

**By** the Committee on Fiscal Policy; the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator DiCeglie

594-04095-23

20231158c3

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

594-04095-23

20231158c3

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

594-04095-23

20231158c3

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

594-04095-23

20231158c3

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

594-04095-23

20231158c3

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.; specifying when a disputed

135 property insurance claim becomes eligible for

136 mediation; prohibiting an insurer from requiring

137 mediation under certain circumstances; providing

138 construction; providing that fees for a rescheduled

139 mediation conference be assessed by the department

140 rather than the administrator; authorizing the

141 department to suspend an insurer's authority to

142 appoint licensees under certain circumstances;

143 amending s. 627.7074, F.S.; authorizing the department

144 to designate, by written contract or agreement, an

145 entity or a person to administer the alternative

594-04095-23

20231158c3

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

594-04095-23

20231158c3

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

594-04095-23

20231158c3

204 association sales representatives; authorizing the  
205 department to adopt rules; amending s. 634.419, F.S.;  
206 providing that specified home solicitation sale  
207 requirements do not apply to certain persons relating  
208 to the solicitation of service warranty or related  
209 service or product sales; amending s. 634.422, F.S.;  
210 revising grounds for compulsory disciplinary actions  
211 by the department against service warranty association  
212 sales representatives; requiring the department to  
213 immediately temporarily suspend a license or  
214 appointment under certain circumstances; prohibiting a  
215 person from transacting insurance business after such  
216 suspension; authorizing the department to adopt rules;  
217 amending s. 634.423, F.S.; revising grounds for  
218 discretionary disciplinary actions by the department  
219 against service warranty association sales  
220 representatives; authorizing the department to adopt  
221 rules; reordering and amending s. 648.25, F.S.;  
222 defining and redefining terms; amending s. 648.26,  
223 F.S.; authorizing certain actions by the department or  
224 the Office of Insurance Regulation relating to certain  
225 confidential records relating to bail bond agents;  
226 amending s. 648.27, F.S.; deleting a provision  
227 relating to the continuance of a temporary bail bond  
228 agent license; amending s. 648.285, F.S.; revising  
229 requirements, conditions, and procedures for a bail  
230 bond agency license; providing applicability;  
231 conforming a provision to changes made by the act;  
232 amending s. 648.30, F.S.; revising requirements and



594-04095-23

20231158c3

233 conditions for the licensure and appointment as a bail  
234 bond agent or bail bond agency; conforming a provision  
235 to changes made by the act; amending s. 648.31, F.S.;  
236 specifying that there is no fee for the issuance of  
237 any appointment to a bail bond agency; conforming a  
238 provision to changes made by the act; amending s.  
239 648.34, F.S.; revising qualifications for a bail bond  
240 agent license; conforming a provision to changes made  
241 by the act; amending s. 648.355, F.S.; deleting  
242 provisions relating to temporary licenses as a limited  
243 surety agent or professional bail bond agent;  
244 specifying requirements for an individual licensed as  
245 a temporary bail bond agent to qualify for bail bond  
246 agent license; prohibiting the department from issuing  
247 a temporary bail bond agent license beginning on a  
248 specified date; providing construction relating to  
249 existing temporary licenses; amending s. 648.382,  
250 F.S.; revising requirements for the appointment of  
251 bail bond agents or bail bond agencies; conforming a  
252 provision to changes made by the act; amending s.  
253 648.386, F.S.; defining the term "classroom  
254 instruction"; revising requirements for approval and  
255 certification as an approved limited surety agent and  
256 professional bail bond agent continuing education  
257 school; amending s. 648.387, F.S.; renaming primary  
258 bail bond agents as bail bond agents in charge;  
259 revising the department's disciplinary authority;  
260 revising prohibited actions and the applicability of  
261 such prohibitions; providing for the automatic

594-04095-23

20231158c3

262 expiration of a bail bond agency's license under  
263 certain circumstances; creating s. 648.3875, F.S.;  
264 providing requirements for applying for designation as  
265 a bail bond agent in charge; amending s. 648.39, F.S.;  
266 revising applicability of provisions relating to  
267 termination of appointments of certain agents and  
268 agencies; repealing s. 648.41, F.S., relating to  
269 termination of appointment of temporary bail bond  
270 agents; amending s. 648.42, F.S.; conforming a  
271 provision to changes made by the act; making a  
272 technical change; amending s. 648.44, F.S.; revising  
273 applicability of prohibited acts; revising and  
274 specifying prohibited acts of bail bond agents and  
275 bail bond agencies; conforming provisions to changes  
276 made by the act; amending s. 648.441, F.S.; revising  
277 applicability of a prohibition against furnishing  
278 supplies to an unlicensed bail bond agent; amending s.  
279 648.46, F.S.; authorizing certain actions by the  
280 department or the office relating to certain  
281 confidential records relating to bail bond agents;  
282 amending s. 648.50, F.S.; revising applicability of  
283 provisions relating to disciplinary actions taken by  
284 the department; conforming provisions to changes made  
285 by the act; amending s. 717.135, F.S.; revising a  
286 requirement for, and a prohibition on, claimants'  
287 representatives relating to unclaimed property  
288 recovery agreements and purchase agreements; providing  
289 construction; amending s. 843.021, F.S.; revising a  
290 defense to an unlawful possession of a concealed

594-04095-23

20231158c3

291 handcuff key; amending ss. 631.152, 631.398, and  
292 903.09, F.S.; conforming cross-references; ratifying  
293 specified rules of the department; providing  
294 construction; providing effective dates.

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

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

300 20.121 Department of Financial Services.—There is created a  
301 Department of Financial Services.

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

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

- 317 1. The Bureau of Forensic Services;
- 318 2. The Bureau of Fire, Arson, and Explosives  
319 Investigations;

594-04095-23

20231158c3

320 3. The Office of Fiscal Integrity, which shall have a  
321 separate budget;

322 4. The Bureau of Insurance Fraud; and

323 5. The Bureau of Workers' Compensation Fraud.

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

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

343 112.215 Government employees; deferred compensation  
344 program.—

345 (2) For the purposes of this section, the term "government  
346 employee" means any person employed, whether appointed, elected,  
347 or under contract, by providing services for the state or any  
348 governmental unit of the state, including, but not limited to,

594-04095-23

20231158c3

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

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

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

375 (c) The Chief Financial Officer, with the approval of the  
376 State Board of Administration, may delegate responsibility for  
377 administration of the state plan to a person the Chief Financial

594-04095-23

20231158c3

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

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

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

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

405 1. One member shall be appointed by the Speaker of the  
406 House of Representatives and the President of the Senate jointly

594-04095-23

20231158c3

407 and shall be an employee of the legislative branch.

408 2. One member shall be appointed by the Chief Justice of  
409 the Supreme Court and shall be an employee of the judicial  
410 branch.

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

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

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

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

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

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

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

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

435 Section 3. Section 215.55952, Florida Statutes, is amended

594-04095-23

20231158c3

436 to read:

437 215.55952 Triennial ~~Annual~~ report on economic impact of a  
438 1-in-100-year hurricane.—The Chief Financial Officer shall  
439 provide a report on the economic impact on the state of a 1-in-  
440 100-year hurricane to the Governor, the President of the Senate,  
441 and the Speaker of the House of Representatives by March 1,  
442 2025, and of each triennial year thereafter. The report shall  
443 include an estimate of the short-term and long-term fiscal  
444 impacts of such a storm on Citizens Property Insurance  
445 Corporation, the Florida Hurricane Catastrophe Fund, the private  
446 insurance and reinsurance markets, the state economy, and the  
447 state debt. The report shall also include an analysis of the  
448 average premium increase to fund a 1-in-100-year hurricane event  
449 and list the average cost, in both a percentage and dollar  
450 amount, impact to consumers on a county-level basis. The report  
451 may also include recommendations by the Chief Financial Officer  
452 for preparing for such a hurricane and reducing the economic  
453 impact of such a hurricane on the state. In preparing the  
454 analysis, the Chief Financial Officer shall coordinate with and  
455 obtain data from the Office of Insurance Regulation, Citizens  
456 Property Insurance Corporation, the Florida Hurricane  
457 Catastrophe Fund, the Florida Commission on Hurricane Loss  
458 Projection Methodology, the State Board of Administration, the  
459 Office of Economic and Demographic Research, and other state  
460 agencies.

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

463 274.01 Definitions.—The following words as used in this act  
464 have the meanings set forth in the below subsections, unless a



594-04095-23

20231158c3

465 different meaning is required by the context:

466 (1) "Governmental unit" means the governing board,  
467 commission, or authority of a county, a county agency, a  
468 municipality, a special district as defined in s. 189.012 or  
469 taxing district of the state, or the sheriff of the county.

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

473 440.13 Medical services and supplies; penalty for  
474 violations; limitations.—

475 (9) EXPERT MEDICAL ADVISORS.—

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

594-04095-23

20231158c3

494 certification. The opinion of the expert medical advisor is  
495 presumed to be correct unless there is clear and convincing  
496 evidence to the contrary as determined by the judge of  
497 compensation claims. The expert medical advisor appointed to  
498 conduct the evaluation shall have free and complete access to  
499 the medical records of the employee. An employee who fails to  
500 report to and cooperate with such evaluation forfeits  
501 entitlement to compensation during the period of failure to  
502 report or cooperate.

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

505 (a) A three-member panel is created, consisting of the  
506 Chief Financial Officer, or the Chief Financial Officer's  
507 designee, and two members to be appointed by the Governor,  
508 subject to confirmation by the Senate, one member who, on  
509 account of present or previous vocation, employment, or  
510 affiliation, shall be classified as a representative of  
511 employers, the other member who, on account of previous  
512 vocation, employment, or affiliation, shall be classified as a  
513 representative of employees. The panel shall determine statewide  
514 schedules of maximum reimbursement allowances for medically  
515 necessary treatment, care, and attendance provided by  
516 ~~physicians, hospitals and, ambulatory surgical centers, work-~~  
517 ~~hardening programs, pain programs, and durable medical~~  
518 ~~equipment.~~ The maximum reimbursement allowances for inpatient  
519 hospital care shall be based on a schedule of per diem rates, to  
520 be approved by the three-member panel no later than March 1,  
521 1994, to be used in conjunction with a precertification manual  
522 as determined by the department, including maximum hours in

594-04095-23

20231158c3

523 which an outpatient may remain in observation status, which  
524 shall not exceed 23 hours. All compensable charges for hospital  
525 outpatient care shall be reimbursed at 75 percent of usual and  
526 customary charges, except as otherwise provided by this  
527 subsection. Annually, the three-member panel shall adopt  
528 schedules of maximum reimbursement allowances for ~~physicians,~~  
529 hospital inpatient care, hospital outpatient care, and  
530 ambulatory surgical centers, ~~work-hardening programs, and pain~~  
531 ~~programs.~~ A ~~An individual physician,~~ hospital or an, ambulatory  
532 surgical center, ~~pain program, or work-hardening program~~ shall  
533 be reimbursed either the agreed-upon contract price or the  
534 maximum reimbursement allowance in the appropriate schedule.

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

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

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

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

594-04095-23

20231158c3

552 charges.

553 (e)1. By July 1 of each year, the department shall notify  
554 carriers and self-insurers of the physician and nonhospital  
555 services schedule of maximum reimbursement allowances. The  
556 notice must include publication of this schedule of maximum  
557 reimbursement allowances on the division's website. This  
558 schedule is not subject to approval by the three-member panel  
559 and does not include reimbursement for prescription medication.

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

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

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

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

594-04095-23

20231158c3

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

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

594-04095-23

20231158c3

610 payments shall maintain records verifying their usual charges.  
611 In establishing the uniform schedule of maximum reimbursement  
612 allowances, the panel must consider:

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

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

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

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

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

636 1. Take testimony, receive records, and collect data to  
637 evaluate the adequacy of the workers' compensation fee schedule,  
638 nationally recognized fee schedules and alternative methods of

594-04095-23

20231158c3

639 reimbursement to health care providers and health care  
640 facilities for inpatient and outpatient treatment and care.

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

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

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

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

594-04095-23

20231158c3

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

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

674 440.385 Florida Self-Insurers Guaranty Association,  
675 Incorporated.—

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

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

695 (b) Directors are subject to the code of ethics under part  
696 III of chapter 112, including, but not limited to, the code of



594-04095-23

20231158c3

697 ethics and public disclosure and reporting of financial  
698 interests, pursuant to s. 112.3145. For purposes of applying  
699 part III of chapter 112 to activities of members of the board of  
700 directors, those persons are considered public officers and the  
701 association is considered their agency. Notwithstanding s.  
702 112.3143(2), a director may not vote on any measure that he or  
703 she knows would inure to his or her special private gain or  
704 loss; that he or she knows would inure to the special private  
705 gain or loss of any principal by which he or she is retained,  
706 other than an agency as defined in s. 112.312; or that he or she  
707 knows would inure to the special private gain or loss of a  
708 relative or business associate of the public officer. Before the  
709 vote is taken, such director shall publicly state to the board  
710 the nature of his or her interest in the matter from which he or  
711 she is abstaining from voting and, within 15 days after the vote  
712 occurs, disclose the nature of his or her interest as a public  
713 record in a memorandum filed with the person responsible for  
714 recording the minutes of the meeting, who shall incorporate the  
715 memorandum in the minutes.

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

723 (d) A director who fails to comply with paragraph (b) or  
724 paragraph (c) is subject to the penalties provided under ss.  
725 112.317 and 112.3173.

594-04095-23

20231158c3

726 Section 7. Present subsections (62) through (77) and (78)  
727 of section 497.005, Florida Statutes, are redesignated as  
728 subsections (63) through (78) and (80), respectively, a new  
729 subsection (62) and subsection (79) are added to that section,  
730 and subsections (9) and (61) of that section are amended, to  
731 read:

732 497.005 Definitions.—As used in this chapter, the term:

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

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

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

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

594-04095-23

20231158c3

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

757 624.1265 Nonprofit religious organization exemption;  
758 authority; notice.—

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

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

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

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

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

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

776 1. Among the participants; or

777 2. By the nonprofit religious organization to the  
778 participants;

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

783 (g) Conducts an annual audit that is performed by an

594-04095-23

20231158c3

784 independent certified public accounting firm in accordance with  
785 generally accepted accounting principles and that is made  
786 available to the public by providing a copy upon request or by  
787 posting on the nonprofit religious organization's website; and

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

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

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

797 (25) Reinsurance intermediary:

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

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

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

803 626.015 Definitions.—As used in this part:

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

594-04095-23

20231158c3

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

815 626.171 Application for license as an agent, customer  
816 representative, adjuster, service representative, or reinsurance  
817 intermediary.—

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

836 Section 12. Paragraph (c) of subsection (1) of section  
837 626.173, Florida Statutes, is amended to read:

838 626.173 Insurance agency closure; cancellation of  
839 licenses.—

840 (1) If a licensed insurance agency permanently ceases the  
841 transacting of insurance or ceases the transacting of insurance

594-04095-23

20231158c3

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

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

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

857 626.207 Disqualification of applicants and licensees;  
858 penalties against licensees; rulemaking authority.—

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

594-04095-23

20231158c3

871 at the time of eligibility for relicensure. The length of  
872 suspension may be adjusted based on aggravating or mitigating  
873 factors, established by rule and consistent with this purpose.

874 Section 14. Paragraph (j) of subsection (2) of section  
875 626.221, Florida Statutes, is amended to read:

876 626.221 Examination requirement; exemptions.—

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

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

899 Section 15. Paragraphs (c) and (f) of subsection (3) of

594-04095-23

20231158c3

900 section 626.2815, Florida Statutes, are amended to read:

901 626.2815 Continuing education requirements.—

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

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

926 (f) Elective continuing education courses for public  
927 adjusters may ~~must~~ be any course related to commercial and  
928 residential property coverages, claim adjusting practices, and



594-04095-23

20231158c3

929 any other adjuster elective courses ~~specifically designed for~~  
930 ~~public adjusters and~~ approved by the department. Notwithstanding  
931 this subsection, public adjusters for workers' compensation  
932 insurance or health insurance are not required to take  
933 continuing education courses pursuant to this section.

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

937 626.321 Limited licenses and registration.—

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

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

594-04095-23

20231158c3

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

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

594-04095-23

20231158c3

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

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

1008 Section 17. Paragraph (n) of subsection (1) of section  
1009 626.611, Florida Statutes, is amended to read:

1010 626.611 Grounds for compulsory refusal, suspension, or  
1011 revocation of agent's, title agency's, adjuster's, customer  
1012 representative's, service representative's, or managing general  
1013 agent's license or appointment.—

1014 (1) The department shall deny an application for, suspend,  
1015 revoke, or refuse to renew or continue the license or

594-04095-23

20231158c3

1016 appointment of any applicant, agent, title agency, adjuster,  
1017 customer representative, service representative, or managing  
1018 general agent, and it shall suspend or revoke the eligibility to  
1019 hold a license or appointment of any such person, if it finds  
1020 that as to the applicant, licensee, or appointee any one or more  
1021 of the following applicable grounds exist:

1022 (n) Having been found guilty of or having pleaded guilty or  
1023 nolo contendere to a misdemeanor directly related to the  
1024 financial services business, any felony, or any a crime  
1025 punishable by imprisonment of 1 year or more under the law of  
1026 the United States of America or of any state thereof or under  
1027 the law of any other country, without regard to whether a  
1028 judgment of conviction has been entered by the court having  
1029 jurisdiction of such cases.

