

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee

3 Representative Salzman offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

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

9 20.121 Department of Financial Services.—There is created
 10 a Department of Financial Services.

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

13 (e) The Division of Investigative and Forensic Services,
 14 which shall function as a criminal justice agency for purposes
 15 of ss. 943.045-943.08. The division may initiate and conduct
 16 investigations into any matter under the jurisdiction of the

Amendment No. 1

17 Chief Financial Officer and Fire Marshal within or outside of
18 this state as it deems necessary. If, during an investigation,
19 the division has reason to believe that any criminal law of this
20 state or the United States has or may have been violated, it
21 shall refer any records tending to show such violation to state
22 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
23 prosecutorial agencies and shall provide investigative
24 assistance to those agencies as appropriate ~~required~~. The
25 division shall include the following bureaus and office:

26 1. The Bureau of Forensic Services;

27 2. The Bureau of Fire, Arson, and Explosives
28 Investigations;

29 3. The Office of Fiscal Integrity, which shall have a
30 separate budget;

31 4. The Bureau of Insurance Fraud; and

32 5. The Bureau of Workers' Compensation Fraud.

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

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

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

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

52 112.215 Government employees; deferred compensation
53 program.—

54 (2) For the purposes of this section, the term "government
55 employee" means any person employed, whether appointed, elected,
56 or under contract, by providing services for the state or any
57 governmental unit of the state, including, but not limited to, a
58 any state agency; any county, municipality, or other
59 political subdivision of the state; any special district or
60 water management district, as the terms are defined in s.
61 189.012 municipality; any state university or Florida College
62 System institution, as the terms are defined in s. 1000.21(6)
63 and (3), respectively ~~board of trustees~~; or any constitutional
64 county officer under s. 1(d), Art. VIII of the State
65 Constitution for which compensation or statutory fees are paid.

66 (4) (a) The Chief Financial Officer, with the approval of

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

67 the State Board of Administration, shall establish a state ~~such~~
68 plan or plans of deferred compensation for government ~~state~~
69 employees ~~and may include persons employed by a state university~~
70 ~~as defined in s. 1000.21, a special district as defined in s.~~
71 ~~189.012, or a water management district as defined in s.~~
72 ~~189.012,~~ including all such investment vehicles or products
73 incident thereto, as may be available through, or offered by,
74 qualified companies or persons, and may approve one or more such
75 plans for implementation ~~by and on behalf of the state and its~~
76 ~~agencies and employees.~~

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

84 (c) The Chief Financial Officer, with the approval of the
85 State Board of Administration, may delegate responsibility for
86 administration of the state plan to a person the Chief Financial
87 Officer determines to be qualified, compensate such person, and,
88 directly or through such person or pursuant to a collective
89 bargaining agreement, contract with a private corporation or
90 institution to provide such services as may be part of any such
91 plan or as may be deemed necessary or proper by the Chief

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

92 Financial Officer or such person, including, but not limited to,
93 providing consolidated billing, individual and collective
94 recordkeeping and accountings, asset purchase, control, and
95 safekeeping, and direct disbursement of funds to employees or
96 other beneficiaries. The Chief Financial Officer may authorize a
97 person, private corporation, or institution to make direct
98 disbursement of funds under the state plan to an employee or
99 other beneficiary.

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

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

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

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

Amendment No. 1

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

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

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

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

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

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

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

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

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

Amendment No. 1

142 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
143 ~~water management district as defined in s. 189.012.~~

144 Section 3. Subsection (1) of section 274.01, Florida
145 Statutes, is amended to read:

146 274.01 Definitions.—The following words as used in this
147 act have the meanings set forth in the below subsections, unless
148 a different meaning is required by the context:

149 (1) "Governmental unit" means the governing board,
150 commission, or authority of a county, a county agency, a
151 municipality, a special district as defined in s. 189.012 or
152 taxing district of the state, or the sheriff of the county.

153 Section 4. Subparagraph (c) of subsection (9) and
154 Subsections (12) and (14) of section 440.13, Florida Statutes,
155 are amended to read:

156 440.13 Medical services and supplies; penalty for
157 violations; limitations.—

158 (9) EXPERT MEDICAL ADVISORS.—

159 (c) If there is disagreement in the opinions of the health
160 care providers, if two health care providers disagree on medical
161 evidence supporting the employee's complaints or the need for
162 additional medical treatment, or if two health care providers
163 disagree that the employee is able to return to work, the
164 department may, and the judge of compensation claims ~~shall~~ may,
165 upon his or her own motion or within 15 days after receipt of a
166 written request by either the injured employee, the employer, or

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

167 the carrier, order the injured employee to be evaluated by an
168 expert medical advisor. The injured employee and the employer or
169 carrier may agree on the health care provider to serve as an
170 expert medical advisor. If the parties do not agree, the judge
171 of compensation claims shall select an expert medical advisor
172 from the department's list of certified expert medical advisors.
173 If a certified medical advisor within the relevant medical
174 specialty is unavailable, the judge of compensation claims shall
175 appoint any otherwise qualified health care provider to serve as
176 an expert medical advisor without obtaining the department's
177 certification. The opinion of the expert medical advisor is
178 presumed to be correct unless there is clear and convincing
179 evidence to the contrary as determined by the judge of
180 compensation claims. The expert medical advisor appointed to
181 conduct the evaluation shall have free and complete access to
182 the medical records of the employee. An employee who fails to
183 report to and cooperate with such evaluation forfeits
184 entitlement to compensation during the period of failure to
185 report or cooperate.

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

188 (a) A three-member panel is created, consisting of the
189 Chief Financial Officer, or the Chief Financial Officer's
190 designee, and two members to be appointed by the Governor,
191 subject to confirmation by the Senate, one member who, on

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

192 account of present or previous vocation, employment, or
193 affiliation, shall be classified as a representative of
194 employers, the other member who, on account of previous
195 vocation, employment, or affiliation, shall be classified as a
196 representative of employees. The panel shall determine statewide
197 schedules of maximum reimbursement allowances for medically
198 necessary treatment, care, and attendance provided by
199 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
200 ~~hardening programs, pain programs, and durable medical~~
201 ~~equipment.~~ The maximum reimbursement allowances for inpatient
202 hospital care shall be based on a schedule of per diem rates, to
203 be approved by the three-member panel no later than March 1,
204 1994, to be used in conjunction with a precertification manual
205 as determined by the department, including maximum hours in
206 which an outpatient may remain in observation status, which
207 shall not exceed 23 hours. All compensable charges for hospital
208 outpatient care shall be reimbursed at 75 percent of usual and
209 customary charges, except as otherwise provided by this
210 subsection. Annually, the three-member panel shall adopt
211 schedules of maximum reimbursement allowances for ~~physicians,~~
212 hospital inpatient care, hospital outpatient care, and
213 ambulatory surgical centers, ~~work-hardening programs, and pain~~
214 ~~programs.~~ A ~~An individual physician,~~ hospital or, ambulatory
215 surgical center, ~~pain program, or work-hardening program~~ shall
216 be reimbursed the agreed-upon contract price or the maximum

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

217 reimbursement allowance in the appropriate schedule.

218 ~~(b) It is the intent of the Legislature to increase the~~
219 ~~schedule of maximum reimbursement allowances for selected~~
220 ~~physicians effective January 1, 2004, and to pay for the~~
221 ~~increases through reductions in payments to hospitals. Revisions~~
222 ~~developed pursuant to this subsection are limited to the~~
223 ~~following:~~

224 ~~1.~~ Payments for outpatient physical, occupational, and
225 speech therapy provided by hospitals shall be ~~reduced to~~ the
226 schedule of maximum reimbursement allowances for these services
227 which applies to nonhospital providers.

