing or executing in the bail bond agency, any  
3113 forms, except for powers of attorney, bond forms, and collateral  
3114 receipts, while acting within the scope of his or her  
3115 employment.

3116 Section 68. Subsection (3) of section 648.46, Florida  
3117 Statutes, is amended to read:

3118 648.46 Procedure for disciplinary action against  
3119 licensees.—

3120 (3) The complaint and all information obtained pursuant to  
3121 the investigation of the department are confidential and exempt  
3122 from the provisions of s. 119.07(1) until such investigation is  
3123 completed or ceases to be active. For the purpose of this  
3124 section, an investigation is considered "active" while the  
3125 investigation is being conducted by the department with a  
3126 reasonable, good faith belief that it may lead to the filing of  
3127 administrative, civil, or criminal proceedings. An investigation  
3128 does not cease to be active if the department is proceeding with  
3129 reasonable dispatch and there is good faith belief that action  
3130 may be initiated by the department or other administrative or  
3131 law enforcement agency. This subsection does not prevent the  
3132 department or office from disclosing the complaint or such

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3133 information as it deems necessary to conduct the investigation,  
3134 to update the complainant as to the status and outcome of the  
3135 complaint, or to share such information with any law enforcement  
3136 agency or other regulatory body.

3137 Section 69. Section 648.50, Florida Statutes, is amended to  
3138 read:

3139 648.50 Effect of suspension, revocation upon associated  
3140 licenses and licensees.—

3141 (1) Upon the suspension, revocation, or refusal to renew or  
3142 continue any license or appointment or the eligibility to hold a  
3143 license or appointment of a bail bond agent or ~~temporary~~ bail  
3144 bond agency agent, the department shall at the same time  
3145 likewise suspend or revoke all other licenses or appointments  
3146 and the eligibility to hold any other such licenses or  
3147 appointments which may be held by the licensee under the Florida  
3148 Insurance Code.

3149 (2) In case of the suspension or revocation of the license  
3150 or appointment, or the eligibility to hold a license or  
3151 appointment, of any bail bond agent, the license, appointment,  
3152 or eligibility of any and all bail bond agents who are members  
3153 of a bail bond agency, whether incorporated or unincorporated,  
3154 ~~and any and all temporary bail bond agents employed by such bail~~  
3155 ~~bond agency,~~ who knowingly are parties to the act which formed  
3156 the ground for the suspension or revocation may likewise be  
3157 suspended or revoked.

3158 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~  
3159 ~~temporary bail bond agent~~ has been revoked or suspended may not  
3160 ~~shall~~ be employed by any bail bond agent, have any ownership  
3161 interest in any business involving bail bonds, or have any

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3162 financial interest of any type in any bail bond business during  
3163 the period of revocation or suspension.

3164 Section 70. Subsections (4) and (6) of section 717.135,  
3165 Florida Statutes, are amended to read:

3166 717.135 Recovery agreements and purchase agreements for  
3167 claims filed by a claimant's representative; fees and costs.—

3168 (4) A claimant's representative must use the Unclaimed  
3169 Property Recovery Agreement or the Unclaimed Property Purchase  
3170 Agreement as the exclusive means of entering into an agreement  
3171 or a contract ~~engaging~~ with a claimant or seller to file a claim  
3172 with the department.

3173 (6) A claimant's representative may not use or distribute  
3174 any other agreement of any type, conveyed by any method, form,  
3175 ~~or other media~~ with respect to the claimant or seller which  
3176 relates, directly or indirectly, to unclaimed property accounts  
3177 held by the department or the Chief Financial Officer other than  
3178 the agreements authorized by this section. Any engagement,  
3179 authorization, recovery, or fee agreement that is not authorized  
3180 by this section is void. A claimant's representative is subject  
3181 to administrative and civil enforcement under s. 717.1322 if he  
3182 or she uses an agreement that is not authorized by this section.  
3183 This subsection does not prohibit lawful nonagreement,  
3184 noncontractual, or advertising communications between or among  
3185 the parties.

3186 Section 71. Paragraph (a) of subsection (4) of section  
3187 843.021, Florida Statutes, is amended to read:

3188 843.021 Unlawful possession of a concealed handcuff key.—

3189 (4) (a) It is a defense to a charge of violating this  
3190 section that the person in custody and in possession of a

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3191 concealed handcuff key is:

3192 1. A federal, state, or local law enforcement officer,  
3193 including a reserve or auxiliary officer, a licensed security  
3194 officer, or a private investigator as defined in s. 493.6101; or

3195 2. A professional bail bond agent, ~~temporary bail bond~~  
3196 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3197 Section 72. Subsection (4) of section 631.152, Florida  
3198 Statutes, is amended to read:

3199 631.152 Conduct of delinquency proceeding; foreign  
3200 insurers.—

3201 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to  
3202 ancillary delinquency proceedings opened for the purpose of  
3203 obtaining records necessary to adjudicate the covered claims of  
3204 Florida policyholders.