1030 Section 18. Subsection (18) is added to section 626.621,  
1031 Florida Statutes, to read:

1032 626.621 Grounds for discretionary refusal, suspension, or  
1033 revocation of agent's, adjuster's, customer representative's,  
1034 service representative's, or managing general agent's license or  
1035 appointment.—The department may, in its discretion, deny an  
1036 application for, suspend, revoke, or refuse to renew or continue  
1037 the license or appointment of any applicant, agent, adjuster,  
1038 customer representative, service representative, or managing  
1039 general agent, and it may suspend or revoke the eligibility to  
1040 hold a license or appointment of any such person, if it finds  
1041 that as to the applicant, licensee, or appointee any one or more  
1042 of the following applicable grounds exist under circumstances  
1043 for which such denial, suspension, revocation, or refusal is not  
1044 mandatory under s. 626.611:

594-04095-23

20231158c3

1045 (18) Cancellation of the applicant's, licensee's, or  
 1046 appointee's resident license in a state other than Florida.

1047 Section 19. Paragraphs (d) and (g) of subsection (2) and  
 1048 paragraphs (a), (b), and (e) through (j) of subsection (3) of  
 1049 section 626.7492, Florida Statutes, are amended to read:

1050 626.7492 Reinsurance intermediaries.—

1051 (2) DEFINITIONS.—As used in this section:

1052 (d) "Producer" means a licensed ~~an~~ agent, broker, or  
 1053 insurance agency that is appointed as a reinsurance intermediary  
 1054 ~~licensed~~ pursuant to the applicable provision of the Florida  
 1055 Insurance Code.

1056 (g) "Reinsurance intermediary manager" means any person who  
 1057 has authority to bind, or manages all or part of, the assumed  
 1058 reinsurance business of a reinsurer, including the management of  
 1059 a separate division, department, or underwriting office, and  
 1060 acts as a representative ~~an agent~~ for the reinsurer whether  
 1061 known as a reinsurance intermediary manager, manager, or other  
 1062 similar term. Notwithstanding the above, none of the following  
 1063 persons is a reinsurance intermediary manager with respect to  
 1064 the reinsurer for the purposes of this section:

1065 1. An employee of the reinsurer.~~†~~

1066 2. A manager of the United States branch of an alien  
 1067 reinsurer.~~†~~

1068 3. An underwriting manager which, pursuant to contract,  
 1069 manages all the reinsurance operations of the reinsurer, is  
 1070 under common control with the reinsurer, subject to the holding  
 1071 company act, and whose compensation is not based on the volume  
 1072 of premiums written.

1073 4. The manager of a group, association, pool, or

594-04095-23

20231158c3

1074 organization of insurers which engage in joint underwriting or  
1075 joint reinsurance and who are subject to examination by the  
1076 insurance regulatory authority of the state in which the  
1077 manager's principal business office is located.

1078 (3) LICENSURE.—

1079 (a) No person shall act as a reinsurance intermediary  
1080 broker in this state if the reinsurance intermediary broker  
1081 maintains an office either directly or as a member or employee  
1082 of a firm or association, or an officer, director, or employee  
1083 of a corporation:

1084 1. In this state, unless the reinsurance intermediary  
1085 broker is a licensed producer in this state; or

1086 2. In another state, unless the reinsurance intermediary  
1087 broker is a licensed producer in this state or in another state  
1088 having a law substantially similar to this section or the  
1089 reinsurance intermediary broker is licensed in this state as an  
1090 insurance agency and appointed as a nonresident reinsurance  
1091 intermediary.

1092 (b) No person shall act as a reinsurance intermediary  
1093 manager:

1094 1. For a reinsurer domiciled in this state, unless the  
1095 reinsurance intermediary manager is a licensed producer in this  
1096 state;

1097 2. In this state, if the reinsurance intermediary manager  
1098 maintains an office either directly or as a member or employee  
1099 of a firm or association, or an officer, director, or employee  
1100 of a corporation in this state, unless the reinsurance  
1101 intermediary manager is a licensed producer in this state;

1102 3. In another state for a nondomestic insurer, unless the

594-04095-23

20231158c3

1103 reinsurance intermediary manager is a licensed producer in this  
1104 state or another state having a law substantially similar to  
1105 this section, or the person is licensed in this state as a  
1106 producer ~~nonresident reinsurance intermediary~~.

1107 (e) If the applicant for a reinsurance intermediary  
1108 appointment ~~license~~ is a nonresident, the applicant, as a  
1109 condition precedent to receiving or holding an appointment ~~a~~  
1110 ~~license~~, must designate the Chief Financial Officer as agent for  
1111 service of process in the manner, and with the same legal  
1112 effect, provided for by this section for designation of service  
1113 of process upon unauthorized insurers. Such applicant shall also  
1114 furnish the department with the name and address of a resident  
1115 of this state upon whom notices or orders of the department or  
1116 process affecting the nonresident reinsurance intermediary may  
1117 be served. The licensee shall promptly notify the department in  
1118 writing of each change in its designated agent for service of  
1119 process, and the change shall not become effective until  
1120 acknowledged by the department.

1121 (f) ~~The department may refuse to issue a reinsurance~~  
1122 ~~intermediary license if, in its judgment, the applicant, anyone~~  
1123 ~~named on the application, or any member, principal, officer, or~~  
1124 ~~director of the applicant, has demonstrated a lack of fitness~~  
1125 ~~and trustworthiness, or that any controlling person of the~~  
1126 ~~applicant is not fit or trustworthy to act as a reinsurance~~  
1127 ~~intermediary, or that any of the foregoing has given cause for~~  
1128 ~~revocation or suspension of the license, or has failed to comply~~  
1129 ~~with any prerequisite for the issuance of the license.~~

1130 (g) Reinsurance intermediaries shall be ~~licensed,~~  
1131 appointed, renewed, continued, reinstated, or terminated as

594-04095-23

20231158c3

1132 prescribed in this chapter for insurance representatives in  
1133 general, ~~except that they shall be exempt from the photo,~~  
1134 ~~education, and examination provisions. License, Appointment, and~~  
1135 other fees shall be those prescribed in s. 624.501.

1136 (g) ~~(h)~~ The grounds and procedures for refusal of an a  
1137 ~~license or~~ appointment or suspension or revocation of a license  
1138 or appointment issued to a reinsurance intermediary under this  
1139 section are as set forth in ss. 626.611-626.691 for insurance  
1140 representatives in general.

1141 (h) ~~(i)~~ An attorney licensed in this state, when acting in a  
1142 professional capacity, is exempt from this subsection.

1143 (i) ~~(j)~~ The department may develop necessary rules to carry  
1144 out this section.

1145 Section 20. Subsection (5) of section 626.752, Florida  
1146 Statutes, is amended to read:

1147 626.752 Exchange of business.—

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



594-04095-23

20231158c3

1161 to this section. The insurer may require that the agent  
1162 reimburse the insurer for the fee. If the insurer or employer  
1163 does not pay the fees and taxes due pursuant to this subsection  
1164 within 21 days after notice by the department, the department  
1165 must suspend the insurer's or employer's authority to appoint  
1166 licensees until all outstanding fees and taxes have been paid.

1167 Section 21. Subsection (3) of section 626.785, Florida  
1168 Statutes, is amended to read:

1169 626.785 Qualifications for license.—

1170 (3) Notwithstanding any other provisions of this chapter, a  
1171 funeral director, a direct disposer, or an employee of a funeral  
1172 establishment that holds a preneed license pursuant to s.  
1173 497.452 may obtain an agent's license or a limited license to  
1174 sell only policies of life insurance covering the expense of a  
1175 prearrangement for funeral services or merchandise so as to  
1176 provide funds at the time the services and merchandise are  
1177 needed. The face amount of insurance covered by any such policy  
1178 shall not exceed \$21,000, plus an annual percentage increase  
1179 based on the Annual Consumer Price Index compiled by the United  
1180 States Department of Labor, beginning with the Annual Consumer  
1181 Price Index announced by the United States Department of Labor  
1182 for 2016.

1183 Section 22. Subsection (4) of section 626.793, Florida  
1184 Statutes, is amended to read:

1185 626.793 Excess or rejected business.—

1186 (4) Within 15 days after the last day of each month, any  
1187 insurer accepting business under this section shall report to  
1188 the department the name, address, telephone number, and social  
1189 security number of each agent from which the insurer received

594-04095-23

20231158c3

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

1203 Section 23. Subsection (5) of section 626.837, Florida  
1204 Statutes, is amended to read:

1205 626.837 Excess or rejected business.—

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

594-04095-23

20231158c3

1219 pursuant to this subsection within 21 days after notice by the  
1220 department, the department must suspend the insurer's or  
1221 employer's authority to appoint licensees until all outstanding  
1222 fees and taxes have been paid.

1223 Section 24. Paragraph (e) is added to subsection (2) of  
1224 section 626.8411, Florida Statutes, to read:

1225 626.8411 Application of Florida Insurance Code provisions  
1226 to title insurance agents or agencies.—

1227 (2) The following provisions of part I do not apply to  
1228 title insurance agents or title insurance agencies:

1229 (e) Section 626.173(1)(c), relating to notifying  
1230 policyholders of the agency closure.

1231 Section 25. Present subsections (8) through (11) of section  
1232 626.8437, Florida Statutes, are redesignated as subsections (9)  
1233 through (12), respectively, and a new subsection (8) and  
1234 subsection (13) are added to that section, to read:

1235 626.8437 Grounds for denial, suspension, revocation, or  
1236 refusal to renew license or appointment.—The department shall  
1237 deny, suspend, revoke, or refuse to renew or continue the  
1238 license or appointment of any title insurance agent or agency,  
1239 and it shall suspend or revoke the eligibility to hold a license  
1240 or appointment of such person, if it finds that as to the  
1241 applicant, licensee, appointee, or any principal thereof, any  
1242 one or more of the following grounds exist:

1243 (8) Misappropriation, conversion, or improper withholding  
1244 of funds not legally entitled thereto and which are received in  
1245 a fiduciary capacity and held as part of an escrow agreement,  
1246 real estate sales contract, or as provided on a settlement  
1247 statement in a real estate transaction.

594-04095-23

20231158c3

1248 (13) Revocation or cancellation of a licensee's resident  
1249 license in a jurisdiction other than this state.

1250 Section 26. Subsections (7) and (8) are added to section  
1251 626.844, Florida Statutes, to read:

1252 626.844 Grounds for discretionary refusal, suspension, or  
1253 revocation of license or appointment.—The department may, in its  
1254 discretion, deny, suspend, revoke, or refuse to renew or  
1255 continue the license or appointment of any title insurance agent  
1256 or agency, and it may suspend or revoke the eligibility to hold  
1257 a license or appointment of any such title insurance agent or  
1258 agency if it finds that as to the applicant or licensee or  
1259 appointee, or any principal thereof, any one or more of the  
1260 following grounds exist under circumstances for which such  
1261 denial, suspension, revocation, or refusal is not mandatory  
1262 under s. 626.8437:

1263 (7) Having been the subject of, or having had a license,  
1264 permit, appointment, registration, or other authority to conduct  
1265 business subject to, any decision, finding, injunction,  
1266 suspension, prohibition, revocation, denial, judgment, final  
1267 agency action, or administrative order by any court of competent  
1268 jurisdiction, administrative law proceeding, state agency,  
1269 federal agency, national securities, commodities, or option  
1270 exchange, or national securities, commodities, or option  
1271 association involving a violation of any federal or state  
1272 securities or commodities law or any rule or regulation adopted  
1273 thereunder, or a violation of any rule or regulation of any  
1274 national securities, commodities, or options exchange or  
1275 national securities, commodities, or options association.

1276 (8) Revocation or cancellation of a licensee's resident

594-04095-23

20231158c3

1277 license in a jurisdiction other than this state.

1278 Section 27. Section 626.8473, Florida Statutes, is amended  
1279 to read:

1280 626.8473 Escrow; trust fund.—

1281 (1) A title insurance agency agent may engage in business  
1282 as an escrow agent as to funds received from others to be  
1283 subsequently disbursed ~~by the title insurance agent~~ in  
1284 connection with real estate closing transactions involving the  
1285 issuance of title ~~insurance binders~~, commitments, policies of  
1286 title insurance, or guarantees of title, provided that a  
1287 licensed and appointed title insurance agency agent complies  
1288 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such  
1289 requirements added after the initial licensure of the agency  
1290 agent.

1291 (2) All funds received by a title insurance agency agent as  
1292 described in subsection (1) shall be trust funds received in a  
1293 fiduciary capacity by the title insurance agency agent and shall  
1294 be the property of the person or persons entitled thereto.

1295 (3) All funds received by a title insurance agency agent to  
1296 be held in trust shall be immediately placed in a financial  
1297 institution that is located within this state and is a member of  
1298 the Federal Deposit Insurance Corporation or the National Credit  
1299 Union Share Insurance Fund. These funds shall be invested in an  
1300 escrow account in accordance with the investment requirements  
1301 and standards established for deposits and investments of state  
1302 funds in s. 17.57, where the funds shall be kept until  
1303 disbursement thereof is properly authorized.

1304 (4) Funds required to be maintained in escrow trust  
1305 accounts pursuant to this section shall not be subject to any

594-04095-23

20231158c3

1306 debts of the title insurance agency ~~agent~~ and shall be used only  
1307 in accordance with the terms of the individual, escrow,  
1308 settlement, or closing instructions under which the funds were  
1309 accepted.

1310 (5) The title insurance agency ~~agents~~ shall maintain  
1311 separate records of all receipts and disbursements of escrow,  
1312 settlement, or closing funds.

1313 (6) In the event that the department promulgates rules  
1314 necessary to implement the requirements of this section pursuant  
1315 to s. 624.308, the department shall consider reasonable  
1316 standards necessary for the protection of funds held in trust,  
1317 including, but not limited to, standards for accounting of  
1318 funds, standards for receipt and disbursement of funds, and  
1319 protection for the person or persons to whom the funds are to be  
1320 disbursed.

1321 (7) A title insurance agency ~~agent~~, or any officer,  
1322 director, or employee thereof, or any person associated  
1323 therewith as an independent contractor for bookkeeping or  
1324 similar purposes, who converts or misappropriates funds received  
1325 or held in escrow or in trust by such title insurance agency  
1326 ~~agent~~, or any person who knowingly receives or conspires to  
1327 receive such funds, commits:

1328 (a) If the funds converted or misappropriated are \$300 or  
1329 less, a misdemeanor of the first degree, punishable as provided  
1330 in s. 775.082 or s. 775.083.

1331 (b) If the funds converted or misappropriated are more than  
1332 \$300, but less than \$20,000, a felony of the third degree,  
1333 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1334 (c) If the funds converted or misappropriated are \$20,000

594-04095-23

20231158c3

1335 or more, but less than \$100,000, a felony of the second degree,  
1336 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1337 (d) If the funds converted or misappropriated are \$100,000  
1338 or more, a felony of the first degree, punishable as provided in  
1339 s. 775.082, s. 775.083, or s. 775.084.

1340 (8) An attorney shall deposit and maintain all funds  
1341 received in connection with transactions in which the attorney  
1342 is serving as a title or real estate settlement agent into a  
1343 separate trust account that is maintained exclusively for funds  
1344 received in connection with such transactions and permit the  
1345 account to be audited by its title insurers, unless maintaining  
1346 funds in the separate account for a particular client would  
1347 violate applicable rules of The Florida Bar.

1348 Section 28. Subsection (19) of section 626.854, Florida  
1349 Statutes, is amended to read:

1350 626.854 "Public adjuster" defined; prohibitions.—The  
1351 Legislature finds that it is necessary for the protection of the  
1352 public to regulate public insurance adjusters and to prevent the  
1353 unauthorized practice of law.

1354 (19) Except as otherwise provided in this chapter, no  
1355 person, except an attorney at law or a licensed and appointed  
1356 public adjuster, may for money, commission, or any other thing  
1357 of value, directly or indirectly:

1358 (a) Prepare, complete, or file an insurance claim for an  
1359 insured or a third-party claimant;

1360 (b) Act on behalf of or aid an insured or a third-party  
1361 claimant in negotiating for or effecting the settlement of a  
1362 claim for loss or damage covered by an insurance contract;

1363 (c) Offer to initiate or negotiate a claim on behalf of an

594-04095-23

20231158c3

1364 insured;

1365 (d) Advertise services that require a license as a public  
1366 adjuster; or

1367 (e) Solicit, investigate, or adjust a claim on behalf of a  
1368 public adjuster, an insured, or a third-party claimant.