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

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

236 (e)1. By July 1 of each year, the department shall notify
237 carriers and self-insurers of the physician and nonhospital
238 services schedule of maximum reimbursement allowances. The
239 notice must include publication of this schedule of maximum
240 reimbursement allowances on the division's website. This
241 schedule is not subject to approval by the three-member panel

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

242 and does not include reimbursement for prescription medication.

243 2. Subparagraph 1. shall take effect January 1, following
244 the July 1, 2024, notice of the physician and nonhospital
245 services schedule of maximum reimbursement allowances which the
246 department provides to carriers and self-insurers.

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

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

256 (h)(e) As to reimbursement for a prescription medication,
257 the reimbursement amount for a prescription shall be the average
258 wholesale price plus \$4.18 for the dispensing fee. For
259 repackaged or relabeled prescription medications dispensed by a
260 dispensing practitioner as provided in s. 465.0276, the fee
261 schedule for reimbursement shall be 112.5 percent of the average
262 wholesale price, plus \$8.00 for the dispensing fee. For purposes
263 of this subsection, the average wholesale price shall be
264 calculated by multiplying the number of units dispensed times
265 the per-unit average wholesale price set by the original
266 manufacturer of the underlying drug dispensed by the

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

267 practitioner, based upon the published manufacturer's average
268 wholesale price published in the Medi-Span Master Drug Database
269 as of the date of dispensing. All pharmaceutical claims
270 submitted for repackaged or relabeled prescription medications
271 must include the National Drug Code of the original
272 manufacturer. Fees for pharmaceuticals and pharmaceutical
273 services shall be reimbursable at the applicable fee schedule
274 amount except where the employer or carrier, or a service
275 company, third party administrator, or any entity acting on
276 behalf of the employer or carrier directly contracts with the
277 provider seeking reimbursement for a lower amount.

278 (i)~~(d)~~ Reimbursement for all fees and other charges for
279 such treatment, care, and attendance, including treatment, care,
280 and attendance provided by any hospital or other health care
281 provider, ambulatory surgical center, work-hardening program, or
282 pain program, must not exceed the amounts provided by the
283 uniform schedule of maximum reimbursement allowances as
284 determined by the panel or as otherwise provided in this
285 section. This subsection also applies to independent medical
286 examinations performed by health care providers under this
287 chapter. In determining the uniform schedule, the panel shall
288 first approve the data which it finds representative of
289 prevailing charges in the state for similar treatment, care, and
290 attendance of injured persons. Each health care provider, health
291 care facility, ambulatory surgical center, work-hardening

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

292 program, or pain program receiving workers' compensation
293 payments shall maintain records verifying their usual charges.
294 In establishing the uniform schedule of maximum reimbursement
295 allowances, the panel must consider:

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

299 2. The impact upon cost to employers for providing a level
300 of reimbursement for treatment, care, and attendance which will
301 ensure the availability of treatment, care, and attendance
302 required by injured workers; and

303 3. The financial impact of the reimbursement allowances
304 upon health care providers and health care facilities, including
305 trauma centers as defined in s. 395.4001, and its effect upon
306 their ability to make available to injured workers such
307 medically necessary remedial treatment, care, and attendance.
308 The uniform schedule of maximum reimbursement allowances must be
309 reasonable, must promote health care cost containment and
310 efficiency with respect to the workers' compensation health care
311 delivery system, and must be sufficient to ensure availability
312 of such medically necessary remedial treatment, care, and
313 attendance to injured workers; ~~and~~

314 ~~4. The most recent average maximum allowable rate of~~
315 ~~increase for hospitals determined by the Health Care Board under~~
316 ~~chapter 408.~~

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

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

319 1. Take testimony, receive records, and collect data to
320 evaluate the adequacy of the workers' compensation fee schedule,
321 nationally recognized fee schedules and alternative methods of
322 reimbursement to health care providers and health care
323 facilities for inpatient and outpatient treatment and care.

324 2. Survey health care providers and health care facilities
325 to determine the availability and accessibility of workers'
326 compensation health care delivery systems for injured workers.

327 3. Survey carriers to determine the estimated impact on
328 carrier costs and workers' compensation premium rates by
329 implementing changes to the carrier reimbursement schedule or
330 implementing alternative reimbursement methods.

331 4. Submit recommendations on or before January 15, 2017,
332 and biennially thereafter, to the President of the Senate and
333 the Speaker of the House of Representatives on methods to
334 improve the workers' compensation health care delivery system.

335
336 The department, as requested, shall provide data to the panel,
337 including, but not limited to, utilization trends in the
338 workers' compensation health care delivery system. The
339 department shall provide the panel with an annual report
340 regarding the resolution of medical reimbursement disputes and
341 any actions pursuant to subsection (8). The department shall

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

342 provide administrative support and service to the panel to the
343 extent requested by the panel. For prescription medication
344 purchased under the requirements of this subsection, a
345 dispensing practitioner shall not possess such medication unless
346 payment has been made by the practitioner, the practitioner's
347 professional practice, or the practitioner's practice management
348 company or employer to the supplying manufacturer, wholesaler,
349 distributor, or drug repackager within 60 days of the dispensing
350 practitioner taking possession of that medication.

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

355 Section 5. Subsection (8) of section 440.38, Florida
356 Statutes, is created to read:

357 440.38 Security for compensation; insurance carriers and
358 self-insurers.—

359 (8) Any form used by the department to evidence an
360 employer's workers' compensation coverage under paragraph (1) (a)
361 must contain the following:

362 (a) The governing class code or codes;

363 (b) Payroll information; and

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

366 Section 6. Effective January 1, 2024, subsection (2) of

Amendment No. 1

367 section 440.385, Florida Statutes, is amended to read:

368 440.385 Florida Self-Insurers Guaranty Association,
369 Incorporated.—

370 (2) BOARD OF DIRECTORS.—The board of directors of the
371 association shall consist of nine persons and shall be organized
372 as established in the plan of operation. Each director must ~~All~~
373 ~~board members shall~~ be experienced in self-insurance in this
374 state. Each director shall serve for a 4-year term and may be
375 reappointed. Appointments after January 1, 2002, shall be made
376 by the department upon recommendation of members of the
377 association or other persons with experience in self-insurance
378 as determined by the Chief Financial Officer. Any vacancy on the
379 board shall be filled for the remaining period of the term in
380 the same manner as appointments other than initial appointments
381 are made. Each director shall be reimbursed for expenses
382 incurred in carrying out the duties of the board on behalf of
383 the association.

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

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

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

392 part III of chapter 112 to activities of members of the board of
393 directors, those persons are considered public officers and the
394 association is considered their agency. Notwithstanding s.
395 112.3143(2), a director may not vote on any measure that he or
396 she knows would inure to his or her special private gain or
397 loss; that he or she knows would inure to the special private
398 gain or loss of any principal by which he or she is retained,
399 other than an agency as defined in s. 112.312; or that he or she
400 knows would inure to the special private gain or loss of a
401 relative or business associate of the public officer. Before the
402 vote is taken, such director shall publicly state to the board
403 the nature of his or her interest in the matter from which he or
404 she is abstaining from voting and, within 15 days after the vote
405 occurs, disclose the nature of his or her interest as a public
406 record in a memorandum filed with the person responsible for
407 recording the minutes of the meeting, who shall incorporate the
408 memorandum in the minutes.

409 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other
410 law, an employee of the association or a director may not
411 knowingly accept, directly or indirectly, any gift or
412 expenditure from a person or entity, or an employee or
413 representative of such person or entity, which has a contractual
414 relationship with the association or which is under
415 consideration for a contract.