3205 Section 73. Paragraph (b) of subsection (3) of section  
3206 631.398, Florida Statutes, is amended to read:

3207 631.398 Prevention of insolvencies.—To aid in the detection  
3208 and prevention of insurer insolvencies or impairments:

3209 (3)

3210 (b) For an insolvency involving a domestic property  
3211 insurer, the department shall:

3212 1. Begin an analysis of the history and causes of the  
3213 insolvency once the department is appointed by the court as  
3214 receiver.

3215 2. Submit an initial report analyzing the history and  
3216 causes of the insolvency to the Governor, the President of the  
3217 Senate, the Speaker of the House of Representatives, and the  
3218 office. The initial report must be submitted no later than 4  
3219 months after the department is appointed as receiver. The

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3220 initial report shall be updated at least annually until the  
3221 submission of the final report. The report may not be used as  
3222 evidence in any proceeding brought by the department or others  
3223 to recover assets on behalf of the receivership estate as part  
3224 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission  
3225 of a report under this subparagraph shall not be considered a  
3226 waiver of any evidentiary privilege the department may assert  
3227 under state or federal law.

3228         3. Provide a special report to the Governor, the President  
3229 of the Senate, the Speaker of the House of Representatives, and  
3230 the office, within 10 days upon identifying any condition or  
3231 practice that may lead to insolvency in the property insurance  
3232 marketplace.

3233         4. Submit a final report analyzing the history and causes  
3234 of the insolvency and the review of the Office of Insurance  
3235 Regulation's regulatory oversight of the insurer to the  
3236 Governor, the President of the Senate, the Speaker of the House  
3237 of Representatives, and the office within 30 days of the  
3238 conclusion of the insolvency proceeding.

3239         5. Review the Office of Insurance Regulation's regulatory  
3240 oversight of the insurer.

3241         Section 74. Subsection (2) of section 903.09, Florida  
3242 Statutes, is amended to read:

3243         903.09 Justification of sureties.—

3244         (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,  
3245 shall justify her or his suretyship by attaching a copy of the  
3246 power of attorney issued by the company to the bond or by  
3247 attaching to the bond United States currency, a United States  
3248 postal money order, or a cashier's check in the amount of the



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3249 bond; but the United States currency, United States postal money  
3250 order, or cashier's check cannot be used to secure more than one  
3251 bond. Nothing herein shall prohibit two or more qualified  
3252 sureties from each posting any portion of a bond amount, and  
3253 being liable for only that amount, so long as the total posted  
3254 by all cosureties is equal to the amount of bond required.

3255 Section 75. (1) The following rules are ratified for the  
3256 sole and exclusive purpose of satisfying any condition on the  
3257 effectiveness imposed under s. 120.541(3), Florida Statutes:  
3258 Rule 69L-7.020, Florida Administrative Code, titled "Florida  
3259 Workers' Compensation Health Care Provider Reimbursement Manual"  
3260 as filed for adoption with the Department of State pursuant to  
3261 the certification package dated October 22, 2021; Rule 69L-  
3262 7.730, Florida Administrative Code, titled "Health Care Provider  
3263 Medical Billing and Reporting Responsibilities" as filed for  
3264 adoption with the Department of State pursuant to the  
3265 certification package dated April 6, 2023; and Rule 7.740,  
3266 Florida Administrative Code, titled "Insurer Authorization and  
3267 Medical Bill Review Responsibilities" as filed for adoption with  
3268 the Department of State pursuant to the certification package  
3269 dated April 6, 2023.

3270 (2) This section serves no other purpose and may not be  
3271 codified in the Florida Statutes. After this section becomes  
3272 law, its enactment and effective dates shall be noted in the  
3273 Florida Administrative Code, the Florida Administrative  
3274 Register, or both, as appropriate. This section does not alter  
3275 rulemaking additions delegated by prior law, does not constitute  
3276 legislative preemption of or exception to any provision of law  
3277 governing adoption or enforcement of the rule cited, and is

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3278 intended to preserve the status of any cited rule as a rule  
3279 under chapter 120, Florida Statutes. This section does not cure  
3280 any rulemaking defect or preempt any challenge based on a lack  
3281 of authority or a violation of the legal requirements governing  
3282 the adoption of any rule cited.

3283 (3) This section takes effect July 1, 2023.

3284 Section 76. Except as otherwise expressly provided in this  
3285 act, this act shall take effect upon becoming a law.