1369 Section 29. Section 626.874, Florida Statutes, is amended  
1370 to read:

1371 626.874 Catastrophe or emergency adjusters.—

1372 (1) In the event of a catastrophe or emergency, the  
1373 department may issue a license, for the purposes and under the  
1374 conditions and for the period of emergency as it shall  
1375 determine, to persons who are residents or nonresidents of this  
1376 state, who are at least 18 years of age, who are United States  
1377 citizens or legal aliens who possess work authorization from the  
1378 United States Bureau of Citizenship and Immigration Services,  
1379 and who are not licensed adjusters under this part but who have  
1380 been designated and certified to it as qualified to act as  
1381 adjusters by an authorized insurer to adjust claims, losses, or  
1382 damages under policies or contracts of insurance issued by such  
1383 insurers, or by a licensed ~~the primary adjuster of an~~  
1384 independent adjusting firm contracted with an authorized insurer  
1385 to adjust claims on behalf of the insurer. The fee for the  
1386 license is as provided in s. 624.501(12)(c).

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



594-04095-23

20231158c3

1393 denying such person the privileges granted under this section;  
1394 and thereafter it shall be unlawful for any such person to  
1395 adjust any such losses, claims, or damages in this state.

1396 Section 30. Subsection (2) of section 626.9892, Florida  
1397 Statutes, is amended to read:

1398 626.9892 Anti-Fraud Reward Program; reporting of insurance  
1399 fraud.—

1400 (2) The department may pay rewards of up to \$25,000 to  
1401 persons providing information leading to the arrest ~~and~~  
1402 ~~conviction~~ of persons committing crimes investigated by the  
1403 department arising from violations of s. 400.9935, s. 440.105,  
1404 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.  
1405 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.  
1406 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.  
1407 817.233, ~~or~~ s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.  
1408 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1409 Section 31. Present subsections (7) through (12) of section  
1410 626.9957, Florida Statutes, are redesignated as subsections (8)  
1411 through (13), respectively, and a new subsection (7) is added to  
1412 that section, to read:

1413 626.9957 Conduct prohibited; denial, revocation,  
1414 termination, expiration, or suspension of registration.—

1415 (7) If a navigator registered under this part fails to  
1416 maintain an active, valid navigator's registration status with  
1417 the Federal Government or an exchange, the navigator's  
1418 registration issued under this part shall expire by operation of  
1419 law. A navigator with an expired registration may not be granted  
1420 subsequent registration until the navigator qualifies as a  
1421 first-time applicant.

594-04095-23

20231158c3

1422 Section 32. Paragraph (c) of subsection (4) of section  
1423 627.351, Florida Statutes, is amended to read:  
1424 627.351 Insurance risk apportionment plans.—  
1425 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—  
1426 (c) The Joint Underwriting Association shall operate  
1427 subject to the supervision and approval of a board of governors  
1428 consisting of representatives of five of the insurers  
1429 participating in the Joint Underwriting Association, an attorney  
1430 named by The Florida Bar, a physician named by the Florida  
1431 Medical Association, a dentist named by the Florida Dental  
1432 Association, and a hospital representative named by the Florida  
1433 Hospital Association. The Chief Financial Officer shall select  
1434 the representatives of the five insurers or other persons with  
1435 experience in medical malpractice insurance as determined by the  
1436 Chief Financial Officer. These appointments are deemed to be  
1437 within the scope of the exemption provided in s. 112.313(7) (b).  
1438 One insurer representative shall be selected from  
1439 recommendations of the American Insurance Association. One  
1440 insurer representative shall be selected from recommendations of  
1441 the Property Casualty Insurers Association of America. One  
1442 insurer representative shall be selected from recommendations of  
1443 the Florida Insurance Council. Two insurer representatives shall  
1444 be selected to represent insurers that are not affiliated with  
1445 these associations. Vacancies on the board shall be filled for  
1446 the remaining period of the term in the same manner as the  
1447 initial appointments. During the first meeting of the board  
1448 after June 30 of each year, the board shall choose one of its  
1449 members to serve as chair of the board and another member to  
1450 serve as vice chair of the board. There is no liability on the

594-04095-23

20231158c3

1451 part of, and no cause of action shall arise against, any member  
1452 insurer, self-insurer, or its agents or employees, the Joint  
1453 Underwriting Association or its agents or employees, members of  
1454 the board of governors, or the office or its representatives for  
1455 any action taken by them in the performance of their powers and  
1456 duties under this subsection.

1457 1. The Chief Financial Officer may remove a board member  
1458 from office for misconduct, malfeasance, misfeasance, or neglect  
1459 of duty. Any vacancy so created shall be filled as provided in  
1460 this paragraph.

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

594-04095-23

20231158c3

1480 filed with the person responsible for recording the minutes of  
1481 the meeting, who shall incorporate the memorandum in the  
1482 minutes.

1483 3. Notwithstanding s. 112.3148, s. 112.3149, or any other  
1484 law, a board member may not knowingly accept, directly or  
1485 indirectly, any gift or expenditure from a person or entity, or  
1486 an employee or representative of such person or entity, which  
1487 has a contractual relationship with the Joint Underwriting  
1488 Association or which is under consideration for a contract.

1489 4. A board member who fails to comply with subparagraph 2.  
1490 or subparagraph 3. is subject to the penalties provided under  
1491 ss. 112.317 and 112.3173.

1492 Section 33. Section 627.4215, Florida Statutes, is amended  
1493 to read:

1494 627.4215 Disclosures to policyholders; coverage of  
1495 behavioral health care services.—

1496 (1) A health insurer that offers behavioral health  
1497 insurance coverages required by federal or state law shall make  
1498 all of the following information available on its website:

1499 (a) The federal and state requirements for coverage of  
1500 behavioral health care services.

1501 (b) Contact information for the Division of Consumer  
1502 Services of the department, including a hyperlink, for consumers  
1503 to submit inquiries or complaints relating to health insurer  
1504 products or services regulated by the department or the office.

1505 (2) On an annual basis, a health insurer that offers  
1506 behavioral health insurance coverage required by federal or  
1507 state law shall provide a direct notice to insureds with  
1508 behavioral health insurance coverages required by federal or

594-04095-23

20231158c3

1509 state law which must include a description of the federal and  
1510 state requirements for coverage of behavioral health care  
1511 services. Such notice must also include the website address and  
1512 statewide toll-free telephone number of the Division of Consumer  
1513 Services of the department for receiving and logging complaints.

1514 Section 34. Subsections (2) and (3) of section 627.7015,  
1515 Florida Statutes, are amended to read:

1516 627.7015 Alternative procedure for resolution of disputed  
1517 property insurance claims.—

1518 (2) At the time of issuance and renewal of a policy or at  
1519 the time a first-party claim within the scope of this section is  
1520 filed by the policyholder, the insurer shall notify the  
1521 policyholder of its right to participate in the mediation  
1522 program under this section. A claim becomes eligible for  
1523 mediation after the insurer complies with s. 627.70131(7) or  
1524 elects to reinspect pursuant to s. 627.70152(4)(a)3. If the  
1525 insurer has not complied with s. 627.70131(7) or elected to  
1526 reinspect pursuant to s. 627.70152(4)(a)3. within 90 days after  
1527 notice of the loss, the insurer may not require mediation under  
1528 this section. However, this subsection does not impair the right  
1529 of an insurer to request mediation after a determination of  
1530 coverage pursuant to this section or require appraisal or  
1531 another method of alternative dispute resolution pursuant to s.  
1532 627.70152(4)(b). The department shall prepare a consumer  
1533 information pamphlet for distribution to persons participating  
1534 in mediation.

1535 (3) The costs of mediation must be reasonable, and the  
1536 insurer must bear all of the cost of conducting mediation  
1537 conferences, except as otherwise provided in this section. If a

594-04095-23

20231158c3

1538 policyholder fails to appear at the conference, the conference  
1539 must be rescheduled upon the policyholder's payment of the costs  
1540 of a rescheduled conference. If the insurer fails to appear at  
1541 the conference, the insurer must pay the policyholder's actual  
1542 cash expenses incurred in attending the conference if the  
1543 insurer's failure to attend was not due to a good cause  
1544 acceptable to the department. An insurer will be deemed to have  
1545 failed to appear if the insurer's representative lacks authority  
1546 to settle the full value of the claim. The insurer shall incur  
1547 an additional fee for a rescheduled conference necessitated by  
1548 the insurer's failure to appear at a scheduled conference. The  
1549 fees assessed by the department administrator must include a  
1550 charge necessary to defray the expenses of the department  
1551 related to its duties under this section and must be deposited  
1552 in the Insurance Regulatory Trust Fund. The department may  
1553 suspend the insurer's authority to appoint licensees if the  
1554 insurer does not timely pay the required fees.

1555 Section 35. Subsection (18) is added to section 627.7074,  
1556 Florida Statutes, to read:

1557 627.7074 Alternative procedure for resolution of disputed  
1558 sinkhole insurance claims.—

1559 (18) The department may designate, by means of a written  
1560 contract or agreement, an entity or a person to serve as  
1561 administrator to carry out any of the provisions of this  
1562 section.

1563 Section 36. Section 627.745, Florida Statutes, is amended  
1564 to read:

1565 627.745 Mediation of claims.—

1566 (1) (a) In any claim filed with an insurer for personal

594-04095-23

20231158c3

1567 injury in an amount of \$10,000 or less or any claim for property  
1568 damage in any amount, arising out of the ownership, operation,  
1569 use, or maintenance of a motor vehicle, either party may demand  
1570 mediation of the claim prior to the institution of litigation.

1571 (b) The costs of mediation must be reasonable, and the  
1572 insurer must bear all of the cost of conducting mediation  
1573 conferences, except as otherwise provided in this section. If a  
1574 policyholder fails to appear at the conference, the conference  
1575 must be rescheduled upon the policyholder's payment of the costs  
1576 of a rescheduled conference. If the insurer fails to appear at  
1577 the conference, the insurer must pay the policyholder's actual  
1578 cash expenses incurred in attending the conference if the  
1579 insurer's failure to attend was not due to a good cause  
1580 acceptable to the department. An insurer is deemed to have  
1581 failed to appear if the insurer's representative lacks authority  
1582 to settle the full value of the claim. The insurer shall incur  
1583 an additional fee, paid to the mediator, for a rescheduled  
1584 conference necessitated by the insurer's failure to appear at a  
1585 scheduled conference. The fees assessed by the department or  
1586 administrator must include a charge necessary to defray the  
1587 expenses of the department related to its duties under this  
1588 section and must be deposited in the Insurance Regulatory Trust  
1589 Fund. The department or administrator may request that the  
1590 department suspend the insurer's authority to appoint licensees  
1591 if the insurer does not timely pay the per-mediation-event  
1592 administrative fee. Mediation under this section is also  
1593 available to litigants referred to the department by a county  
1594 court or circuit court.

1595 ~~(b) A request for mediation shall be filed with the~~

594-04095-23

20231158c3

1596 ~~department on a form approved by the department. The request for~~  
1597 ~~mediation shall state the reason for the request for mediation~~  
1598 ~~and the issues in dispute which are to be mediated. The filing~~  
1599 ~~of a request for mediation tolls the applicable time~~  
1600 ~~requirements for filing suit for a period of 60 days following~~  
1601 ~~the conclusion of the mediation process or the time prescribed~~  
1602 ~~in s. 95.11, whichever is later.~~

1603 ~~(c) The insurance policy must specify in detail the terms~~  
1604 ~~and conditions for mediation of a first party claim.~~

1605 ~~(d) The mediation shall be conducted as an informal process~~  
1606 ~~in which formal rules of evidence and procedure need not be~~  
1607 ~~observed. Any party participating in a mediation must have the~~  
1608 ~~authority to make a binding decision. All parties must mediate~~  
1609 ~~in good faith.~~

1610 ~~(e) The department shall randomly select mediators. Each~~  
1611 ~~party may once reject the mediator selected, either originally~~  
1612 ~~or after the opposing side has exercised its option to reject a~~  
1613 ~~mediator.~~

1614 ~~(f) Costs of mediation shall be borne equally by both~~  
1615 ~~parties unless the mediator determines that one party has not~~  
1616 ~~mediated in good faith.~~

1617 ~~(g) Only one mediation may be requested for each claim,~~  
1618 ~~unless all parties agree to further mediation.~~

1619 ~~(2) Upon receipt of a request for mediation, the department~~  
1620 ~~shall refer the request to a mediator. The mediator shall notify~~  
1621 ~~the applicant and all interested parties, as identified by the~~  
1622 ~~applicant, and any other parties the mediator believes may have~~  
1623 ~~an interest in the mediation, of the date, time, and place of~~  
1624 ~~the mediation conference. The conference may be held by~~



594-04095-23

20231158c3

1625 ~~telephone, if feasible. The mediation conference shall be held~~  
1626 ~~within 45 days after the request for mediation.~~

1627 (2) (a) ~~(3) (a)~~ The department shall approve mediators to  
1628 conduct mediations pursuant to this section. All mediators must  
1629 file an application under oath for approval as a mediator.

1630 (b) To qualify for approval as a mediator, an individual  
1631 must meet one of the following qualifications:

1632 1. Possess an active certification as a Florida Supreme  
1633 Court certified circuit court mediator. A Florida Supreme Court  
1634 certified circuit court mediator in a lapsed, suspended,  
1635 sanctioned, or decertified status is not eligible to participate  
1636 in the mediation program.

1637 2. Be an approved department mediator as of July 1, 2014,  
1638 and have conducted at least one mediation on behalf of the  
1639 department within 4 years immediately preceding that date.

1640 (3) (4) The department shall deny an application, or suspend  
1641 or revoke its approval, of a mediator to serve in such capacity  
1642 if the department finds that one or more of the following  
1643 grounds exist:

1644 (a) Lack of one or more of the qualifications specified in  
1645 this section for approval.

1646 (b) Material misstatement, misrepresentation, or fraud in  
1647 obtaining or attempting to obtain the approval.

1648 (c) Demonstrated lack of fitness or trustworthiness to act  
1649 as a mediator.

1650 (d) Fraudulent or dishonest practices in the conduct of  
1651 mediation or in the conduct of business in the financial  
1652 services industry.

1653 (e) Violation of any provision of this code or of a lawful

594-04095-23

20231158c3

1654 order or rule of the department, violation of the Florida Rules  
1655 for Certified and Court-Appointed Mediators, or aiding,  
1656 instructing, or encouraging another party in committing such a  
1657 violation.

1658  
1659 The department may adopt rules to administer this subsection.

1660 (4) The department shall adopt by rule a motor vehicle  
1661 claims insurance mediation program to be administered by the  
1662 department or its designee. The department may also adopt  
1663 special rules that are applicable in cases of an emergency  
1664 within the state. The rules shall be modeled after practices and  
1665 procedures set forth in mediation rules of procedure adopted by  
1666 the Supreme Court. The rules must include:

1667 (a) Reasonable requirements for processing and scheduling  
1668 of requests for mediation.

1669 (b) Provisions governing who may attend mediation  
1670 conferences.

1671 (c) Selection of mediators.

1672 (d) Criteria for the conduct of mediation conferences.

1673 (e) Right to legal counsel.

1674 ~~(5) The department must adopt rules of procedure for claims~~  
1675 ~~mediation, taking into consideration a system which:~~

1676 ~~(a) Is fair.~~

1677 ~~(b) Promotes settlement.~~

1678 ~~(c) Avoids delay.~~

1679 ~~(d) Is nonadversarial.~~

1680 ~~(e) Uses a framework for modern mediating technique.~~

1681 ~~(f) Controls of costs and expenses of mediation.~~

1682 (5) The department may designate an entity or person to

594-04095-23

20231158c3

1683 serve as an administrator to carry out any of the provisions of  
1684 this section and may take this action by means of a written  
1685 contract or agreement.

1686 (6) Disclosures and information divulged in the mediation  
1687 process are not admissible in any subsequent action or  
1688 proceeding relating to the claim or to the cause of action  
1689 giving rise to the claim. A person demanding mediation under  
1690 this section may not demand or request mediation after a suit is  
1691 filed relating to the same facts already mediated.

1692 Section 37. Present subsections (7) through (12) of section  
1693 631.141, Florida Statutes, are redesignated as subsections (8)  
1694 through (13), respectively, and a new subsection (7) is added to  
1695 that section, to read:

1696 631.141 Conduct of delinquency proceeding; domestic and  
1697 alien insurers.—

1698 (7) In order to preserve as much as possible the right and  
1699 interest of the policyholders whose insurance policies or  
1700 similar contracts are affected by the receivership proceedings,  
1701 the department as a domiciliary receiver may:

1702 (a) Use the property of the estate of the insurer to  
1703 transfer the insurer's book of business, policies, or similar  
1704 contracts of coverage, in whole or in part, to a solvent  
1705 assuming insurer or insurers.

1706 (b) Notwithstanding s. 631.195, share records of the  
1707 insurer with the prospective solvent assuming insurer or  
1708 insurers, but only to the extent necessary to undertake due  
1709 diligence for a transfer contemplated under this section.