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

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

417 paragraph (c) is subject to the penalties provided under ss.
418 112.317 and 112.3173.

419 Section 7. Subsection (25) of section 624.501, Florida
420 Statutes, is amended to read:

421 624.501 Filing, license, appointment, and miscellaneous
422 fees.—The department, commission, or office, as appropriate,
423 shall collect in advance, and persons so served shall pay to it
424 in advance, fees, licenses, and miscellaneous charges as
425 follows:

426 (25) Reinsurance intermediary:

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

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

430 Section 8. Subsection (5) of section 626.015, Florida
431 Statutes, is amended to read:

432 626.015 Definitions.—As used in this part:

433 (5) "Association" includes the Florida Association of
434 Insurance Agents (FAIA), the National Association of Insurance
435 and Financial Advisors (NAIFA), the National Association of
436 Benefits and Insurance Professionals Florida Chapter (NABIP
437 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the
438 Latin American Association of Insurance Agencies (LAAIA), the
439 Florida Association of Public Insurance Adjusters (FAPIA), the
440 Florida Bail Agents Association (FBAA), or the Professional Bail
441 Agents of the United States (PBUS).

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

442 Section 9. Subsection (4) of section 626.171, Florida
443 Statutes, is amended to read:

444 626.171 Application for license as an agent, customer
445 representative, adjuster, service representative, or reinsurance
446 intermediary.-

447 (4) An applicant for a license issued by the department
448 under this chapter must submit a set of the individual
449 applicant's fingerprints, or, if the applicant is not an
450 individual, a set of the fingerprints of the sole proprietor,
451 majority owner, partners, officers, and directors, to the
452 department and must pay the fingerprint processing fee set forth
453 in s. 624.501. Fingerprints must be processed in accordance with
454 s. 624.34 and used to investigate the applicant's qualifications
455 pursuant to s. 626.201. The fingerprints must be taken by a law
456 enforcement agency, ~~designated examination center,~~ or other
457 department-approved entity. ~~The department shall require all
458 designated examination centers to have fingerprinting equipment
459 and to take fingerprints from any applicant or prospective
460 applicant who pays the applicable fee.~~ The department may not
461 approve an application for licensure as an agent, customer
462 service representative, adjuster, service representative, or
463 reinsurance intermediary if fingerprints have not been
464 submitted.

465 Section 10. Paragraph (c) of subsection (1) of section
466 626.173, Florida Statutes, is amended to read:

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

467 626.173 Insurance agency closure; cancellation of
468 licenses.—

469 (1) If a licensed insurance agency permanently ceases the
470 transacting of insurance or ceases the transacting of insurance
471 for more than 30 days, the agent in charge, the director of the
472 agency, or other officer listed on the original application for
473 licensure must, within 35 days after the agency first ceases the
474 transacting of insurance, do all of the following:

475 (c) Notify all policyholders currently insured by a policy
476 written, produced, or serviced by the agency of the agency's
477 cessation of operations; the date on which operations ceased;
478 and the identity of the agency or agent to which the agency's
479 current book of business has been transferred or, if no transfer
480 has occurred, a statement directing the policyholder to contact
481 the insurance company for assistance in locating a licensed
482 agent to service the policy. This paragraph does not apply to
483 title insurance, life insurance, or annuity contracts.

484 Section 11. Subsection (8) of section 626.207, Florida
485 Statutes, is amended to read:

486 626.207 Disqualification of applicants and licensees;
487 penalties against licensees; rulemaking authority.—

488 (8) The department shall adopt rules establishing specific
489 penalties against licensees in accordance with ss. 626.641 and
490 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.
491 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

492 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.
493 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.
494 634.423, s. 642.041, or s. 642.043. The purpose of the
495 revocation or suspension is to provide a sufficient penalty to
496 deter future violations of the Florida Insurance Code. The
497 imposition of a revocation or the length of suspension shall be
498 based on the type of conduct and the probability that the
499 propensity to commit further illegal conduct has been overcome
500 at the time of eligibility for relicensure. The length of
501 suspension may be adjusted based on aggravating or mitigating
502 factors, established by rule and consistent with this purpose.

503 Section 12. Paragraph (j) of subsection (2) of section
504 626.221, Florida Statutes, is amended to read:

505 626.221 Examination requirement; exemptions.—

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

508 (j) An applicant for license as an all-lines adjuster who
509 has the designation of Accredited Claims Adjuster (ACA) from a
510 regionally accredited postsecondary institution in this state;
511 Certified All Lines Adjuster (CALA) from Kaplan Financial
512 Education; Associate in Claims (AIC) from the Insurance
513 Institute of America; Professional Claims Adjuster (PCA) from
514 the Professional Career Institute; Professional Property
515 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
516 Certified Adjuster (CA) from ALL LINES Training; Certified

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

517 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
518 Certified Professional (CACP) from WebCE, Inc.; Accredited
519 Insurance Claims Specialist (AICS) from Encore Claim Services;
520 Professional in Claims (PIC) from 2021 Training, LLC; or
521 Universal Claims Certification (UCC) from Claims and Litigation
522 Management Alliance (CLM) whose curriculum has been approved by
523 the department and which includes comprehensive analysis of
524 basic property and casualty lines of insurance and testing at
525 least equal to that of standard department testing for the all-
526 lines adjuster license. The department shall adopt rules
527 establishing standards for the approval of curriculum.

528 Section 13. Paragraphs (c) and (f) of subsection (3) of
529 section 626.2815, Florida Statutes, are amended to read:

530 626.2815 Continuing education requirements.—

531 (3) Each licensee except a title insurance agent must
532 complete a 4-hour update course every 2 years which is specific
533 to the license held by the licensee. The course must be
534 developed and offered by providers and approved by the
535 department. The content of the course must address all lines of
536 insurance for which examination and licensure are required and
537 include the following subject areas: insurance law updates,
538 ethics for insurance professionals, disciplinary trends and case
539 studies, industry trends, premium discounts, determining
540 suitability of products and services, and other similar
541 insurance-related topics the department determines are relevant

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

542 to legally and ethically carrying out the responsibilities of
543 the license granted. A licensee who holds multiple insurance
544 licenses must complete an update course that is specific to at
545 least one of the licenses held. Except as otherwise specified,
546 any remaining required hours of continuing education are
547 elective and may consist of any continuing education course
548 approved by the department under this section.

549 (c) A licensee who has been licensed for 25 years or more
550 and is a CLU or a CPCU or has a Bachelor of Science degree or
551 higher in risk management or insurance with evidence of 18 or
552 more semester hours in insurance-related courses must also
553 complete a minimum of 6 hours of elective continuing education
554 courses every 2 years.

555 (f) Elective continuing education courses for public
556 adjusters may ~~must~~ be any course related to commercial and
557 residential property coverages, claim adjusting practices, and
558 any other adjuster elective courses specifically designed for
559 ~~public adjusters and~~ approved by the department. Notwithstanding
560 this subsection, public adjusters for workers' compensation
561 insurance or health insurance are not required to take
562 continuing education courses pursuant to this section.