1710 Section 38. Subsections (1) and (3) of section 631.252,  
1711 Florida Statutes, are amended to read:

594-04095-23

20231158c3

1712 631.252 Continuation of coverage.—

1713 (1) Unless another insurer, with approval of the  
 1714 receivership court, assumes or otherwise provides coverage for  
 1715 the policies of the insolvent insurer, all insurance policies or  
 1716 similar contracts of coverage, other than coverages defined in  
 1717 s. 631.713 or health maintenance organization coverage under  
 1718 part IV, issued by the insurer shall be canceled upon the  
 1719 earlier ~~earliest to occur~~ of the following:

1720 (a) The date of entry of the liquidation or, if the court  
 1721 so provides in its order, the expiration of 30 days from the  
 1722 date of entry of the liquidation order;

1723 (b) The normal expiration of the policy or contract  
 1724 coverage;

1725 (c) The replacement of the coverage by the insured, or the  
 1726 replacement of the policy or contract of coverage, with a policy  
 1727 or contract acceptable to the insured by the receiver with  
 1728 another insurer; ~~or~~

1729 (d) The date proposed by the receiver and approved by the  
 1730 receivership court to cancel coverage; or

1731 (e) ~~(d)~~ The termination of the coverage by the insured.

1732 (3) The 30-day coverage continuation period provided in  
 1733 paragraph (1) (a) and s. 631.57(1) (a)1. may not be extended  
 1734 unless the Chief Financial Officer ~~office~~ determines, based on a  
 1735 reasonable belief, that market conditions are such that policies  
 1736 of residential property insurance coverage cannot be placed with  
 1737 an authorized insurer within 30 days and that an additional 15  
 1738 days is needed to place such coverage. ~~and~~ Failure of actual  
 1739 notice to the policyholder of the insolvency of the insurer, of  
 1740 commencement of a delinquency proceeding, or of expiration of

594-04095-23

20231158c3

1741 the extension period does not affect such expiration.

1742 Section 39. Subsection (1) of section 631.56, Florida  
1743 Statutes, is amended, and subsections (5) through (8) are added  
1744 to that section, to read:

1745 631.56 Board of directors.—

1746 (1) The board of directors of the association shall consist  
1747 of not less than five or more than nine persons serving terms as  
1748 established in the plan of operation. Three members of the board  
1749 must be representatives from domestic insurers and appointed by  
1750 the Chief Financial Officer. The department shall approve and  
1751 appoint to the board persons recommended by the member insurers  
1752 or other persons with experience in property and casualty  
1753 insurance or motor vehicle insurance as determined by the Chief  
1754 Financial Officer. These appointments are deemed to be within  
1755 the scope of the exemption provided in s. 112.313(7)(b). ~~In the~~  
1756 ~~event the department finds that any recommended person does not~~  
1757 ~~meet the qualifications for service on the board, the department~~  
1758 ~~shall request the member insurers to recommend another person.~~  
1759 Each member shall serve for a 4-year term and may be  
1760 reappointed. Vacancies on the board shall be filled for the  
1761 remaining period of the term in the same manner as initial  
1762 appointments.

1763 (5) The Chief Financial Officer may remove a board member  
1764 from office for misconduct, malfeasance, misfeasance, or neglect  
1765 of duty. Any vacancy so created shall be filled as provided in  
1766 subsection (1).

1767 (6) Board members are subject to the code of ethics under  
1768 part III of chapter 112, including, but not limited to, the code  
1769 of ethics and public disclosure and reporting of financial

594-04095-23

20231158c3

1770 interests, pursuant to s. 112.3145. For purposes of applying  
1771 part III of chapter 112 to activities of members of the board of  
1772 directors, those persons are considered public officers and the  
1773 association is considered their agency. Notwithstanding s.  
1774 112.3143(2), a board member may not vote on any measure that he  
1775 or she knows would inure to his or her special private gain or  
1776 loss; that he or she knows would inure to the special private  
1777 gain or loss of any principal by which he or she is retained,  
1778 other than an agency as defined in s. 112.312; or that he or she  
1779 knows would inure to the special private gain or loss of a  
1780 relative or business associate of the public officer. Before the  
1781 vote is taken, such member shall publicly state to the board the  
1782 nature of his or her interest in the matter from which he or she  
1783 is abstaining from voting and, within 15 days after the vote  
1784 occurs, disclose the nature of his or her interest as a public  
1785 record in a memorandum filed with the person responsible for  
1786 recording the minutes of the meeting, who shall incorporate the  
1787 memorandum in the minutes.

1788 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1789 law, a board member may not knowingly accept, directly or  
1790 indirectly, any gift or expenditure from a person or entity, or  
1791 an employee or representative of such person or entity, which  
1792 has a contractual relationship with the association or which is  
1793 under consideration for a contract.

1794 (8) A board member who fails to comply with subsection (6)  
1795 or subsection (7) is subject to the penalties provided under ss.  
1796 112.317 and 112.3173.

1797 Section 40. Paragraph (a) of subsection (1) of section  
1798 631.716, Florida Statutes, is amended, and subsections (4)

594-04095-23

20231158c3

1799 through (7) are added to that section, to read:

1800 631.716 Board of directors.—

1801 (1) (a) The board of directors of the association shall have  
1802 at least 9, but no more than 11, members. The members shall  
1803 consist be comprised of member insurers serving terms as  
1804 established in the plan of operation and 1 Florida Health  
1805 Maintenance Organization Consumer Assistance Plan director  
1806 confirmed pursuant to paragraph (b), or other persons with  
1807 experience in life and annuity or accident and health insurance  
1808 as determined by the Chief Financial Officer. These appointments  
1809 are deemed to be within the scope of the exemption provided in  
1810 s. 112.313(7) (b). At all times, at least 1 ~~member of the~~ board  
1811 member must be a domestic insurer as defined in s. 624.06(1).  
1812 The ~~members of the~~ board members who are member insurers shall  
1813 be elected by member insurers, subject to the approval of the  
1814 department. Each board member shall serve for a 4-year term and  
1815 may be reappointed.

1816 (4) The Chief Financial Officer may remove a board member  
1817 from office for misconduct, malfeasance, misfeasance, or neglect  
1818 of duty. Any vacancy so created shall be filled as provided in  
1819 subsection (1).

1820 (5) Board members are subject to the code of ethics under  
1821 part III of chapter 112, including, but not limited to, the code  
1822 of ethics and public disclosure and reporting of financial  
1823 interests, pursuant to s. 112.3145. For purposes of applying  
1824 part III of chapter 112 to activities of members of the board of  
1825 directors, those persons are considered public officers and the  
1826 association is considered their agency. Notwithstanding s.  
1827 112.3143(2), a board member may not vote on any measure that he

594-04095-23

20231158c3

1828 or she knows would inure to his or her special private gain or  
1829 loss; that he or she knows would inure to the special private  
1830 gain or loss of any principal by which he or she is retained,  
1831 other than an agency as defined in s. 112.312; or that he or she  
1832 knows would inure to the special private gain or loss of a  
1833 relative or business associate of the public officer. Before the  
1834 vote is taken, such member shall publicly state to the board the  
1835 nature of his or her interest in the matter from which he or she  
1836 is abstaining from voting and, within 15 days after the vote  
1837 occurs, disclose the nature of his or her interest as a public  
1838 record in a memorandum filed with the person responsible for  
1839 recording the minutes of the meeting, who shall incorporate the  
1840 memorandum in the minutes.

1841 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1842 law, a board member may not knowingly accept, directly or  
1843 indirectly, any gift or expenditure from a person or entity, or  
1844 an employee or representative of such person or entity, which  
1845 has a contractual relationship with the association or which is  
1846 under consideration for a contract.

1847 (7) A board member who fails to comply with subsection (5)  
1848 or subsection (6) is subject to the penalties provided under ss.  
1849 112.317 and 112.3173.

1850 Section 41. Subsection (1) of section 631.816, Florida  
1851 Statutes, is amended, and subsections (8) through (11) are added  
1852 to that section, to read:

1853 631.816 Board of directors.—

1854 (1) The board of directors of the plan shall consist of not  
1855 less than five or more than nine persons serving terms as  
1856 established in the plan of operation. The department shall



594-04095-23

20231158c3

1857 approve and appoint to the board persons recommended by the  
1858 member HMOs or other persons with experience in health insurance  
1859 as determined by the Chief Financial Officer. These appointments  
1860 are deemed to be within the scope of the exemption provided in  
1861 s. 112.313(7) (b). ~~In the event the department finds that any~~  
1862 ~~recommended person does not meet the qualifications for service~~  
1863 ~~on the board, the department shall request the member HMOs to~~  
1864 ~~recommend another person.~~ Each member shall serve for a 4-year  
1865 term and may be reappointed, except that terms may be staggered  
1866 as defined in the plan of operation. Vacancies on the board  
1867 shall be filled for the remaining period of the term in the same  
1868 manner as initial appointments. In determining voting rights,  
1869 each HMO is entitled to vote on the basis of cumulative weighted  
1870 voting based on the net written premium for non-Medicare and  
1871 non-Medicaid policies.

1872 (8) The Chief Financial Officer may remove a board member  
1873 from office for misconduct, malfeasance, misfeasance, or neglect  
1874 of duty. Any vacancy so created shall be filled as provided in  
1875 subsection (1).

1876 (9) Board members are subject to the code of ethics under  
1877 part III of chapter 112, including, but not limited to, the code  
1878 of ethics and public disclosure and reporting of financial  
1879 interests, pursuant to s. 112.3145. For purposes of applying  
1880 part III of chapter 112 to activities of members of the board of  
1881 directors, those persons are considered public officers and the  
1882 plan is considered their agency. Notwithstanding s. 112.3143(2),  
1883 a board member may not vote on any measure that he or she knows  
1884 would inure to his or her special private gain or loss; that he  
1885 or she knows would inure to the special private gain or loss of

594-04095-23

20231158c3

1886 any principal by which he or she is retained, other than an  
1887 agency as defined in s. 112.312; or that he or she knows would  
1888 inure to the special private gain or loss of a relative or  
1889 business associate of the public officer. Before the vote is  
1890 taken, such member shall publicly state to the board the nature  
1891 of his or her interest in the matter from which he or she is  
1892 abstaining from voting and, within 15 days after the vote  
1893 occurs, disclose the nature of his or her interest as a public  
1894 record in a memorandum filed with the person responsible for  
1895 recording the minutes of the meeting, who shall incorporate the  
1896 memorandum in the minutes.

1897 (10) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1898 law, a board member may not knowingly accept, directly or  
1899 indirectly, any gift or expenditure from a person or entity, or  
1900 an employee or representative of such person or entity, which  
1901 has a contractual relationship with the plan or which is under  
1902 consideration for a contract.

1903 (11) A board member who fails to comply with subsection (9)  
1904 or subsection (10) is subject to the penalties provided under  
1905 ss. 112.317 and 112.3173.

1906 Section 42. Subsection (1) of section 631.912, Florida  
1907 Statutes, is amended, and subsections (4), (5), and (6) are  
1908 added to that section, to read:

1909 631.912 Board of directors.—

1910 (1) The board of directors of the corporation shall consist  
1911 of 11 persons, 1 of whom is the insurance consumer advocate  
1912 appointed under s. 627.0613 or designee and 1 of whom is  
1913 designated by the Chief Financial Officer. The department shall  
1914 appoint to the board 6 persons selected by private carriers from

594-04095-23

20231158c3

1915 among the 20 workers' compensation insurers with the largest  
1916 amount of direct written premium as determined by the  
1917 department, and 2 persons selected by the self-insurance funds  
1918 or other persons with experience in workers' compensation  
1919 insurance as determined by the Chief Financial Officer. These  
1920 appointments are deemed to be within the scope of the exemption  
1921 provided in s. 112.313(7) (b). The Governor shall appoint one  
1922 person who has commercial insurance experience. At least two of  
1923 the private carriers shall be foreign carriers authorized to do  
1924 business in this state. The board shall elect a chairperson from  
1925 among its members. The Chief Financial Officer may remove any  
1926 board member for cause. Each board member shall be appointed to  
1927 serve a 4-year term and may be reappointed. A vacancy on the  
1928 board shall be filled for the remaining period of the term in  
1929 the same manner by which the original appointment was made.

1930 (4) Board members are subject to the code of ethics under  
1931 part III of chapter 112, including, but not limited to, the code  
1932 of ethics and public disclosure and reporting of financial  
1933 interests, pursuant to s. 112.3145. For purposes of applying  
1934 part III of chapter 112 to activities of members of the board of  
1935 directors, those persons are considered public officers and the  
1936 corporation is considered their agency. Notwithstanding s.  
1937 112.3143(2), a board member may not vote on any measure that he  
1938 or she knows would inure to his or her special private gain or  
1939 loss; that he or she knows would inure to the special private  
1940 gain or loss of any principal by which he or she is retained,  
1941 other than an agency as defined in s. 112.312; or that he or she  
1942 knows would inure to the special private gain or loss of a  
1943 relative or business associate of the public officer. Before the

594-04095-23

20231158c3

1944 vote is taken, such member shall publicly state to the board the  
1945 nature of his or her interest in the matter from which he or she  
1946 is abstaining from voting and, within 15 days after the vote  
1947 occurs, disclose the nature of his or her interest as a public  
1948 record in a memorandum filed with the person responsible for  
1949 recording the minutes of the meeting, who shall incorporate the  
1950 memorandum in the minutes.

1951 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1952 law, a board member may not knowingly accept, directly or  
1953 indirectly, any gift or expenditure from a person or entity, or  
1954 an employee or representative of such person or entity, which  
1955 has a contractual relationship with the corporation or which is  
1956 under consideration for a contract.

1957 (6) A board member who fails to comply with subsection (4)  
1958 or subsection (5) is subject to the penalties provided under ss.  
1959 112.317 and 112.3173.

1960 Section 43. Section 633.1423, Florida Statutes, is created  
1961 to read:

1962 633.1423 State Fire Marshal direct-support organization.-

1963 (1) DEFINITION.-As used in this section, the term  
1964 "organization" means the direct-support organization established  
1965 under this section.

1966 (2) ORGANIZATION ESTABLISHED.-The division may establish a  
1967 direct-support organization, to be known as the "State Fire  
1968 Marshal Safety and Training Force," whose sole purpose is to  
1969 support the safety and training of firefighters and to recognize  
1970 exemplary service. The organization must:

1971 (a) Be a not-for-profit corporation incorporated under  
1972 chapter 617 and approved by the Department of State.

594-04095-23

20231158c3

1973       (b) Be organized and operated to raise funds; request and  
1974 receive grants, gifts, and bequests of money; conduct programs  
1975 and activities; acquire, receive, hold, invest, and administer,  
1976 in its own name, securities, funds, or property; and make grants  
1977 and expenditures to or for the direct or indirect benefit of the  
1978 division. Grants and expenditures may include the cost of  
1979 education or training of firefighters, or the recognition of  
1980 exemplary service of firefighters.

1981       (c) Be determined by the division to operate in a manner  
1982 that is:

1983       1. Consistent with the goals of the division and laws  
1984 relating to the safety and training of firefighters.

1985       2. In the best interest of the state.

1986       3. In accordance with the adopted goals and mission of the  
1987 division.

1988       (d) Use all of its grants and expenditures solely for the  
1989 purpose of educating, training, and recognizing firefighters,  
1990 and not for advertising using the likeness or name of any  
1991 elected official nor for the purpose of lobbying as defined in  
1992 s. 11.045(1).

1993       (e) Be subject to an annual financial audit in accordance  
1994 with s. 215.981.

1995       (3) CONTRACT.—The organization shall operate under written  
1996 contract with the division. The contract must provide for:

1997       (a) Certification by the division that the organization is  
1998 complying with the terms of the contract and in a manner  
1999 consistent with the goals and purposes of the department and in  
2000 the best interest of the state. Such certification must be made  
2001 annually and reported in the official minutes of a meeting of

594-04095-23

20231158c3

2002 the organization.

2003 (b) The reversion of moneys and property held by the  
2004 organization for firefighter safety, training, and recognition  
2005 to the division if the organization is no longer approved to  
2006 operate by the division or if the organization ceases to exist,  
2007 or to the state if the division ceases to exist.

2008 (4) BOARD OF DIRECTORS.—The organization shall be governed  
2009 by a board of directors. The State Fire Marshal, or his or her  
2010 designee, shall appoint a president of the board. The board of  
2011 directors shall be appointed by the president of the board.

2012 (5) USE OF PROPERTY.—The division may authorize, without  
2013 charge, appropriate use of fixed property and facilities of the  
2014 division by the organization, subject to this subsection.

2015 (a) The department may prescribe any condition with which  
2016 the organization must comply in order to use the division's  
2017 property or facilities.

2018 (b) The department may not authorize the use of the  
2019 division's property or facilities if the organization does not  
2020 provide equal membership and employment opportunities to all  
2021 persons regardless of race, religion, sex, age, or national  
2022 origin.

2023 (c) The department shall adopt rules prescribing the  
2024 procedures by which the organization is governed and any  
2025 conditions with which the organization must comply to use the  
2026 division's property or facilities.

2027 (6) DEPOSITORY ACCOUNT.—Any moneys received by the  
2028 organization may be held in a separate depository account in the  
2029 name of the organization and subject to the contract with the  
2030 division.

594-04095-23

20231158c3

2031 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall  
 2032 submit to the division its annual budget and financial reports,  
 2033 its federal Internal Revenue Service Application for Recognition  
 2034 of Exemption Form 1023, and its federal Internal Revenue Service  
 2035 Return of Organization Exempt from Income Tax Form 990.

2036 (8) ANNUAL AUDIT.—The organization shall provide for an  
 2037 annual financial audit in accordance with s. 215.981.

2038 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by  
 2039 the division from the organization shall be deposited into the  
 2040 Insurance Regulatory Trust Fund.

2041 (10) REPEAL.—This section is repealed October 1, 2028,  
 2042 unless reviewed and saved from repeal by the Legislature.

2043 Section 44. Section 634.181, Florida Statutes, is amended  
 2044 to read:

2045 634.181 Grounds for compulsory refusal, suspension, or  
 2046 revocation of license or appointment of salespersons.—

2047 (1) The department shall deny, suspend, revoke, or refuse  
 2048 to renew or continue the license or appointment of any such  
 2049 salesperson if it finds that as to the salesperson any one or  
 2050 more of the following applicable grounds exist:

2051 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud  
 2052 in obtaining or attempting to obtain the license or appointment.

2053 (b)~~(2)~~ If the license or appointment is willfully used, or  
 2054 to be used, to circumvent any of the requirements or  
 2055 prohibitions of this part, any applicable provision of the  
 2056 Florida Insurance Code, or rule of the department or commission.

2057 (c)~~(3)~~ Willful misrepresentation of any service agreement  
 2058 or willful deception with regard to any agreement, done either  
 2059 in person or by any form of dissemination of information or

594-04095-23

20231158c3

2060 advertising.

2061 (d)~~(4)~~ If in the adjustment of claims arising out of  
2062 service agreements, she or he has materially misrepresented to a  
2063 service agreement holder or other interested party the terms and  
2064 coverage of a service agreement with intent and for the purpose  
2065 of effecting settlement of the claim on less favorable terms  
2066 than those provided in and contemplated by the service  
2067 agreement.

2068 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness  
2069 to engage in the service agreement business.

2070 (f)~~(6)~~ For demonstrated lack of adequate knowledge and  
2071 technical competence to engage in the transactions authorized by  
2072 the license or appointment.

2073 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of  
2074 business under the license or appointment.

2075 (h)~~(8)~~ Misappropriation, conversion, or unlawful  
2076 withholding of moneys belonging to a service agreement company,  
2077 insurer, or service agreement holder or to others and received  
2078 in the conduct of business under the license or appointment.

2079 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for  
2080 unlawfully dividing or offering to divide her or his commission  
2081 with another.

2082 (j)~~(10)~~ Willful failure to comply with, or willful  
2083 violation of any proper order of the department or office, or  
2084 willful violation of any provision of this part, or of any  
2085 applicable provision of the insurance code, or applicable rule  
2086 of the department or commission.

2087 (k)~~(11)~~ Having been found guilty of, or having pleaded  
2088 guilty or nolo contendere to, a felony or a crime punishable by



594-04095-23

20231158c3

2089 imprisonment of 1 year or more under the law of the United  
2090 States of America or any state thereof or under the law of any  
2091 other country which involves moral turpitude, without regard to  
2092 whether a judgment of conviction has been entered by the court  
2093 having jurisdiction of the cases.

2094 (1)~~(12)~~ Failure to refund unearned pro rata commission to  
2095 the agreement holder or the service agreement company, if the  
2096 service agreement company is making a full unearned pro rata  
2097 refund to the agreement holder.

2098 (m) Having been the subject of, or having had a license,  
2099 permit, appointment, registration, or other authority to conduct  
2100 business subject to, any decision, finding, injunction,  
2101 suspension, prohibition, revocation, denial, judgment, final  
2102 agency action, or administrative order by any court of competent  
2103 jurisdiction, administrative law proceeding, state agency,  
2104 federal agency, national securities, commodities, or options  
2105 exchange, or national securities, commodities, or options  
2106 association involving a violation of any federal or state  
2107 securities or commodities law or any rule or regulation adopted  
2108 thereunder, or a violation of any rule or regulation of any  
2109 national securities, commodities, or options exchange or  
2110 national securities, commodities, or options association.

2111 (2) When a licensee is charged with a felony enumerated in  
2112 s. 626.207(2), the department shall, immediately upon receipt of  
2113 information on or indictment for the felony, temporarily suspend  
2114 a license or appointment issued under this chapter. Such  
2115 suspension shall continue if the licensee is found guilty of, or  
2116 pleads guilty or nolo contendere to, the crime, regardless of  
2117 whether a judgment or conviction is entered, during a pending

594-04095-23

20231158c3

2118 appeal. A person may not transact insurance business after  
2119 suspension of his or her license or appointment.

2120 (3) The department may adopt rules to administer this  
2121 section.

2122 Section 45. Section 634.191, Florida Statutes, is amended  
2123 to read:

2124 634.191 Grounds for discretionary refusal, suspension, or  
2125 revocation of license or appointment of salespersons.—

2126 (1) The department may, in its discretion, deny, suspend,  
2127 revoke, or refuse to renew or continue the license or  
2128 appointment of any salesperson if it finds that as to the  
2129 salesperson any one or more of the following applicable grounds  
2130 exist under circumstances for which such denial, suspension,  
2131 revocation, or refusal is not mandatory under s. 634.181:

2132 (a)~~(1)~~ For any cause for which granting of the license or  
2133 appointment could have been refused had it then existed and been  
2134 known to the department.

2135 (b)~~(2)~~ Violation of any provision of this part or of any  
2136 other law applicable to the business of service agreements in  
2137 the course of dealings under the license or appointment.

2138 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule  
2139 of the department or commission.

2140 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any  
2141 company or insurer the salesperson represents or has represented  
2142 any money coming into her or his hands belonging to the company  
2143 or insurer.

2144 (e)~~(5)~~ If, in the conduct of business under the license or  
2145 appointment, the salesperson has engaged in unfair methods of  
2146 competition or in unfair or deceptive acts or practices, as such

594-04095-23

20231158c3

2147 methods, acts, or practices are or may be defined under this  
2148 part, or has otherwise shown herself or himself to be a source  
2149 of injury or loss to the public or detrimental to the public  
2150 interest.

2151 (f) ~~(6)~~ Failure to report to the department within 30 days  
2152 the final disposition of an administrative action taken against  
2153 a salesperson by a governmental agency or other regulatory  
2154 agency in this state or any other state or jurisdiction relating  
2155 to the business of insurance, the sale of securities, or an  
2156 activity involving fraud, dishonesty, trustworthiness, or breach  
2157 of a fiduciary duty. The salesperson must submit a copy of the  
2158 order, consent to order, or other relevant legal documents to  
2159 the department ~~Having been found guilty of, or having pleaded~~  
2160 ~~guilty or nolo contendere to, a felony or a crime punishable by~~  
2161 ~~imprisonment of 1 year or more under the law of the United~~  
2162 ~~States of America or any state thereof or under the law of any~~  
2163 ~~other country, without regard to whether a judgment of~~  
2164 ~~conviction has been entered by the court having jurisdiction of~~  
2165 ~~the cases.~~

2166 (2) The department may adopt rules to administer this  
2167 section.

2168 Section 46. Section 634.320, Florida Statutes, is amended  
2169 to read:

2170 634.320 Grounds for compulsory refusal, suspension, or  
2171 revocation of license or appointment of sales representatives.—

2172 (1) The department shall deny, suspend, revoke, or refuse  
2173 to renew or continue the license or appointment of any sales  
2174 representative if it is found that any one or more of the  
2175 following grounds applicable to the sales representative exist:

594-04095-23

20231158c3

2176        (a)~~(1)~~ Material misstatement, misrepresentation, or fraud  
2177 in obtaining or attempting to obtain a license or appointment.

2178        (b)~~(2)~~ The license or appointment is willfully used, or to  
2179 be used, to circumvent any of the requirements or prohibitions  
2180 of this part.

2181        (c)~~(3)~~ Willful misrepresentation of any warranty contract  
2182 or willful deception with regard to any such contract, done  
2183 either in person or by any form of dissemination of information  
2184 or advertising.

2185        (d)~~(4)~~ In the adjustment of claims arising out of  
2186 warranties, material misrepresentation to a warranty holder or  
2187 other interested party of the terms and coverage of a contract,  
2188 with the intent and for the purpose of effecting settlement of  
2189 such claim on less favorable terms than those provided in and  
2190 contemplated by the contract.

2191        (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to  
2192 engage in the business of home warranty.

2193        (f)~~(6)~~ Demonstrated lack of adequate knowledge and  
2194 technical competence to engage in the transactions authorized by  
2195 the license or appointment.

2196        (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of  
2197 business under the license or appointment.

2198        (h)~~(8)~~ Misappropriation, conversion, or unlawful  
2199 withholding of moneys belonging to an association, insurer, or  
2200 warranty holder, or to others, and received in the conduct of  
2201 business under the license or appointment.

2202        (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully  
2203 rebate, or unlawfully dividing, or offering to divide, her or  
2204 his commission with another.

594-04095-23

20231158c3

2205 (j)~~(10)~~ Willful failure to comply with, or willful  
2206 violation of, any proper order or rule of the department or  
2207 commission or willful violation of any provision of this part.

2208 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo  
2209 contendere to a felony or a crime punishable by imprisonment of  
2210 1 year or more under the law of the United States of America or  
2211 any state thereof or under the law of any other country  
2212 ~~involving moral turpitude~~, without regard to whether judgment of  
2213 conviction has been entered by the court.

2214 (l) Having been the subject of, or having had a license,  
2215 permit, appointment, registration, or other authority to conduct  
2216 business subject to, any decision, finding, injunction,  
2217 suspension, prohibition, revocation, denial, judgment, final  
2218 agency action, or administrative order by any court of competent  
2219 jurisdiction, administrative law proceeding, state agency,  
2220 federal agency, national securities, commodities, or options  
2221 exchange, or national securities, commodities, or options  
2222 association involving a violation of any federal or state  
2223 securities or commodities law or any rule or regulation adopted  
2224 thereunder, or a violation of any rule or regulation of any  
2225 national securities, commodities, or options exchange or  
2226 national securities, commodities, or options association.

2227 (2) When a licensee is charged with a felony enumerated in  
2228 s. 626.207(2), the department shall, immediately upon receipt of  
2229 information on or indictment for the felony, temporarily suspend  
2230 a license or appointment issued under this chapter. Such  
2231 suspension shall continue if the licensee is found guilty of, or  
2232 pleads guilty or nolo contendere to, the crime, regardless of  
2233 whether a judgment or conviction is entered, during a pending

594-04095-23

20231158c3

2234 appeal. A person may not transact insurance business after  
2235 suspension of his or her license or appointment.

2236 (3) The department may adopt rules to administer this  
2237 section.

2238 Section 47. Section 634.321, Florida Statutes, is amended  
2239 to read:

2240 634.321 Grounds for discretionary refusal, suspension, or  
2241 revocation of license or appointment of sales representatives.—

2242 (1) The department may, in its discretion, deny, suspend,  
2243 revoke, or refuse to renew or continue the license or  
2244 appointment of any sales representative if it is found that any  
2245 one or more of the following grounds applicable to the sales  
2246 representative exist under circumstances for which such denial,  
2247 suspension, revocation, or refusal is not mandatory under s.  
2248 634.320:

2249 (a)~~(1)~~ Any cause for which granting of the license or  
2250 appointment could have been refused had it then existed and been  
2251 known to the department.

2252 (b)~~(2)~~ Violation of any provision of this part, or of any  
2253 other law applicable to the business of warranties, in the  
2254 course of dealings under the license or appointment.

2255 (c)~~(3)~~ Violation of any lawful order or rule of the  
2256 department or commission.

2257 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any  
2258 home warranty association or insurer the sales representative  
2259 represents or has represented any money coming into her or his  
2260 hands which belongs to the association or insurer.

2261 (e)~~(5)~~ In the conduct of business under the license or  
2262 appointment, engaging in unfair methods of competition or in

594-04095-23

20231158c3

2263 unfair or deceptive acts or practices, as such methods, acts, or  
2264 practices are or may be defined under this part, or otherwise  
2265 showing herself or himself to be a source of injury or loss to  
2266 the public or detriment to the public interest.

2267 (f) ~~(6)~~ Failure to report to the department within 30 days  
2268 the final disposition of an administrative action taken against  
2269 a sales representative by a governmental agency or other  
2270 regulatory agency in this state or any other state or  
2271 jurisdiction relating to the business of insurance, the sale of  
2272 securities, or an activity involving fraud, dishonesty,  
2273 trustworthiness, or breach of a fiduciary duty. The sales  
2274 representative must submit a copy of the order, consent to  
2275 order, or other relevant legal documents to the department Being  
2276 ~~found guilty of or pleading guilty or nolo contendere to a~~  
2277 ~~felony or a crime punishable by imprisonment of 1 year or more~~  
2278 ~~under the law of the United States of America or any state~~  
2279 ~~thereof or under the law of any other country, without regard to~~  
2280 ~~whether a judgment of conviction has been entered by the court.~~

2281 (2) The department may adopt rules to administer this  
2282 section.

2283 Section 48. Section 634.419, Florida Statutes, is amended  
2284 to read:

2285 634.419 License and appointment required.—No person or  
2286 entity shall solicit, negotiate, advertise, or effectuate  
2287 service warranty contracts in this state unless such person or  
2288 entity is licensed and appointed as a sales representative.  
2289 Sales representatives shall be responsible for the actions of  
2290 persons under their supervision. However, a service warranty  
2291 association licensed as such under this part shall not be

594-04095-23

20231158c3

2292 required to be licensed and appointed as a sales representative  
2293 to solicit, negotiate, advertise, or effectuate its products.  
2294 Sections 501.021-501.055 do not apply to persons or entities  
2295 licensed and appointed under this section, or their affiliates,  
2296 which solicit the sale of a service warranty or related service  
2297 or product in connection with a prearranged appointment at the  
2298 request of the consumer.

2299 Section 49. Section 634.422, Florida Statutes, is amended  
2300 to read:

2301 634.422 Grounds for compulsory refusal, suspension, or  
2302 revocation of license or appointment of sales representatives.-

2303 (1) The department shall deny, suspend, revoke, or refuse  
2304 to renew or continue the license or appointment of any sales  
2305 representative if it is found that any one or more of the  
2306 following grounds applicable to the sales representative exist:

2307 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud  
2308 in obtaining or attempting to obtain a license or appointment.

2309 (b)~~(2)~~ The license or appointment is willfully used, or to  
2310 be used, to circumvent any of the requirements or prohibitions  
2311 of this part.

2312 (c)~~(3)~~ Willful misrepresentation of any service warranty  
2313 contract or willful deception with regard to any such contract,  
2314 done either in person or by any form of dissemination of  
2315 information or advertising.

2316 (d)~~(4)~~ In the adjustment of claims arising out of  
2317 warranties, material misrepresentation to a service warranty  
2318 holder or other interested party of the terms and coverage of a  
2319 contract with the intent and for the purpose of effecting  
2320 settlement of the claim on less favorable terms than those



594-04095-23

20231158c3

2321 provided in and contemplated by the contract.

2322 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to  
2323 engage in the business of service warranty.

2324 (f)~~(6)~~ Demonstrated lack of adequate knowledge and  
2325 technical competence to engage in the transactions authorized by  
2326 the license or appointment.

2327 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of  
2328 business under the license or appointment.

2329 (h)~~(8)~~ Misappropriation, conversion, or unlawful  
2330 withholding of moneys belonging to an association, insurer, or  
2331 warranty holder, or to others, and received in the conduct of  
2332 business under the license or appointment.

2333 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully  
2334 rebate, or unlawfully dividing, or offering to divide, her or  
2335 his commission with another.

2336 (j)~~(10)~~ Willful failure to comply with, or willful  
2337 violation of, any proper order or rule of the department or  
2338 commission, or willful violation of any provision of this part.

2339 (k)~~(11)~~ Being found guilty of or pleading nolo contendere  
2340 to a felony or a crime punishable by imprisonment of 1 year or  
2341 more under the law of the United States of America or any state  
2342 thereof or under the law of any other country ~~involving moral~~  
2343 ~~turpitude~~, without regard to whether judgment of conviction has  
2344 been entered by the court having jurisdiction of the case.

2345 (l) Having been the subject of, or having had a license,  
2346 permit, appointment, registration, or other authority to conduct  
2347 business subject to, any decision, finding, injunction,  
2348 suspension, prohibition, revocation, denial, judgment, final  
2349 agency action, or administrative order by any court of competent

594-04095-23

20231158c3

2350 jurisdiction, administrative law proceeding, state agency,  
2351 federal agency, national securities, commodities, or options  
2352 exchange, or national securities, commodities, or options  
2353 association involving a violation of any federal or state  
2354 securities or commodities law or any rule or regulation adopted  
2355 thereunder, or a violation of any rule or regulation of any  
2356 national securities, commodities, or options exchange or  
2357 national securities, commodities, or options association.

2358 (2) When a licensee is charged with a felony enumerated in  
2359 s. 626.207(2), the department shall, immediately upon receipt of  
2360 information on or indictment for the felony, temporarily suspend  
2361 a license or appointment issued under this chapter. Such  
2362 suspension shall continue if the licensee is found guilty of, or  
2363 pleads guilty or nolo contendere to, the crime, regardless of  
2364 whether a judgment or conviction is entered, during a pending  
2365 appeal. A person may not transact insurance business after  
2366 suspension of his or her license or appointment.