563 Section 14. Paragraphs (a), (b), and (e) of subsection (1)
564 of section 626.321, Florida Statutes, are amended, and paragraph
565 (i) is added to that subsection, to read:

566 626.321 Limited licenses and registration.—

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

567 (1) The department shall issue to a qualified applicant a
568 license as agent authorized to transact a limited class of
569 business in any of the following categories of limited lines
570 insurance:

571 (a) *Motor vehicle physical damage and mechanical breakdown*
572 *insurance.*—License covering insurance against only the loss of
573 or damage to a motor vehicle that is designed for use upon a
574 highway, including trailers and semitrailers designed for use
575 with such vehicles. Such license also covers insurance against
576 the failure of an original or replacement part to perform any
577 function for which it was designed. ~~A licensee under this~~
578 ~~paragraph may not hold a license as an agent for any other or~~
579 ~~additional kind or class of insurance coverage except a limited~~
580 ~~license for credit insurance as provided in paragraph (c).~~
581 Effective October 1, 2012, all licensees holding such limited
582 license and appointment may renew the license and appointment,
583 but no new or additional licenses may be issued pursuant to this
584 paragraph, and a licensee whose limited license under this
585 paragraph has been terminated, suspended, or revoked may not
586 have such license reinstated.

587 (b) *Industrial fire insurance or burglary insurance.*—
588 License covering only industrial fire insurance or burglary
589 insurance. ~~A licensee under this paragraph may not hold a~~
590 ~~license as an agent for any other or additional kind or class of~~
591 ~~insurance coverage except for life insurance and health~~

Amendment No. 1

592 ~~insurance.~~ Effective July 1, 2019, all licensees holding such
593 limited license and appointment may renew the license and
594 appointment, but no new or additional licenses may be issued
595 pursuant to this paragraph, and a licensee whose limited license
596 under this paragraph has been terminated, suspended, or revoked
597 may not have such license reinstated.

598 (e) *Credit insurance.*—License covering credit life, credit
599 disability, credit property, credit unemployment, involuntary
600 unemployment, mortgage life, mortgage guaranty, mortgage
601 disability, guaranteed automobile protection (GAP) insurance,
602 and any other form of insurance offered in connection with an
603 extension of credit which is limited to partially or wholly
604 extinguishing a credit obligation that the department determines
605 should be designated a form of limited line credit insurance.
606 Effective October 1, 2012, all valid licenses held by persons
607 for any of the lines of insurance listed in this paragraph shall
608 be converted to a credit insurance license. ~~Licensees who wish~~
609 ~~to obtain a new license reflecting such change must request a~~
610 ~~duplicate license and pay a \$5 fee as specified in s.~~
611 ~~624.501(15).~~ The license may be issued only to an individual
612 employed by a life or health insurer as an officer or other
613 salaried or commissioned representative, to an individual
614 employed by or associated with a lending or financial
615 institution or creditor, or to a lending or financial
616 institution or creditor, and may authorize the sale of such

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

617 insurance only with respect to borrowers or debtors of such
618 lending or financing institution or creditor. However, only the
619 individual or entity whose tax identification number is used in
620 receiving or is credited with receiving the commission from the
621 sale of such insurance shall be the licensed agent of the
622 insurer. ~~No individual while so licensed shall hold a license as~~
623 ~~an agent as to any other or additional kind or class of life or~~
624 ~~health insurance coverage.~~

625 (i) Preneed funeral agreement insurance.—Limited license
626 for insurance covering only prearranged funeral, cremation, or
627 cemetery agreements, or any combination thereof, funded by
628 insurance and offered in connection with an establishment that
629 holds a preneed license pursuant to s. 497.452. Such license may
630 be issued without examination only to an individual who has
631 filed with the department an application for a license in a form
632 and manner prescribed by the department, who currently holds a
633 valid preneed sales agent license pursuant to s. 497.466, who
634 paid the applicable fees for a license as prescribed in s.
635 624.501, who has been appointed under s. 626.112, and who paid
636 the prescribed appointment fee under s. 624.501.

637 Section 15. Paragraph (n) of subsection (1) of section
638 626.611, Florida Statutes, is amended to read:

639 626.611 Grounds for compulsory refusal, suspension, or
640 revocation of agent's, title agency's, adjuster's, customer
641 representative's, service representative's, or managing general

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

642 agent's license or appointment.-

643 (1) The department shall deny an application for, suspend,
644 revoke, or refuse to renew or continue the license or
645 appointment of any applicant, agent, title agency, adjuster,
646 customer representative, service representative, or managing
647 general agent, and it shall suspend or revoke the eligibility to
648 hold a license or appointment of any such person, if it finds
649 that as to the applicant, licensee, or appointee any one or more
650 of the following applicable grounds exist:

651 (n) Having been found guilty of or having pleaded guilty
652 or nolo contendere to a misdemeanor directly related to the
653 financial services business, any felony, or any a crime
654 punishable by imprisonment of 1 year or more under the law of
655 the United States of America or of any state thereof or under
656 the law of any other country, without regard to whether a
657 judgment of conviction has been entered by the court having
658 jurisdiction of such cases.

659 Section 16. Subsection (18) is added to section 626.621,
660 Florida Statutes, to read:

661 626.621 Grounds for discretionary refusal, suspension, or
662 revocation of agent's, adjuster's, customer representative's,
663 service representative's, or managing general agent's license or
664 appointment.-The department may, in its discretion, deny an
665 application for, suspend, revoke, or refuse to renew or continue
666 the license or appointment of any applicant, agent, adjuster,

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

667 customer representative, service representative, or managing
668 general agent, and it may suspend or revoke the eligibility to
669 hold a license or appointment of any such person, if it finds
670 that as to the applicant, licensee, or appointee any one or more
671 of the following applicable grounds exist under circumstances
672 for which such denial, suspension, revocation, or refusal is not
673 mandatory under s. 626.611:

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

676 Section 17. Paragraphs (d) and (g) of subsection (2) and
677 paragraphs (a), (b), and (e) through (j) of subsection (3) of
678 section 626.7492, Florida Statutes, are amended to read:

679 626.7492 Reinsurance intermediaries.—

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

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

685 (g) "Reinsurance intermediary manager" means any person
686 who has authority to bind, or manages all or part of, the
687 assumed reinsurance business of a reinsurer, including the
688 management of a separate division, department, or underwriting
689 office, and acts as a representative ~~an agent~~ for the reinsurer
690 whether known as a reinsurance intermediary manager, manager, or
691 other similar term. Notwithstanding the above, none of the

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

692 following persons is a reinsurance intermediary manager with
693 respect to the reinsurer for the purposes of this section:

694 1. An employee of the reinsurer;

695 2. A manager of the United States branch of an alien
696 reinsurer;

697 3. An underwriting manager which, pursuant to contract,
698 manages all the reinsurance operations of the reinsurer, is
699 under common control with the reinsurer, subject to the holding
700 company act, and whose compensation is not based on the volume
701 of premiums written.

702 4. The manager of a group, association, pool, or
703 organization of insurers which engage in joint underwriting or
704 joint reinsurance and who are subject to examination by the
705 insurance regulatory authority of the state in which the
706 manager's principal business office is located.

707 (3) LICENSURE.—

708 (a) No person shall act as a reinsurance intermediary
709 broker in this state if the reinsurance intermediary broker
710 maintains an office either directly or as a member or employee
711 of a firm or association, or an officer, director, or employee
712 of a corporation:

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

715 2. In another state, unless the reinsurance intermediary
716 broker is a licensed producer in this state or in another state

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

717 having a law substantially similar to this section or the
718 reinsurance intermediary broker is licensed in this state as an
719 insurance agency and appointed as a nonresident reinsurance
720 intermediary.