2367 (3) The department may adopt rules to administer this  
2368 section.

2369 Section 50. Section 634.423, Florida Statutes, is amended  
2370 to read:

2371 634.423 Grounds for discretionary refusal, suspension, or  
2372 revocation of license or appointment of sales representatives.—

2373 (1) The department may deny, suspend, revoke, or refuse to  
2374 renew or continue the license or appointment of any sales  
2375 representative if it is found that any one or more of the  
2376 following grounds applicable to the sales representative exist  
2377 under circumstances for which such denial, suspension,  
2378 revocation, or refusal is not mandatory under s. 634.422:

594-04095-23

20231158c3

2379        (a)~~(1)~~ Any cause for which granting of the license or  
2380 appointment could have been refused had it then existed and been  
2381 known to the department.

2382        (b)~~(2)~~ Violation of any provision of this part, or of any  
2383 other law applicable to the business of service warranties, in  
2384 the course of dealings under the license or appointment.

2385        (c)~~(3)~~ Violation of any lawful order or rule of the  
2386 department or commission.

2387        (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any  
2388 service warranty association or insurer the sales representative  
2389 represents or has represented any money coming into her or his  
2390 hands which belongs to the association or insurer.

2391        (e)~~(5)~~ In the conduct of business under the license or  
2392 appointment, engaging in unfair methods of competition or in  
2393 unfair or deceptive acts or practices, as such methods, acts, or  
2394 practices are or may be defined under this part, or otherwise  
2395 showing herself or himself to be a source of injury or loss to  
2396 the public or detriment to the public interest.

2397        (f)~~(6)~~ Failure to report to the department within 30 days  
2398 the final disposition of an administrative action taken against  
2399 a sales representative by a governmental agency or other  
2400 regulatory agency in this state or any other state or  
2401 jurisdiction relating to the business of insurance, the sale of  
2402 securities, or an activity involving fraud, dishonesty,  
2403 trustworthiness, or breach of a fiduciary duty. The sales  
2404 representative must submit a copy of the order, consent to  
2405 order, or other relevant legal documents to the department ~~Being~~  
2406 ~~found guilty of or pleading guilty or nolo contendere to a~~  
2407 ~~felony or a crime punishable by imprisonment of 1 year or more~~

594-04095-23

20231158c3

2408 ~~under the law of the United States of America or any state~~  
2409 ~~thereof or under the law of any other country, without regard to~~  
2410 ~~whether judgment of conviction has been entered by the court~~  
2411 ~~having jurisdiction of such case.~~

2412 (2) The department may adopt rules to administer this  
2413 section.

2414 Section 51. Section 648.25, Florida Statutes, is reordered  
2415 and amended to read:

2416 648.25 Definitions.—As used in this chapter, the term:

2417 (1) "Appointment" means the authority given by an insurer  
2418 or the managing general agent of an insurer through the  
2419 department to a licensee to transact insurance or adjust claims  
2420 on behalf of the insurer or managing general agent.

2421 (2)~~(1)~~ "Bail bond agency" means:

2422 (a) The building where a licensee maintains an office and  
2423 where all records required by ss. 648.34 and 648.36 are  
2424 maintained; or

2425 (b) An entity that:

2426 1. Charges a fee or premium to release an accused defendant  
2427 or detainee from jail; or

2428 2. Engages in or employs others to engage in any activity  
2429 that may be performed only by a licensed and appointed bail bond  
2430 agent.

2431 (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a  
2432 professional bail bond agent as hereafter defined.

2433 (7)~~(3)~~ "Managing general agent" means any individual,  
2434 partnership, association, or corporation appointed or employed  
2435 by an insurer to supervise or manage the bail bond business  
2436 written in this state by limited surety agents appointed by the

594-04095-23

20231158c3

2437 insurer.

2438 ~~(5)~~(4) "Insurer" means any domestic, foreign, or alien  
2439 surety company which has been authorized to transact surety  
2440 business in this state.

2441 ~~(6)~~(5) "Limited surety agent" means any individual  
2442 appointed by an insurer by power of attorney to execute or  
2443 countersign bail bonds in connection with judicial proceedings  
2444 who receives or is promised money or other things of value  
2445 therefor.

2446 ~~(4)~~(6) "~~Primary~~ Bail bond agent in charge" means a licensed  
2447 bail bond agent who is responsible for the overall operation and  
2448 management of a bail bond agency location and whose  
2449 responsibilities include hiring and supervising all individuals  
2450 within that location. A bail bond agent may be designated as the  
2451 ~~primary~~ bail bond agent in charge for only one bail bond agency  
2452 location.

2453 ~~(8)~~(7) "Professional bail bond agent" means any person who  
2454 pledges United States currency, United States postal money  
2455 orders, or cashier's checks as security for a bail bond in  
2456 connection with a judicial proceeding and receives or is  
2457 promised therefor money or other things of value.

2458 ~~(9)~~(8) "Temporary bail bond agent" means a person licensed  
2459 before January 1, 2024, who is employed by a bail bond agent or  
2460 agency, insurer, or managing general agent, and such licensee  
2461 has the same authority as a licensed bail bond agent, including  
2462 presenting defendants in court; apprehending, arresting, and  
2463 surrendering defendants to the proper authorities, while  
2464 accompanied by a supervising bail bond agent or an agent from  
2465 the same agency; and keeping defendants under necessary

594-04095-23

20231158c3

2466 surveillance. However, a temporary licensee may not execute or  
2467 sign bonds, handle collateral receipts, or deliver bonds to  
2468 appropriate authorities. A temporary licensee may not operate an  
2469 agency or branch agency separate from the location of the  
2470 supervising bail bond agent, managing general agent, or insurer  
2471 by whom the licensee is employed. This does not affect the right  
2472 of a bail bond agent or insurer to hire counsel or to obtain the  
2473 assistance of law enforcement officers. A temporary bail bond  
2474 agent license expires 18 months after issuance and is no longer  
2475 valid on or after June 30, 2025.

2476 Section 52. Subsection (3) of section 648.26, Florida  
2477 Statutes, is amended to read:

2478 648.26 Department of Financial Services; administration.—

2479 (3) The papers, documents, reports, or any other  
2480 investigatory records of the department are confidential and  
2481 exempt from ~~the provisions of~~ s. 119.07(1) until such  
2482 investigation is completed or ceases to be active. For the  
2483 purpose of this section, an investigation is considered active  
2484 ~~"active"~~ while the investigation is being conducted by the  
2485 department with a reasonable, good faith belief that it may lead  
2486 to the filing of administrative, civil, or criminal proceedings.  
2487 An investigation does not cease to be active if the department  
2488 is proceeding with reasonable dispatch and there is good faith  
2489 belief that action may be initiated by the department or other  
2490 administrative or law enforcement agency. This subsection does  
2491 not prevent the department or office from disclosing the content  
2492 of a complaint or such information as it deems necessary to  
2493 conduct the investigation, to update the complainant as to the  
2494 status and outcome of the complaint, or to share such

594-04095-23

20231158c3

2495 information with any law enforcement agency or other regulatory  
2496 body.

2497 Section 53. Subsection (5) of section 648.27, Florida  
2498 Statutes, is amended to read:

2499 648.27 Licenses and appointments; general.—

2500 (5) ~~(a)~~ The license of a bail bond agent shall continue in  
2501 force, without further examination unless deemed necessary by  
2502 the department, until suspended, revoked, or otherwise  
2503 terminated.

2504 ~~(b) The license of a temporary bail bond agent shall~~  
2505 ~~continue in force until suspended, revoked, or otherwise~~  
2506 ~~terminated.~~

2507 Section 54. Section 648.285, Florida Statutes, is amended  
2508 to read:

2509 648.285 Bond agency; ownership requirements; applications  
2510 for bail bond agency licenses.—

2511 (1) A person may not own, control, manage, or otherwise  
2512 have a pecuniary interest in a bail bond agency unless such  
2513 individual is a licensed pursuant to s. 648.27, and appointed  
2514 through the department, and actively engaged as a bail bond  
2515 agent for at least the preceding 24 months. Any agency that is  
2516 not in compliance with this subsection is ~~shall be~~ subject to  
2517 the issuance of an immediate final order of suspension of its  
2518 license and all operations until the agency achieves compliance.

2519 (2) Effective January 1, 2024, the department may issue a  
2520 bail bond agency license to any person only after such person  
2521 files a written application with the department and qualifies  
2522 for such license.

2523 (3) An application for a bail bond agency license must be

594-04095-23

20231158c3

2524 signed by an individual required to be listed in the application  
2525 under paragraph (a). A bail bond agency license may permit a  
2526 third party to complete, submit, and sign an application on the  
2527 bail bond agency's behalf; however, the bail bond agency is  
2528 responsible for ensuring that the information on the application  
2529 is true and correct, and the bail bond agency is accountable for  
2530 any misstatements or misrepresentations. The application for a  
2531 bail bond agency license must include:

2532 (a) The name and license number of each owner, partner,  
2533 officer, director, president, senior vice president, secretary,  
2534 treasurer, and limited liability company member who directs or  
2535 participates in the management or control of the bail bond  
2536 agency, whether through ownership of voting securities, by  
2537 contract, by ownership of any agency bank account, or otherwise.

2538 (b) The residence address of each person required to be  
2539 listed in the application under paragraph (a).

2540 (c) The name, principal business street address, and valid  
2541 e-mail address of the bail bond agency and the name, address,  
2542 and e-mail address of the agency's registered agent or person or  
2543 company authorized to accept service on behalf of the bail bond  
2544 agency.

2545 (d) The physical address of each branch bail bond agency,  
2546 including its name, e-mail address, and telephone number, and  
2547 the date that the branch location began transacting bail bond  
2548 business.

2549 (e) The name of the full-time bail bond agent in charge of  
2550 the agency office, including branch locations, and his or her  
2551 corresponding location.

2552 (f) Such additional information as the department requires



594-04095-23

20231158c3

2553 by rule to ascertain the trustworthiness and competence of  
2554 persons required to be listed on the application and to  
2555 ascertain that such persons meet the requirements of this code.  
2556 However, the department may not require that credit or character  
2557 reports be submitted for persons required to be listed on the  
2558 application.

2559 (4) The department must issue a license to each agency upon  
2560 approval of the application, and each agency location must  
2561 display the license prominently in a manner that makes it  
2562 clearly visible to any customer or potential customer who enters  
2563 the agency location.

2564 (5) A bail bond agency that holds a current and valid  
2565 registration number with the department shall have its  
2566 registration automatically converted to a license on July 1,  
2567 2024.

2568 (6) Section 112.011 does not apply to bail bond agencies or  
2569 to applicants for licensure as owners of bail bond agencies.

2570 (7)~~(2)~~ If the owner of a bail bond agency dies or becomes  
2571 mentally incapacitated, a personal representative or legal  
2572 guardian may be issued a temporary permit to manage the affairs  
2573 of the bail bond agency. Such person must appoint or maintain  
2574 the appointment of a ~~primary~~ bail bond agent in charge, as  
2575 provided in s. 648.387, and may not engage in any activities as  
2576 a licensed bail bond agent but must comply with s. 648.387  
2577 during the administration of the estate or guardianship. A  
2578 temporary permit is valid for a maximum of 24 months.

2579 (8)~~(3)~~ Application for a temporary permit must be made by  
2580 the personal representative or legal guardian upon statements  
2581 and affidavits filed with the department on forms prescribed and

594-04095-23

20231158c3

2582 furnished by it. The applicant must meet the qualifications for  
2583 licensure as a bail bond agent, except for the residency,  
2584 examination, education, and experience requirements.

2585 Section 55. Subsection (1) of section 648.30, Florida  
2586 Statutes, is amended to read:

2587 648.30 Licensure and appointment required; prohibited acts;  
2588 penalties.—

2589 (1) (a) A person or entity may not act in the capacity of a  
2590 bail bond agent or ~~temporary~~ bail bond agency ~~agent~~ or perform  
2591 any of the functions, duties, or powers prescribed for bail bond  
2592 agents or ~~temporary~~ bail bond agencies ~~agents~~ under this chapter  
2593 unless that person or entity is qualified, licensed, and  
2594 appointed as provided in this chapter and employed by a bail  
2595 bond agency.

2596 (b) A bail bond agent may not sell a bail bond issued by an  
2597 insurer for which the agent and the agent's bail bond agency do  
2598 not hold a current appointment.

2599 (c) Except as otherwise provided in this part, a person or  
2600 entity, other than a bail bond agency or an employee of a bail  
2601 bond agency, may not perform any of the functions of a bail bond  
2602 agency without a bail bond agency license.

2603 Section 56. Section 648.31, Florida Statutes, is amended to  
2604 read:

2605 648.31 Appointment taxes and fees.—The department shall  
2606 collect in advance all appointment taxes and fees for the  
2607 issuance of any appointment to a bail bond agent ~~or temporary~~  
2608 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for  
2609 the issuance of any appointment to a bail bond agency.

2610 Section 57. Subsection (2) of section 648.34, Florida

594-04095-23

20231158c3

2611 Statutes, is amended to read:

2612 648.34 Bail bond agents; qualifications.—

2613 (2) To qualify as a bail bond agent, it must affirmatively  
2614 appear at the time of application and throughout the period of  
2615 licensure that the applicant ~~has complied with the provisions of~~  
2616 ~~s. 648.355 and has obtained a temporary license pursuant to such~~  
2617 ~~section and:~~

2618 (a) ~~The applicant~~ Is a natural person who has reached the  
2619 age of 18 years and holds a high school diploma or its  
2620 equivalent.

2621 (b) ~~The applicant~~ Is a United States citizen or legal alien  
2622 who possesses work authorization from the United States Bureau  
2623 of Citizenship and Immigration Services and is a resident of  
2624 this state. An individual who is a resident of this state shall  
2625 be deemed to meet the residence requirement of this paragraph,  
2626 notwithstanding the existence, at the time of application for  
2627 license, of a license in the applicant's name on the records of  
2628 another state as a resident licensee of such other state, if the  
2629 applicant furnishes a letter of clearance satisfactory to the  
2630 department that his or her resident licenses have been canceled  
2631 or changed to a nonresident basis and that he or she is in good  
2632 standing.

2633 (c) Will maintain his or her ~~The~~ place of business ~~of the~~  
2634 ~~applicant will be located~~ in this state and in the county where  
2635 the applicant will maintain his or her records and be actively  
2636 engaged in the bail bond business and work with a licensed  
2637 ~~maintain an~~ agency accessible to the public which is open for  
2638 reasonable business hours.

2639 (d) ~~The applicant~~ Is vouched for and recommended upon sworn

594-04095-23

20231158c3

2640 statements filed with the department by at least three reputable  
2641 citizens who are residents of the same counties in which the  
2642 applicant proposes to engage in the bail bond business.

2643 (e) ~~The applicant~~ Is a person of high character and  
2644 approved integrity and has not been convicted of or pleaded  
2645 guilty or no contest to a felony, a crime involving moral  
2646 turpitude, or a crime punishable by imprisonment of 1 year or  
2647 more under the law of any state, territory, or country, whether  
2648 or not a judgment or conviction has been entered.

2649 (f) Within 2 years immediately before applying for the  
2650 license, has successfully completed a basic certification course  
2651 in the criminal justice system which consists of at least 120  
2652 hours of classroom instruction with a passing grade of 80  
2653 percent or higher and has successfully completed a  
2654 correspondence course for bail bond agents approved by the  
2655 department.

2656 (g) ~~(f)~~ ~~The applicant~~ Has passed any required examination.  
2657 Section 58. Section 648.355, Florida Statutes, is amended  
2658 to read:

2659 648.355 ~~Temporary limited license as~~ Limited surety agents  
2660 and agent ~~or professional bail bond agents agent; qualifications~~  
2661 ~~pending examination.-~~

2662 (1) ~~The department may, in its discretion, issue a~~  
2663 ~~temporary license as a limited surety agent or professional bail~~  
2664 ~~bond agent, subject to the following conditions:~~

2665 ~~(a) The applicant is a natural person at least 18 years of~~  
2666 ~~age and holds a high school diploma or its equivalent.~~

2667 ~~(b) The applicant is a United States citizen or legal alien~~  
2668 ~~who possesses work authorization from the United States Bureau~~

594-04095-23

20231158c3

2669 ~~of Citizenship and Immigration Services and is a resident of~~  
2670 ~~this state. An individual who is a resident of this state shall~~  
2671 ~~be deemed to meet the residence requirement of this paragraph,~~  
2672 ~~notwithstanding the existence, at the time of application for~~  
2673 ~~temporary license, of a license in the individual's name on the~~  
2674 ~~records of another state as a resident licensee of such other~~  
2675 ~~state, if the applicant furnishes a letter of clearance~~  
2676 ~~satisfactory to the department that the individual's resident~~  
2677 ~~licenses have been canceled or changed to a nonresident basis~~  
2678 ~~and that the individual is in good standing.~~

2679 ~~(c) The applicant is a person of high character and~~  
2680 ~~approved integrity and has never been convicted of or pleaded~~  
2681 ~~guilty or no contest to a felony, a crime involving moral~~  
2682 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~  
2683 ~~more under the law of any state, territory, or country, whether~~  
2684 ~~or not a judgment or conviction is entered.~~

2685 ~~(d) Within 4 years prior to the date of application for a~~  
2686 ~~temporary license, the applicant has successfully completed a~~  
2687 ~~basic certification course in the criminal justice system,~~  
2688 ~~consisting of not less than 120 hours of classroom instruction~~  
2689 ~~with a passing grade of 80 percent or higher and has~~  
2690 ~~successfully completed a correspondence course for bail bond~~  
2691 ~~agents approved by the department.~~

2692 ~~(e) The applicant must be employed full time at the time of~~  
2693 ~~licensure, and at all times throughout the existence of the~~  
2694 ~~temporary license, by only one licensed and appointed~~  
2695 ~~supervising bail bond agent, who supervises the work of the~~  
2696 ~~applicant and is responsible for the licensee's conduct in the~~  
2697 ~~bail bond business. The applicant must be appointed by the same~~

594-04095-23

20231158c3

2698 ~~insurers as the supervising bail bond agent. The supervising~~  
2699 ~~bail bond agent shall certify monthly to the department under~~  
2700 ~~oath, on a form prescribed by the department, the names and~~  
2701 ~~hours worked each week of all temporary bail bond agents. Filing~~  
2702 ~~a false certification is grounds for the immediate suspension of~~  
2703 ~~the license and imposition of a \$5,000 administrative fine. The~~  
2704 ~~department may adopt rules that establish standards for the~~  
2705 ~~employment requirements.~~

2706 ~~(f) The application must be accompanied by an affidavit~~  
2707 ~~verifying proposed employment and a report as to the applicant's~~  
2708 ~~integrity and moral character on a form prescribed by the~~  
2709 ~~department and executed by the proposed employer.~~

2710 ~~(g) The applicant must file with the department statements~~  
2711 ~~by at least three reputable citizens who are residents of the~~  
2712 ~~same counties in which the applicant proposes to engage as a~~  
2713 ~~temporary licensee.~~

2714 ~~(h) The applicant's employer is responsible for the bail~~  
2715 ~~bonding acts of any licensee under this section.~~

2716 ~~(2) All applicable license fees, as prescribed in s.~~  
2717 ~~624.501, must be paid before issuance of the temporary license.~~

2718 ~~(3) The temporary license shall be effective for 18 months,~~  
2719 ~~subject to earlier termination at the request of the employer or~~  
2720 ~~if suspended or revoked by the department.~~

2721 ~~(4) The applicant shall furnish, with the application for~~  
2722 ~~temporary license, a complete set of the applicant's~~  
2723 ~~fingerprints in accordance with s. 626.171(4) and a recent~~  
2724 ~~credential-sized, fullface photograph of the applicant. The~~  
2725 ~~department may ~~shall~~ not issue a ~~temporary~~ license under this~~  
2726 ~~section until the department has received a report from the~~

594-04095-23

20231158c3

2727 Department of Law Enforcement and the Federal Bureau of  
2728 Investigation relative to the existence or nonexistence of a  
2729 criminal history report based on the applicant's fingerprints.

2730 (2)~~(5)~~ The department may collect a fee necessary to cover  
2731 the cost of a character and credit report made by an established  
2732 and reputable independent reporting service. The fee shall be  
2733 deposited to the credit of the Insurance Regulatory Trust Fund.

2734 (3)~~(6)~~ Effective July 1, 2023, any individual licensed by  
2735 the department as a temporary bail bond agent may take the  
2736 required bail bond agent's licensure examination, may file an  
2737 application for a bail bond agent's license if otherwise  
2738 qualified for licensure, and may take the required bail bond  
2739 agent's licensure examination After licensure as a temporary  
2740 licensee for at least 12 months, such licensee may file an  
2741 application for and become eligible for a regular bail bond  
2742 agent's license based on the licensee's experience in the bail  
2743 bond business and education pursuant to paragraph (1) (d) and, if  
2744 otherwise qualified, take the required bail bond agent's  
2745 licensure examination. The applicant and supervising bail bond  
2746 agent must each file an affidavit under oath, on a form  
2747 prescribed by the department, verifying the required employment  
2748 of the temporary agent before issuance of the license.

2749 ~~(7) In no event shall a temporary licensee licensed under~~  
2750 ~~this section perform any of the functions for which a bail bond~~  
2751 ~~agent's license is required after expiration of the temporary~~  
2752 ~~license without having passed the written examination as for a~~  
2753 ~~regular bail bond agent's license.~~

2754 ~~(8) (a) A temporary licensee has the same authority as a~~  
2755 ~~licensed bail bond agent, including presenting defendants in~~

594-04095-23

20231158c3

2756 ~~court; apprehending, arresting, and surrendering defendants to~~  
2757 ~~the proper authorities; and keeping defendants under necessary~~  
2758 ~~surveillance. However, a temporary licensee must be accompanied~~  
2759 ~~by a supervising bail bond agent or an agent from the same~~  
2760 ~~agency when apprehending, arresting, or surrendering defendants~~  
2761 ~~to authorities.~~

2762 ~~(b) A temporary licensee may not execute or sign bonds,~~  
2763 ~~handle collateral receipts, deliver bonds to appropriate~~  
2764 ~~authorities, or operate an agency or branch agency separate from~~  
2765 ~~the location of the supervising bail bond agent, managing~~  
2766 ~~general agent, or insurer by whom the licensee is employed.~~

2767 ~~(4)(9) Effective July 1, 2023, the department may not issue~~  
2768 ~~a temporary bail bond agent's license. An individual currently~~  
2769 ~~licensed as a temporary bail bond agent may continue to be~~  
2770 ~~licensed in accordance with this chapter. A temporary bail bond~~  
2771 ~~agent's license may not be reinstated if the license expires or~~  
2772 ~~is terminated, suspended, or revoked ~~The department shall not~~~~  
2773 ~~~~issue a temporary bail bond agent's license to any individual~~~~  
2774 ~~~~who has held such a temporary license in this state within 2~~~~  
2775 ~~~~years after the expiration of such temporary bail bond agent's~~~~  
2776 ~~~~license.~~~~

2777 Section 59. Subsections (1) through (4) of section 648.382,  
2778 Florida Statutes, are amended to read:

2779 648.382 Appointment of bail bond agents and bail bond  
2780 agencies ~~temporary bail bond agents; effective date of~~  
2781 ~~appointment.-~~

2782 (1)(a) Each insurer or ~~appointing a bail bond agent and~~  
2783 ~~each insurer,~~ managing general agent, ~~or bail bond agent~~  
2784 appointing a ~~temporary~~ bail bond agent or bail bond agency in



594-04095-23

20231158c3

2785 this state must file the appointment with the department and, at  
2786 the same time, pay the applicable appointment fees and taxes. A  
2787 person appointed under this section must hold a valid bail bond  
2788 agent's or ~~temporary~~ bail bond agency's agent's license. There  
2789 is no fee for the issuance of any appointment of a bail bond  
2790 agency.

2791 (b) Effective July 1, 2025, each insurer or managing  
2792 general agent appointing a bail bond agency in this state must  
2793 file the appointment with the department. An entity appointed  
2794 under this section must hold a valid bail bond agency's license.

2795 (2) Before ~~Prior to~~ any appointment, an appropriate officer  
2796 or official of the appointing insurer ~~in the case of a bail bond~~  
2797 ~~agent or an insurer, managing general agent, or bail bond agent~~  
2798 ~~in the case of a temporary bail bond agent~~ must submit:

2799 (a) A certified statement or affidavit to the department  
2800 stating what investigation has been made concerning the proposed  
2801 appointee and the proposed appointee's background and the  
2802 appointing person's opinion to the best of his or her knowledge  
2803 and belief as to the moral character and reputation of the  
2804 proposed appointee. In lieu of such certified statement or  
2805 affidavit, by authorizing the effectuation of an appointment for  
2806 a licensee, the appointing entity certifies to the department  
2807 that such investigation has been made and that the results of  
2808 the investigation and the appointing person's opinion is that  
2809 the proposed appointee is a person of good moral character and  
2810 reputation and is fit to engage in the bail bond business;

2811 (b) An affidavit under oath on a form prescribed by the  
2812 department, signed by the proposed appointee, stating that  
2813 premiums are not owed to any insurer and that the appointee will

594-04095-23

20231158c3

2814 discharge all outstanding forfeitures and judgments on bonds  
2815 previously written. If the appointee does not satisfy or  
2816 discharge such forfeitures or judgments, the former insurer  
2817 shall file a notice, with supporting documents, with the  
2818 appointing insurer, the former agent or agency, and the  
2819 department, stating under oath that the licensee has failed to  
2820 timely satisfy forfeitures and judgments on bonds written and  
2821 that the insurer has satisfied the forfeiture or judgment from  
2822 its own funds. Upon receipt of such notification and supporting  
2823 documents, the appointing insurer shall immediately cancel the  
2824 licensee's appointment. The licensee may be reappointed only  
2825 upon certification by the former insurer that all forfeitures  
2826 and judgments on bonds written by the licensee have been  
2827 discharged. The appointing insurer or former agent or agency  
2828 may, within 10 days, file a petition with the department seeking  
2829 relief from this paragraph. Filing of the petition stays the  
2830 duty of the appointing insurer to cancel the appointment until  
2831 the department grants or denies the petition; ~~and~~

2832 (c) Any other information that the department reasonably  
2833 requires concerning the proposed appointee; and

2834 (d) Effective January 1, 2025, a certification that the  
2835 appointing entity obtained from each appointee the following  
2836 sworn statement:

2837  
2838 Pursuant to section 648.382(2)(b), Florida Statutes, I  
2839 do solemnly swear that I owe no premium to any insurer  
2840 or agency and that I will discharge all outstanding  
2841 forfeitures and judgments on bonds that have been  
2842 previously written. I acknowledge that failure to do

594-04095-23

20231158c3

2843 this will result in my active appointments being  
2844 canceled.

2845  
2846 An appointed bail bond agency must have the attestation under  
2847 this paragraph signed by its owner.

2848 (3) By authorizing the effectuation of an appointment for a  
2849 licensee, the appointing insurer certifies to the department  
2850 that the insurer will be bound by the acts of the bail bond  
2851 agent or bail bond agency acting within the scope of the agent's  
2852 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~  
2853 ~~temporary bail bond agent, the appointing insurer, managing~~  
2854 ~~general agent, or bail bond agent, as the case may be, must~~  
2855 ~~certify to the department that he or she will supervise the~~  
2856 ~~temporary bail bond agent's activities.~~

2857 (4) Each appointing insurer or, managing general agent, ~~or~~  
2858 ~~bail bond agent~~ must advise the department in writing within 5  
2859 days after receiving notice or learning that an appointee has  
2860 been arrested for, pled guilty or nolo contendere to, or been  
2861 found guilty of, a felony or other offense punishable by  
2862 imprisonment of 1 year or more under the law of any  
2863 jurisdiction, whether judgment was entered or withheld by the  
2864 court.

2865 Section 60. Present subsections (1) through (4) of section  
2866 648.386, Florida Statutes, are redesignated as subsections (2)  
2867 through (5), respectively, a new subsection (1) is added to that  
2868 section, and present subsection (2) of that section is amended,  
2869 to read:

2870 648.386 Qualifications for prelicensing and continuing  
2871 education schools and instructors.-

594-04095-23

20231158c3

2872       (1) DEFINITION OF "CLASSROOM INSTRUCTION."—As used in this  
 2873 section, the term "classroom instruction" means a course  
 2874 designed to be presented to a group of students by a live  
 2875 instructor using lecture, video, webcast, or virtual or other  
 2876 audio-video presentation.

2877       (3)~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION  
 2878 SCHOOLS.—In order to be considered for approval and  
 2879 certification as an approved limited surety agent and  
 2880 professional bail bond agent continuing education school, such  
 2881 entity must:

2882       (a) Provide a minimum of three classroom-instruction  
 2883 continuing education classes per calendar year.

2884       (b) Submit a course curriculum to the department for  
 2885 approval.

2886       (c) Offer continuing education classes that comprise ~~which~~  
 2887 ~~are comprised of~~ a minimum of 2 hours of approved classroom-  
 2888 instruction coursework and are taught by an approved supervising  
 2889 instructor or guest lecturer approved by the entity or the  
 2890 supervising instructor.

2891       Section 61. Section 648.387, Florida Statutes, is amended  
 2892 to read:

2893       648.387 ~~Primary~~ Bail bond agent in charge agents; duties.—

2894       (1) The owner or operator of a bail bond agency shall  
 2895 designate a ~~primary~~ bail bond agent in charge for each location,  
 2896 and shall file with the department the name and license number  
 2897 of the person and the address of the location on a form approved  
 2898 by the department. The designation of the ~~primary~~ bail bond  
 2899 agent in charge may be changed if the department is notified  
 2900 immediately. Failure to notify the department within 10 working

594-04095-23

20231158c3

2901 days after such change is grounds for disciplinary action  
2902 pursuant to s. 648.45.

2903 (2) The ~~primary~~ bail bond agent in charge is responsible  
2904 for the overall operation and management of a bail bond agency  
2905 location, whose responsibilities may include, without  
2906 limitations, hiring and supervising of all individuals within  
2907 the location, whether they deal with the public in the  
2908 solicitation or negotiation of bail bond contracts or in the  
2909 collection or accounting of moneys. A person may be designated  
2910 as the primary bail bond agent in charge for only one agency and  
2911 location.

2912 (3) The department may suspend or revoke the license of the  
2913 owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail bond  
2914 agency agent if the a bail bond agency employs, contracts with,  
2915 or uses the services of a person who has had a license denied or  
2916 whose license is currently suspended or revoked. However, a  
2917 person who has been denied a license for failure to pass a  
2918 required examination may be employed to perform clerical or  
2919 administrative functions for which licensure is not required.

2920 (4) An owner, a bail bond agent in charge ~~operator~~, or a  
2921 bail bond agency ~~primary agent~~ may not employ, contract with, or  
2922 use the services of any person in a bail bond agency who has  
2923 been charged with, found guilty of, or pled guilty or nolo  
2924 contendere to a felony or a crime punishable by imprisonment of  
2925 1 year or more under the law of any jurisdiction, without regard  
2926 to whether judgment was entered or withheld by the court.

2927 (5) A bail bond agency location may not conduct surety  
2928 business unless a ~~primary~~ bail bond agent in charge is  
2929 designated by, and provides services to, the bail bond agency at

594-04095-23

20231158c3

2930 all times. If the bail bond agent in charge designated with the  
2931 department ends his or her affiliation with the bail bond agency  
2932 for any reason, and the bail bond agency fails to designate  
2933 another bail bond agent in charge within the 10-day period under  
2934 subsection (1) and such failure continues for 90 days, the bail  
2935 bond agency license automatically expires on the 91st day after  
2936 the date the designated bail bond agent in charge ended his or  
2937 her affiliation with the agency ~~The failure to designate a~~  
2938 ~~primary agent on a form prescribed by the department, within 10~~  
2939 ~~working days after an agency's inception or a change of primary~~  
2940 ~~agent, is a violation of this chapter, punishable as provided in~~  
2941 ~~s. 648.45.~~

2942 Section 62. Section 648.3875, Florida Statutes, is created  
2943 to read:

2944 648.3875 Bail bond agent in charge; qualifications.-

2945 (1) An application for designation as a bail bond agent in  
2946 charge must be submitted on forms prescribed by the department.  
2947 The application must include the applicant's full name and the  
2948 applicant's license number issued pursuant to s. 648.27.

2949 (2) To qualify as a bail bond agent in charge, it must  
2950 affirmatively appear that, at the time of application and  
2951 throughout the period of licensure, the applicant has complied  
2952 with s. 648.285 and that the applicant has been licensed as a  
2953 bail bond agent for the 24 months immediately preceding the  
2954 appointment as the bail bond agent in charge.

2955 Section 63. Section 648.39, Florida Statutes, is amended to  
2956 read:

2957 648.39 Termination of appointment of managing general  
2958 agents, bail bond agents, and ~~temporary~~ bail bond agencies

594-04095-23

20231158c3

2959 agents.—

2960 (1) An insurer that ~~who~~ terminates the appointment of a  
2961 managing general agent, bail bond agent, or ~~temporary~~ bail bond  
2962 agency agent shall, within 10 days after such termination, file  
2963 written notice thereof with the department together with a  
2964 statement that it has given or mailed notice to the terminated  
2965 agent or agency. Such notice filed with the department must  
2966 state the reasons, if any, for such termination. Information so  
2967 furnished to the department is confidential and exempt from ~~the~~  
2968 ~~provisions of~~ s. 119.07(1).

2969 (2) Each insurer shall, within 5 days after terminating the  
2970 appointment of any managing general agent, bail bond agent, or  
2971 ~~temporary~~ bail bond agency agent, give written notice thereof to  
2972 each clerk of the circuit court and sheriff with whom such  
2973 person is registered.

2974 (3) An insurer that terminates the appointment of a  
2975 managing general agent or, bail bond agent, ~~or temporary bail~~  
2976 ~~bond agent~~ may authorize such person to continue to attempt the  
2977 arrest and surrender of a defendant for whom a surety bond had  
2978 been written by the bail bond agent before ~~prior to~~ termination  
2979 and to seek discharge of forfeitures and judgments as provided  
2980 in chapter 903.