721 (b) No person shall act as a reinsurance intermediary
722 manager:

723 1. For a reinsurer domiciled in this state, unless the
724 reinsurance intermediary manager is a licensed producer in this
725 state;

726 2. In this state, if the reinsurance intermediary manager
727 maintains an office either directly or as a member or employee
728 of a firm or association, or an officer, director, or employee
729 of a corporation in this state, unless the reinsurance
730 intermediary manager is a licensed producer in this state;

731 3. In another state for a nondomestic insurer, unless the
732 reinsurance intermediary manager is a licensed producer in this
733 state or another state having a law substantially similar to
734 this section, or the person is licensed in this state as a
735 producer nonresident reinsurance intermediary.

736 (e) If the applicant for a reinsurance intermediary
737 appointment license is a nonresident, the applicant, as a
738 condition precedent to receiving or holding an appointment a
739 license, must designate the Chief Financial Officer as agent for
740 service of process in the manner, and with the same legal
741 effect, provided for by this section for designation of service

Amendment No. 1

742 of process upon unauthorized insurers. Such applicant shall also
743 furnish the department with the name and address of a resident
744 of this state upon whom notices or orders of the department or
745 process affecting the nonresident reinsurance intermediary may
746 be served. The licensee shall promptly notify the department in
747 writing of each change in its designated agent for service of
748 process, and the change shall not become effective until
749 acknowledged by the department.

750 (f) ~~The department may refuse to issue a reinsurance~~
751 ~~intermediary license if, in its judgment, the applicant, anyone~~
752 ~~named on the application, or any member, principal, officer, or~~
753 ~~director of the applicant, has demonstrated a lack of fitness~~
754 ~~and trustworthiness, or that any controlling person of the~~
755 ~~applicant is not fit or trustworthy to act as a reinsurance~~
756 ~~intermediary, or that any of the foregoing has given cause for~~
757 ~~revocation or suspension of the license, or has failed to comply~~
758 ~~with any prerequisite for the issuance of the license.~~

759 ~~(g)~~ Reinsurance intermediaries shall be licensed,
760 appointed, renewed, continued, reinstated, or terminated as
761 prescribed in this chapter for insurance representatives in
762 general, ~~except that they shall be exempt from the photo,~~
763 ~~education, and examination provisions. License, Appointment, and~~
764 other fees shall be those prescribed in s. 624.501.

765 ~~(g)(h)~~ The grounds and procedures for refusal of an a
766 ~~license or~~ appointment or suspension or revocation of a license

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

767 or appointment issued to a reinsurance intermediary under this
768 section are as set forth in ss. 626.611-626.691 for insurance
769 representatives in general.

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

772 ~~(i)-(j)~~ The department may develop necessary rules to carry
773 out this section.

774 Section 18. Subsection (5) of section 626.752, Florida
775 Statutes, is amended to read:

776 626.752 Exchange of business.—

777 (5) Within 15 days after the last day of each month, any
778 insurer accepting business under this section shall report to
779 the department the name, address, telephone number, and social
780 security number of each agent from which the insurer received
781 more than four personal lines risks during the calendar year,
782 except for risks being removed from the Citizens Property
783 Insurance Corporation and placed with that insurer by a
784 brokering agent. Once the insurer has reported pursuant to this
785 subsection an agent's name to the department, additional reports
786 on the same agent shall not be required. However, the fee set
787 forth in s. 624.501 must be paid for the agent by the insurer
788 for each year until the insurer notifies the department that the
789 insurer is no longer accepting business from the agent pursuant
790 to this section. The insurer may require that the agent
791 reimburse the insurer for the fee. If the insurer or employer

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Page 32 of 132

Amendment No. 1

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

796 Section 19. Subsection (3) of section 626.785, Florida
797 Statutes, is amended to read:

798 626.785 Qualifications for license.—

799 (3) Notwithstanding any other provisions of this chapter,
800 a funeral director, a direct disposer, or an employee of a
801 funeral establishment that holds a preneed license pursuant to
802 s. 497.452 may obtain an agent's license or a limited license to
803 sell only policies of life insurance covering the expense of a
804 prearrangement for funeral services or merchandise so as to
805 provide funds at the time the services and merchandise are
806 needed. The face amount of insurance covered by any such policy
807 shall not exceed \$21,000, plus an annual percentage increase
808 based on the Annual Consumer Price Index compiled by the United
809 States Department of Labor, beginning with the Annual Consumer
810 Price Index announced by the United States Department of Labor
811 for 2016.

812 Section 20. Subsection (4) of section 626.793, Florida
813 Statutes, is amended to read:

814 626.793 Excess or rejected business.—

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

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

817 the department the name, address, telephone number, and social
818 security number of each agent from which the insurer received
819 more than four risks during the calendar year. Once the insurer
820 has reported an agent's name to the department pursuant to this
821 subsection, additional reports on the same agent shall not be
822 required. However, the fee set forth in s. 624.501 must be paid
823 for the agent by the insurer for each year until the insurer
824 notifies the department that the insurer is no longer accepting
825 business from the agent pursuant to this section. The insurer
826 may require that the agent reimburse the insurer for the fee. If
827 the insurer or employer does not pay the fees and taxes due
828 pursuant to this subsection within 21 days after notice by the
829 department, the department must suspend the insurer's or
830 employer's authority to appoint licensees until all outstanding
831 fees and taxes have been paid.

832 Section 21. Subsection (5) of section 626.837, Florida
833 Statutes, is amended to read:

834 626.837 Excess or rejected business.—

835 (5) Within 15 days after the last day of each month, any
836 insurer accepting business under this section shall report to
837 the department the name, address, telephone number, and social
838 security number of each agent from which the insurer received
839 more than four risks during the calendar year. Once the insurer
840 has reported pursuant to this subsection an agent's name to the
841 department, additional reports on the same agent shall not be

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

842 required. However, the fee set forth in s. 624.501 must be paid
843 for the agent by the insurer for each year until the insurer
844 notifies the department that the insurer is no longer accepting
845 business from the agent pursuant to this section. The insurer
846 may require that the agent reimburse the insurer for the fee. If
847 the insurer or employer does not pay the fees and taxes due
848 pursuant to this subsection within 21 days after notice by the
849 department, the department must suspend the insurer's or
850 employer's authority to appoint licensees until all outstanding
851 fees and taxes have been paid.

852 Section 22. Paragraph (e) is added to subsection (2) of
853 section 626.8411, Florida Statutes, to read:

854 626.8411 Application of Florida Insurance Code provisions
855 to title insurance agents or agencies.—

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

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

860 Section 23. Present subsections (8) through (11) of
861 section 626.8437, Florida Statutes, are redesignated as
862 subsections (9) through (12), respectively, and a new subsection
863 (8) and subsection (13) are added to that section, read:

864 626.8437 Grounds for denial, suspension, revocation, or
865 refusal to renew license or appointment.—The department shall
866 deny, suspend, revoke, or refuse to renew or continue the

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

867 license or appointment of any title insurance agent or agency,
868 and it shall suspend or revoke the eligibility to hold a license
869 or appointment of such person, if it finds that as to the
870 applicant, licensee, appointee, or any principal thereof, any
871 one or more of the following grounds exist:

872 (8) Misappropriation, conversion, or improper withholding
873 of funds not being legally entitled thereto and received in a
874 fiduciary capacity and held as part of an escrow agreement, real
875 estate sales contract, or as provided on a settlement statement
876 in a real estate transaction.