2981 Section 64. Section 648.41, Florida Statutes, is repealed.

2982 Section 65. Section 648.42, Florida Statutes, is amended to  
2983 read:

2984 648.42 Registration of bail bond agents.—A bail bond agent  
2985 may not become a surety on an undertaking unless he or she has  
2986 registered in the office of the sheriff and with the clerk of  
2987 the circuit court in the county in which the bail bond agent

594-04095-23

20231158c3

2988 resides. The bail bond agent may register in a like manner in  
2989 any other county, and any bail bond agent shall file a certified  
2990 copy of his or her appointment by power of attorney from each  
2991 insurer which he or she represents as a bail bond agent with  
2992 each of such officers. Registration and filing of a certified  
2993 copy of renewed power of attorney shall be performed by April 1  
2994 of each odd-numbered year. The clerk of the circuit court and  
2995 the sheriff may ~~shall~~ not permit the registration of a bail bond  
2996 agent unless such bail bond agent is currently licensed by the  
2997 department and appointed by an insurer ~~the department~~. ~~Nothing~~  
2998 ~~in this section shall prevent the registration of a temporary~~  
2999 ~~licensee at the jail for the purposes of enabling the licensee~~  
3000 ~~to perform the duties under such license as set forth in this~~  
3001 ~~chapter.~~

3002 Section 66. Subsections (1) and (2) and paragraphs (c) and  
3003 (d) of subsection (8) of section 648.44, Florida Statutes, are  
3004 amended to read:

3005 648.44 Prohibitions; penalty.—

3006 (1) A bail bond agent or ~~temporary~~ bail bond agency agent  
3007 may not:

3008 (a) Suggest or advise the employment of, or name for  
3009 employment, any particular attorney or attorneys to represent  
3010 his or her principal.

3011 (b) Directly or indirectly solicit business in or on the  
3012 property or grounds of a jail, prison, or other place where  
3013 prisoners are confined or in or on the property or grounds of  
3014 any court. The term "solicitation" includes the distribution of  
3015 business cards, print advertising, or other written or oral  
3016 information directed to prisoners or potential indemnitors,



594-04095-23

20231158c3

3017 unless a request is initiated by the prisoner or a potential  
3018 indemnitor. Permissible print advertising in the jail is  
3019 strictly limited to a listing in a telephone directory and the  
3020 posting of the bail bond agent's or agency's name, address, e-  
3021 mail address, web address, and telephone number in a designated  
3022 location within the jail.

3023 (c) Initiate in-person or telephone solicitation after 9:00  
3024 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~  
3025 ~~eases,~~ at the residence of the detainee or the detainee's  
3026 family. Any solicitation ~~not prohibited by this chapter~~ must  
3027 comply with the telephone solicitation requirements in ss.  
3028 501.059(2) and (4), 501.613, and 501.616(6).

3029 (d) Wear or display any identification other than the  
3030 department issued or approved license or approved department  
3031 identification, which includes a citation of the licensee's  
3032 arrest powers, in or on the property or grounds of a jail,  
3033 prison, or other place where prisoners are confined or in or on  
3034 the property or grounds of any court.

3035 (e) Pay a fee or rebate or give or promise anything of  
3036 value to a jailer, police officer, peace officer, or committing  
3037 trial court judge or any other person who has power to arrest or  
3038 to hold in custody or to any public official or public employee  
3039 in order to secure a settlement, compromise, remission, or  
3040 reduction of the amount of any bail bond or estreatment thereof.

3041 (f) Pay a fee or rebate or give anything of value to an  
3042 attorney in a bail bond matter, except in defense of any action  
3043 on a bond.

3044 (g) Pay a fee or rebate or give or promise anything of  
3045 value to the principal or anyone in his or her behalf.

594-04095-23

20231158c3

3046 (h) Participate in the capacity of an attorney at a trial  
3047 or hearing of one on whose bond he or she is surety.

3048 (i) Loiter in or about a jail, courthouse, or where  
3049 prisoners are confined.

3050 (j) Accept anything of value from a principal for providing  
3051 a bail bond except the premium and transfer fee authorized by  
3052 the office, except that the bail bond agent or bail bond agency  
3053 may accept collateral security or other indemnity from the  
3054 principal or another person in accordance with ~~the provisions of~~  
3055 s. 648.442, together with documentary stamp taxes, if  
3056 applicable. No fees, expenses, or charges of any kind shall be  
3057 permitted to be deducted from the collateral held or any return  
3058 premium due, except as authorized by this chapter or rule of the  
3059 department or commission. A bail bond agent or bail bond agency  
3060 may, upon written agreement with another party, receive a fee or  
3061 compensation for returning to custody an individual who has fled  
3062 the jurisdiction of the court or caused the forfeiture of a  
3063 bond.

3064 (k) Write more than one power of attorney per charge on a  
3065 bond, except in the case of a cosurety, unless the power of  
3066 attorney prohibits a cosurety.

3067 (l) Execute a bond in this state on his or her own behalf.

3068 (m) Execute a bond in this state if a judgment has been  
3069 entered on a bond executed by the bail bond agent or the bail  
3070 bond agency is a named party on the judgment, which has remained  
3071 unpaid for 35 days, unless the full amount of the judgment is  
3072 deposited with the clerk in accordance with s. 903.27(5).

3073 (n) Make a statement or representation to a court, unless  
3074 such statement or representation is under oath. Such statement

594-04095-23

20231158c3

3075 or representation may not be false, misleading, or deceptive.

3076 (o) Attempt to collect, through threat or coercion, amounts  
3077 due for the payment of any indebtedness related to the issuance  
3078 of a bail bond in violation of s. 559.72.

3079 (p) Conduct bail bond business with any person, other than  
3080 the defendant, on the grounds of the jail or courthouse for the  
3081 purpose of executing a bond.

3082 (2) The following persons or classes may ~~shall~~ not be bail  
3083 bond agents, ~~temporary bail bond agents~~, or employees of a bail  
3084 bond agent or a bail bond agency business and may ~~shall~~ not  
3085 directly or indirectly receive any benefits from the execution  
3086 of any bail bond:

3087 (a) Jailers or persons employed in any jail.

3088 (b) Police officers or employees of any police department  
3089 or law enforcement agency.

3090 (c) Committing trial court judges, employees of a court, or  
3091 employees of the clerk of any court.

3092 (d) Sheriffs and deputy sheriffs or employees of any  
3093 sheriff's department.

3094 (e) Attorneys.

3095 (f) Persons having the power to arrest or persons who have  
3096 authority over or control of federal, state, county, or  
3097 municipal prisoners.

3098 (8)

3099 (c) Any law enforcement agency, state attorney's office,  
3100 court clerk, or insurer that is aware that a bail bond agent ~~or~~  
3101 ~~temporary bail bond agent~~ has been convicted of or who has  
3102 pleaded guilty or no contest to a crime as described in  
3103 paragraph (a) shall notify the department of this fact.

594-04095-23

20231158c3

3104 (d) Upon the filing of an information or indictment against  
3105 a bail bond agent ~~or temporary bail bond agent~~, the state  
3106 attorney or clerk of the circuit court shall immediately furnish  
3107 the department a certified copy of the information or  
3108 indictment.

3109 Section 67. Subsection (1) of section 648.441, Florida  
3110 Statutes, is amended to read:

3111 648.441 Furnishing supplies to unlicensed bail bond agent  
3112 prohibited; civil liability and penalty.—

3113 (1) An insurer, managing general agent, bail bond agent, or  
3114 ~~temporary~~ bail bond agency agent appointed under this chapter  
3115 may not furnish to any person any blank forms, applications,  
3116 stationery, business card, or other supplies to be used in  
3117 soliciting, negotiating, or effecting bail bonds until such  
3118 person has received from the department a license to act as a  
3119 bail bond agent and is appointed by the insurer. This section  
3120 does not prohibit an unlicensed employee, under the direct  
3121 supervision and control of a licensed and appointed bail bond  
3122 agent, from possessing or executing in the bail bond agency, any  
3123 forms, except for powers of attorney, bond forms, and collateral  
3124 receipts, while acting within the scope of his or her  
3125 employment.

3126 Section 68. Subsection (3) of section 648.46, Florida  
3127 Statutes, is amended to read:

3128 648.46 Procedure for disciplinary action against  
3129 licensees.—

3130 (3) The complaint and all information obtained pursuant to  
3131 the investigation of the department are confidential and exempt  
3132 from the provisions of s. 119.07(1) until such investigation is

594-04095-23

20231158c3

3133 completed or ceases to be active. For the purpose of this  
3134 section, an investigation is considered "active" while the  
3135 investigation is being conducted by the department with a  
3136 reasonable, good faith belief that it may lead to the filing of  
3137 administrative, civil, or criminal proceedings. An investigation  
3138 does not cease to be active if the department is proceeding with  
3139 reasonable dispatch and there is good faith belief that action  
3140 may be initiated by the department or other administrative or  
3141 law enforcement agency. This subsection does not prevent the  
3142 department or office from disclosing the complaint or such  
3143 information as it deems necessary to conduct the investigation,  
3144 to update the complainant as to the status and outcome of the  
3145 complaint, or to share such information with any law enforcement  
3146 agency or other regulatory body.

3147 Section 69. Section 648.50, Florida Statutes, is amended to  
3148 read:

3149 648.50 Effect of suspension, revocation upon associated  
3150 licenses and licensees.—

3151 (1) Upon the suspension, revocation, or refusal to renew or  
3152 continue any license or appointment or the eligibility to hold a  
3153 license or appointment of a bail bond agent or ~~temporary~~ bail  
3154 bond agency agent, the department shall at the same time  
3155 likewise suspend or revoke all other licenses or appointments  
3156 and the eligibility to hold any other such licenses or  
3157 appointments which may be held by the licensee under the Florida  
3158 Insurance Code.

3159 (2) In case of the suspension or revocation of the license  
3160 or appointment, or the eligibility to hold a license or  
3161 appointment, of any bail bond agent, the license, appointment,

594-04095-23

20231158c3

3162 or eligibility of any and all bail bond agents who are members  
3163 of a bail bond agency, whether incorporated or unincorporated,  
3164 ~~and any and all temporary bail bond agents employed by such bail~~  
3165 ~~bond agency,~~ who knowingly are parties to the act which formed  
3166 the ground for the suspension or revocation may likewise be  
3167 suspended or revoked.

3168 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~  
3169 ~~temporary bail bond agent~~ has been revoked or suspended may not  
3170 ~~shall~~ be employed by any bail bond agent, have any ownership  
3171 interest in any business involving bail bonds, or have any  
3172 financial interest of any type in any bail bond business during  
3173 the period of revocation or suspension.

3174 Section 70. Subsections (4) and (6) of section 717.135,  
3175 Florida Statutes, are amended to read:

3176 717.135 Recovery agreements and purchase agreements for  
3177 claims filed by a claimant's representative; fees and costs.—

3178 (4) A claimant's representative must use the Unclaimed  
3179 Property Recovery Agreement or the Unclaimed Property Purchase  
3180 Agreement as the exclusive means of entering into an agreement  
3181 or a contract ~~engaging~~ with a claimant or seller to file a claim  
3182 with the department.

3183 (6) A claimant's representative may not use or distribute  
3184 any other agreement of any type, conveyed by any method, form,  
3185 ~~or other media~~ with respect to the claimant or seller which  
3186 relates, directly or indirectly, to unclaimed property accounts  
3187 held by the department or the Chief Financial Officer other than  
3188 the agreements authorized by this section. Any engagement,  
3189 authorization, recovery, or fee agreement that is not authorized  
3190 by this section is void. A claimant's representative is subject

594-04095-23

20231158c3

3191 to administrative and civil enforcement under s. 717.1322 if he  
3192 or she uses an agreement that is not authorized by this section.  
3193 This subsection does not prohibit lawful nonagreement,  
3194 noncontractual, or advertising communications between or among  
3195 the parties.

3196 Section 71. Paragraph (a) of subsection (4) of section  
3197 843.021, Florida Statutes, is amended to read:

3198 843.021 Unlawful possession of a concealed handcuff key.—

3199 (4) (a) It is a defense to a charge of violating this  
3200 section that the person in custody and in possession of a  
3201 concealed handcuff key is:

3202 1. A federal, state, or local law enforcement officer,  
3203 including a reserve or auxiliary officer, a licensed security  
3204 officer, or a private investigator as defined in s. 493.6101; or

3205 2. A professional bail bond agent, ~~temporary bail bond~~  
3206 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3207 Section 72. Subsection (4) of section 631.152, Florida  
3208 Statutes, is amended to read:

3209 631.152 Conduct of delinquency proceeding; foreign  
3210 insurers.—

3211 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to  
3212 ancillary delinquency proceedings opened for the purpose of  
3213 obtaining records necessary to adjudicate the covered claims of  
3214 Florida policyholders.

3215 Section 73. Paragraph (b) of subsection (3) of section  
3216 631.398, Florida Statutes, is amended to read:

3217 631.398 Prevention of insolvencies.—To aid in the detection  
3218 and prevention of insurer insolvencies or impairments:

3219 (3)

594-04095-23

20231158c3

3220 (b) For an insolvency involving a domestic property  
3221 insurer, the department shall:

3222 1. Begin an analysis of the history and causes of the  
3223 insolvency once the department is appointed by the court as  
3224 receiver.

3225 2. Submit an initial report analyzing the history and  
3226 causes of the insolvency to the Governor, the President of the  
3227 Senate, the Speaker of the House of Representatives, and the  
3228 office. The initial report must be submitted no later than 4  
3229 months after the department is appointed as receiver. The  
3230 initial report shall be updated at least annually until the  
3231 submission of the final report. The report may not be used as  
3232 evidence in any proceeding brought by the department or others  
3233 to recover assets on behalf of the receivership estate as part  
3234 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission  
3235 of a report under this subparagraph shall not be considered a  
3236 waiver of any evidentiary privilege the department may assert  
3237 under state or federal law.

3238 3. Provide a special report to the Governor, the President  
3239 of the Senate, the Speaker of the House of Representatives, and  
3240 the office, within 10 days upon identifying any condition or  
3241 practice that may lead to insolvency in the property insurance  
3242 marketplace.

3243 4. Submit a final report analyzing the history and causes  
3244 of the insolvency and the review of the Office of Insurance  
3245 Regulation's regulatory oversight of the insurer to the  
3246 Governor, the President of the Senate, the Speaker of the House  
3247 of Representatives, and the office within 30 days of the  
3248 conclusion of the insolvency proceeding.



594-04095-23

20231158c3

3249           5. Review the Office of Insurance Regulation's regulatory  
3250 oversight of the insurer.

3251           Section 74. Subsection (2) of section 903.09, Florida  
3252 Statutes, is amended to read:

3253           903.09 Justification of sureties.—

3254           (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,  
3255 shall justify her or his suretyship by attaching a copy of the  
3256 power of attorney issued by the company to the bond or by  
3257 attaching to the bond United States currency, a United States  
3258 postal money order, or a cashier's check in the amount of the  
3259 bond; but the United States currency, United States postal money  
3260 order, or cashier's check cannot be used to secure more than one  
3261 bond. Nothing herein shall prohibit two or more qualified  
3262 sureties from each posting any portion of a bond amount, and  
3263 being liable for only that amount, so long as the total posted  
3264 by all cosureties is equal to the amount of bond required.

3265           Section 75. (1) The following rules are ratified for the  
3266 sole and exclusive purpose of satisfying any condition on the  
3267 effectiveness imposed under s. 120.541(3), Florida Statutes:  
3268 Rule 69L-7.020, Florida Administrative Code, titled "Florida  
3269 Workers' Compensation Health Care Provider Reimbursement Manual"  
3270 as filed for adoption with the Department of State pursuant to  
3271 the certification package dated October 22, 2021; Rule 69L-  
3272 7.730, Florida Administrative Code, titled "Health Care Provider  
3273 Medical Billing and Reporting Responsibilities" as filed for  
3274 adoption with the Department of State pursuant to the  
3275 certification package dated April 6, 2023; and Rule 7.740,  
3276 Florida Administrative Code, titled "Insurer Authorization and  
3277 Medical Bill Review Responsibilities" as filed for adoption with

594-04095-23

20231158c3

3278 the Department of State pursuant to the certification package  
3279 dated April 6, 2023.

3280 (2) This section serves no other purpose and may not be  
3281 codified in the Florida Statutes. After this section becomes  
3282 law, its enactment and effective dates shall be noted in the  
3283 Florida Administrative Code, the Florida Administrative  
3284 Register, or both, as appropriate. This section does not alter  
3285 rulemaking additions delegated by prior law, does not constitute  
3286 legislative preemption of or exception to any provision of law  
3287 governing adoption or enforcement of the rule cited, and is  
3288 intended to preserve the status of any cited rule as a rule  
3289 under chapter 120, Florida Statutes. This section does not cure  
3290 any rulemaking defect or preempt any challenge based on a lack  
3291 of authority or a violation of the legal requirements governing  
3292 the adoption of any rule cited.

3293 (3) This section takes effect July 1, 2023.

3294 Section 76. Except as otherwise expressly provided in this  
3295 act, this act shall take effect upon becoming a law.