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

879 Section 24. Subsections (7) and (8) are added to section
880 626.844, Florida Statutes, to read:

881 626.844 Grounds for discretionary refusal, suspension, or
882 revocation of license or appointment.—The department may, in its
883 discretion, deny, suspend, revoke, or refuse to renew or
884 continue the license or appointment of any title insurance agent
885 or agency, and it may suspend or revoke the eligibility to hold
886 a license or appointment of any such title insurance agent or
887 agency if it finds that as to the applicant or licensee or
888 appointee, or any principal thereof, any one or more of the
889 following grounds exist under circumstances for which such
890 denial, suspension, revocation, or refusal is not mandatory
891 under s. 626.8437:

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

892 (7) Having been the subject of, or having had a license,
893 permit, appointment, registration, or other authority to conduct
894 business subject to, any decision, finding, injunction,
895 suspension, prohibition, revocation, denial, judgment, final
896 agency action, or administrative order by any court of competent
897 jurisdiction, administrative law proceeding, state agency,
898 federal agency, national securities, commodities, or option
899 exchange, or national securities, commodities, or option
900 association involving a violation of any federal or state
901 securities or commodities law or any rule or regulation adopted
902 thereunder, or a violation of any rule or regulation of any
903 national securities, commodities, or options exchange or
904 national securities, commodities, or options association.

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

907 Section 25. Section 626.8473, Florida Statutes, is amended
908 to read:

909 626.8473 Escrow; trust fund.—

910 (1) A title insurance agency agent may engage in business
911 as an escrow agent as to funds received from others to be
912 subsequently disbursed ~~by the title insurance agent~~ in
913 connection with real estate closing transactions involving the
914 issuance of title ~~insurance binders,~~ commitments, policies of
915 title insurance, or guarantees of title, provided that a
916 licensed and appointed title insurance agency agent complies

Amendment No. 1

917 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
918 requirements added after the initial licensure of the agency
919 ~~agent~~.

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

924 (3) All funds received by a title insurance agency agent
925 to be held in trust shall be immediately placed in a financial
926 institution that is located within this state and is a member of
927 the Federal Deposit Insurance Corporation or the National Credit
928 Union Share Insurance Fund. These funds shall be invested in an
929 escrow account in accordance with the investment requirements
930 and standards established for deposits and investments of state
931 funds in s. 17.57, where the funds shall be kept until
932 disbursement thereof is properly authorized.

933 (4) Funds required to be maintained in escrow trust
934 accounts pursuant to this section shall not be subject to any
935 debts of the title insurance agency agent and shall be used only
936 in accordance with the terms of the individual, escrow,
937 settlement, or closing instructions under which the funds were
938 accepted.

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

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

942 (6) In the event that the department promulgates rules
943 necessary to implement the requirements of this section pursuant
944 to s. 624.308, the department shall consider reasonable
945 standards necessary for the protection of funds held in trust,
946 including, but not limited to, standards for accounting of
947 funds, standards for receipt and disbursement of funds, and
948 protection for the person or persons to whom the funds are to be
949 disbursed.

950 (7) A title insurance agency agent, or any officer,
951 director, or employee thereof, or any person associated
952 therewith as an independent contractor for bookkeeping or
953 similar purposes, who converts or misappropriates funds received
954 or held in escrow or in trust by such title insurance agency
955 ~~agent~~, or any person who knowingly receives or conspires to
956 receive such funds, commits:

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

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

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

966 (d) If the funds converted or misappropriated are \$100,000

Amendment No. 1

967 or more, a felony of the first degree, punishable as provided in
968 s. 775.082, s. 775.083, or s. 775.084.

969 (8) An attorney shall deposit and maintain all funds
970 received in connection with transactions in which the attorney
971 is serving as a title or real estate settlement agent into a
972 separate trust account that is maintained exclusively for funds
973 received in connection with such transactions and permit the
974 account to be audited by its title insurers, unless maintaining
975 funds in the separate account for a particular client would
976 violate applicable rules of The Florida Bar.

977 Section 26. Subsection (19) of section 626.854, Florida
978 Statutes, is amended to read:

979 626.854 "Public adjuster" defined; prohibitions.—The
980 Legislature finds that it is necessary for the protection of the
981 public to regulate public insurance adjusters and to prevent the
982 unauthorized practice of law.

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

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

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

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

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

994 (d) Advertise services that require a license as a public
995 adjuster; or

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

998 Section 27. Section 626.874, Florida Statutes, is amended
999 to read:

1000 626.874 Catastrophe or emergency adjusters.—

1001 (1) In the event of a catastrophe or emergency, the
1002 department may issue a license, for the purposes and under the
1003 conditions and for the period of emergency as it shall
1004 determine, to persons who are residents or nonresidents of this
1005 state, who are at least 18 years of age, who are United States
1006 citizens or legal aliens who possess work authorization from the
1007 United States Bureau of Citizenship and Immigration Services,
1008 and who are not licensed adjusters under this part but who have
1009 been designated and certified to it as qualified to act as
1010 adjusters by an authorized insurer to adjust claims, losses, or
1011 damages under policies or contracts of insurance issued by such
1012 insurers, or by a licensed ~~the primary adjuster of an~~
1013 independent adjusting firm contracted with an authorized insurer
1014 to adjust claims on behalf of the insurer. The fee for the
1015 license is as provided in s. 624.501(12) (c).

1016 (2) If any person not a licensed adjuster who has been

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1017 permitted to adjust such losses, claims, or damages under the
1018 conditions and circumstances set forth in subsection (1),
1019 engages in any of the misconduct described in or contemplated by
1020 chapter 626 ss. 626.611 and 626.621, the department, without
1021 notice and hearing, shall be authorized to issue its order
1022 denying such person the privileges granted under this section;
1023 and thereafter it shall be unlawful for any such person to
1024 adjust any such losses, claims, or damages in this state.

1025 Section 28. Subsection (2) of section 626.9892, Florida
1026 Statutes, is amended to read:

1027 626.9892 Anti-Fraud Reward Program; reporting of insurance
1028 fraud.—

1029 (2) The department may pay rewards of up to \$25,000 to
1030 persons providing information leading to the arrest ~~and~~
1031 ~~conviction~~ of persons committing crimes investigated by the
1032 department arising from violations of s. 400.9935, s. 440.105,
1033 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.
1034 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.
1035 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.
1036 817.233, ~~s. 817.234~~, s. 817.236, s. 817.2361, s. 817.505, s.
1037 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1038 Section 29. Present subsections (7) through (12) of
1039 section 626.9957, Florida Statutes, are redesignated as
1040 subsections (8) through (13), respectively, and a new subsection
1041 (7) is added to that section, to read:

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1042 626.9957 Conduct prohibited; denial, revocation,
1043 termination, expiration, or suspension of registration.—

1044 (7) If a navigator registered under this part fails to
1045 maintain an active, valid navigator's registration status with
1046 the Federal Government or an exchange, the navigator's
1047 registration issued under this part shall expire by operation of
1048 law. A navigator with an expired registration may not be granted
1049 subsequent registration until the navigator qualifies as a
1050 first-time applicant.

1051 Section 30. Paragraph (c) of subsection (4) of section
1052 627.351, Florida Statutes, is amended to read:

1053 627.351 Insurance risk apportionment plans.—

1054 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1055 (c) The Joint Underwriting Association shall operate
1056 subject to the supervision and approval of a board of governors
1057 consisting of representatives of five of the insurers
1058 participating in the Joint Underwriting Association, an attorney
1059 named by The Florida Bar, a physician named by the Florida
1060 Medical Association, a dentist named by the Florida Dental
1061 Association, and a hospital representative named by the Florida
1062 Hospital Association. The Chief Financial Officer shall select
1063 the representatives of the five insurers or other persons with
1064 experience in medical malpractice insurance as determined by the
1065 Chief Financial Officer. One insurer representative shall be
1066 selected from recommendations of the American Insurance

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1067 Association. One insurer representative shall be selected from
1068 recommendations of the Property Casualty Insurers Association of
1069 America. One insurer representative shall be selected from
1070 recommendations of the Florida Insurance Council. Two insurer
1071 representatives shall be selected to represent insurers that are
1072 not affiliated with these associations. Vacancies on the board
1073 shall be filled for the remaining period of the term in the same
1074 manner as the initial appointments. During the first meeting of
1075 the board after June 30 of each year, the board shall choose one
1076 of its members to serve as chair of the board and another member
1077 to serve as vice chair of the board. There is no liability on
1078 the part of, and no cause of action shall arise against, any
1079 member insurer, self-insurer, or its agents or employees, the
1080 Joint Underwriting Association or its agents or employees,
1081 members of the board of governors, or the office or its
1082 representatives for any action taken by them in the performance
1083 of their powers and duties under this subsection.

1084 1. The Chief Financial Officer may remove a board member
1085 from office for misconduct, malfeasance, misfeasance, or neglect
1086 of duty. Any vacancy so created shall be filled as provided in
1087 this paragraph.

1088 2. Board members are subject to the code of ethics under
1089 part III of chapter 112, including, but not limited to, the code
1090 of ethics and public disclosure and reporting of financial
1091 interests, pursuant to s. 112.3145. For purposes of applying

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1092 part III of chapter 112 to activities of members of the board of
1093 governors, those persons are considered public officers and the
1094 Joint Underwriting Association is considered their agency.
1095 Notwithstanding s. 112.3143(2), a board member may not vote on
1096 any measure that he or she knows would inure to his or her
1097 special private gain or loss; that he or she knows would inure
1098 to the special private gain or loss of any principal by which he
1099 or she is retained, other than an agency as defined in s.
1100 112.312; or that he or she knows would inure to the special
1101 private gain or loss of a relative or business associate of the
1102 public officer. Before the vote is taken, such board member
1103 shall publicly state to the board the nature of his or her
1104 interest in the matter from which he or she is abstaining from
1105 voting and, within 15 days after the vote occurs, disclose the
1106 nature of his or her interest as a public record in a memorandum
1107 filed with the person responsible for recording the minutes of
1108 the meeting, who shall incorporate the memorandum in the
1109 minutes.

1110 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
1111 law, an board member may not knowingly accept, directly or
1112 indirectly, any gift or expenditure from a person or entity, or
1113 an employee or representative of such person or entity, which
1114 has a contractual relationship with the Joint Underwriting
1115 Association or which is under consideration for a contract.

1116 4. A board member who fails to comply with subparagraph 2.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1117 or subparagraph 3. is subject to the penalties provided under
1118 ss. 112.317 and 112.3173.

1119 Section 31. Subsections (2) and (3) of section 627.7015,
1120 Florida Statutes, are amended to read:

1121 627.7015 Alternative procedure for resolution of disputed
1122 property insurance claims.—

1123 (2) At the time of issuance and renewal of a policy or at
1124 the time a first-party claim within the scope of this section is
1125 filed by the policyholder, the insurer shall notify the
1126 policyholder of its right to participate in the mediation
1127 program under this section. A claim is not eligible for
1128 mediation until an insurer has made a claim determination or
1129 elected to repair pursuant to s. 627.70131. The department shall
1130 prepare a consumer information pamphlet for distribution to
1131 persons participating in mediation.

1132 (3) The costs of mediation must be reasonable, and the
1133 insurer must bear all of the cost of conducting mediation
1134 conferences, except as otherwise provided in this section. If a
1135 policyholder fails to appear at the conference, the conference
1136 must be rescheduled upon the policyholder's payment of the costs
1137 of a rescheduled conference. If the insurer fails to appear at
1138 the conference, the insurer must pay the policyholder's actual
1139 cash expenses incurred in attending the conference if the
1140 insurer's failure to attend was not due to a good cause
1141 acceptable to the department. An insurer will be deemed to have

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1142 failed to appear if the insurer's representative lacks authority
1143 to settle the full value of the claim. The insurer shall incur
1144 an additional fee for a rescheduled conference necessitated by
1145 the insurer's failure to appear at a scheduled conference. The
1146 fees assessed by the department ~~administrator~~ must include a
1147 charge necessary to defray the expenses of the department
1148 related to its duties under this section and must be deposited
1149 in the Insurance Regulatory Trust Fund. The department may
1150 suspend the insurer's authority to appoint licensees if the
1151 insurer does not timely pay the required fees.

1152 Section 38. Subsection (18) is added to section 627.7074,
1153 Florida Statutes, to read:

1154 627.7074 Alternative procedure for resolution of disputed
1155 sinkhole insurance claims.—

1156 (18) The department may designate an entity or person to serve
1157 as administrator to carry out any of the provisions of this
1158 section and may take this action by means of a written contract
1159 or agreement.

1160 Section 32. Section 627.745, Florida Statutes, is amended
1161 to read:

1162 627.745 Mediation of claims.—

1163 (1)(a) In any claim filed with an insurer for personal
1164 injury in an amount of \$10,000 or less or any claim for property
1165 damage in any amount, arising out of the ownership, operation,
1166 use, or maintenance of a motor vehicle, either party may demand

Amendment No. 1

1167 mediation of the claim prior to the institution of litigation.

1168 (b) The costs of mediation must be reasonable, and the
1169 insurer must bear all of the cost of conducting mediation
1170 conferences, except as otherwise provided in this section. If a
1171 policyholder fails to appear at the conference, the conference
1172 must be rescheduled upon the policyholder's payment of the costs
1173 of a rescheduled conference. If the insurer fails to appear at
1174 the conference, the insurer must pay the policyholder's actual
1175 cash expenses incurred in attending the conference if the
1176 insurer's failure to attend was not due to a good cause
1177 acceptable to the department. An insurer is deemed to have
1178 failed to appear if the insurer's representative lacks authority
1179 to settle the full value of the claim. The insurer shall incur
1180 an additional fee, paid to the mediator, for a rescheduled
1181 conference necessitated by the insurer's failure to appear at a
1182 scheduled conference. The fees assessed by the department or
1183 administrator must include a charge necessary to defray the
1184 expenses of the department related to its duties under this
1185 section and must be deposited in the Insurance Regulatory Trust
1186 Fund. The department or administrator may request that the
1187 department suspend the insurer's authority to appoint licensees
1188 if the insurer does not timely pay the per-mediation-event
1189 administrative fee.

1190 ~~(b) A request for mediation shall be filed with the~~
1191 ~~department on a form approved by the department. The request for~~

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1192 ~~mediation shall state the reason for the request for mediation~~
1193 ~~and the issues in dispute which are to be mediated. The filing~~
1194 ~~of a request for mediation tolls the applicable time~~
1195 ~~requirements for filing suit for a period of 60 days following~~
1196 ~~the conclusion of the mediation process or the time prescribed~~
1197 ~~in s. 95.11, whichever is later.~~

1198 ~~(c) The insurance policy must specify in detail the terms~~
1199 ~~and conditions for mediation of a first-party claim.~~

1200 ~~(d) The mediation shall be conducted as an informal~~
1201 ~~process in which formal rules of evidence and procedure need not~~
1202 ~~be observed. Any party participating in a mediation must have~~
1203 ~~the authority to make a binding decision. All parties must~~
1204 ~~mediate in good faith.~~

1205 ~~(e) The department shall randomly select mediators. Each~~
1206 ~~party may once reject the mediator selected, either originally~~
1207 ~~or after the opposing side has exercised its option to reject a~~
1208 ~~mediator.~~

1209 ~~(f) Costs of mediation shall be borne equally by both~~
1210 ~~parties unless the mediator determines that one party has not~~
1211 ~~mediated in good faith.~~

1212 ~~(g) Only one mediation may be requested for each claim,~~
1213 ~~unless all parties agree to further mediation.~~

1214 ~~(2) Upon receipt of a request for mediation, the~~
1215 ~~department shall refer the request to a mediator. The mediator~~
1216 ~~shall notify the applicant and all interested parties, as~~

Amendment No. 1

1217 ~~identified by the applicant, and any other parties the mediator~~
1218 ~~believes may have an interest in the mediation, of the date,~~
1219 ~~time, and place of the mediation conference. The conference may~~
1220 ~~be held by telephone, if feasible. The mediation conference~~
1221 ~~shall be held within 45 days after the request for mediation.~~

1222 ~~(2)(a)-(3)(a)~~ The department shall approve mediators to
1223 conduct mediations pursuant to this section. All mediators must
1224 file an application under oath for approval as a mediator.

1225 (b) To qualify for approval as a mediator, an individual
1226 must meet one of the following qualifications:

1227 1. Possess an active certification as a Florida Supreme
1228 Court certified circuit court mediator. A Florida Supreme Court
1229 certified circuit court mediator in a lapsed, suspended,
1230 sanctioned, or decertified status is not eligible to participate
1231 in the mediation program.

1232 2. Be an approved department mediator as of July 1, 2014,
1233 and have conducted at least one mediation on behalf of the
1234 department within 4 years immediately preceding that date.

1235 ~~(3)-(4)~~ The department shall deny an application, or
1236 suspend or revoke its approval, of a mediator to serve in such
1237 capacity if the department finds that one or more of the
1238 following grounds exist:

1239 (a) Lack of one or more of the qualifications specified in
1240 this section for approval.

1241 (b) Material misstatement, misrepresentation, or fraud in

Amendment No. 1

1242 obtaining or attempting to obtain the approval.

1243 (c) Demonstrated lack of fitness or trustworthiness to act
1244 as a mediator.

1245 (d) Fraudulent or dishonest practices in the conduct of
1246 mediation or in the conduct of business in the financial
1247 services industry.

1248 (e) Violation of any provision of this code or of a lawful
1249 order or rule of the department, violation of the Florida Rules
1250 for Certified and Court-Appointed Mediators, or aiding,
1251 instructing, or encouraging another party in committing such a
1252 violation.

1253
1254 The department may adopt rules to administer this subsection.

1255 (4) The department shall adopt by rule a motor vehicle
1256 claims insurance mediation program to be administered by the
1257 department or its designee. The department may also adopt
1258 special rules that are applicable in cases of an emergency
1259 within the state. The rules shall be modeled after practices and
1260 procedures set forth in mediation rules of procedure adopted by
1261 the Supreme Court. The rules must include:

1262 (a) Reasonable requirements for processing and scheduling
1263 of requests for mediation.

1264 (b) Provisions governing who may attend mediation
1265 conferences.

1266 (c) Selection of mediators.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1267 (d) Criteria for the conduct of mediation conferences.

1268 (e) Right to legal counsel.

1269 ~~(5) The department must adopt rules of procedure for~~
1270 ~~claims mediation, taking into consideration a system which:~~

1271 ~~(a) Is fair.~~

1272 ~~(b) Promotes settlement.~~

1273 ~~(c) Avoids delay.~~

1274 ~~(d) Is nonadversarial.~~

1275 ~~(e) Uses a framework for modern mediating technique.~~

1276 (f) Controls of costs and expenses of mediation.

1277 (5) The department may designate an entity or person to
1278 serve as an administrator to carry out any of the provisions of
1279 this section and may take this action by means of a written
1280 contract or agreement.

1281 (6) Disclosures and information divulged in the mediation
1282 process are not admissible in any subsequent action or
1283 proceeding relating to the claim or to the cause of action
1284 giving rise to the claim. A person demanding mediation under
1285 this section may not demand or request mediation after a suit is
1286 filed relating to the same facts already mediated.

1287 Section 33. Present subsections (7) through (12) of
1288 section 631.141, Florida Statutes, are redesignated as
1289 subsections (8) through (13), respectively, and a new subsection
1290 (7) is added to that section, to read:

1291 631.141 Conduct of delinquency proceeding; domestic and

Amendment No. 1

1292 alien insurers.-

1293 (7) In order to preserve as much as possible the right and
1294 interest of the policyholders whose insurance policies or
1295 similar contracts are affected by the receivership proceedings,
1296 the department as a domiciliary receiver may:

1297 (a) Use the property of the estate of the insurer to
1298 transfer the insurer's book of business, policies, or similar
1299 contracts of coverage, in whole or in part, to a solvent
1300 assuming insurer or insurers.

1301 (b) Notwithstanding s. 631.195, share records of the
1302 insurer with the prospective solvent assuming insurer or
1303 insurers, but only to the extent necessary to undertake due
1304 diligence for a transfer contemplated under this section.

1305 Section 34. Subsections (1) and (3) of section 631.252,
1306 Florida Statutes, are amended to read:

1307 631.252 Continuation of coverage.-

1308 (1) Unless another insurer, with approval of the
1309 receivership court, assumes or otherwise provides coverage for
1310 the policies of the insolvent insurer, all insurance policies or
1311 similar contracts of coverage, other than coverages defined in
1312 s. 631.713 or health maintenance organization coverage under
1313 part IV, issued by the insurer shall be canceled upon the
1314 earlier ~~earliest to occur~~ of the following:

1315 (a) The date of entry of the liquidation or, if the court
1316 so provides in its order, the expiration of 30 days from the

Amendment No. 1

1317 date of entry of the liquidation order;

1318 (b) The normal expiration of the policy or contract
1319 coverage;

1320 (c) The replacement of the coverage by the insured, or the
1321 replacement of the policy or contract of coverage, with a policy
1322 or contract acceptable to the insured by the receiver with
1323 another insurer; ~~or~~

1324 (d) The date proposed by the receiver and approved by the
1325 receivership court to cancel coverage; or

1326 (e)-(d) The termination of the coverage by the insured.

1327 (3) The 30-day coverage continuation period provided in
1328 paragraph (1)(a) and s. 631.57(1)(a)1. may not be extended
1329 unless the Chief Financial Officer ~~office~~ determines, based on a
1330 reasonable belief, that market conditions are such that policies
1331 of residential property insurance coverage cannot be placed with
1332 an authorized insurer within 30 days and that an additional 15
1333 days is needed to place such coverage. ~~;~~ ~~and~~ Failure of actual
1334 notice to the policyholder of the insolvency of the insurer, of
1335 commencement of a delinquency proceeding, or of expiration of
1336 the extension period does not affect such expiration.

1337 Section 35. Subsection (1) of section 631.56, Florida
1338 Statutes, is amended, and subsections (5) through (8) are added
1339 to that section, to read:

1340 631.56 Board of directors.—

1341 (1) The board of directors of the association shall

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1342 consist of not less than five or more than nine persons serving
1343 terms as established in the plan of operation. Three members of
1344 the board must be representatives from domestic insurers,
1345 appointed by the Chief Financial Officer. The department shall
1346 approve and appoint to the board persons recommended by the
1347 member insurers or other persons with experience in property and
1348 casualty insurance or motor vehicle insurance as determined by
1349 the Chief Financial Officer. ~~In the event the department finds~~
1350 ~~that any recommended person does not meet the qualifications for~~
1351 ~~service on the board, the department shall request the member~~
1352 ~~insurers to recommend another person.~~ Each member shall serve
1353 for a 4-year term and may be reappointed. Vacancies on the board
1354 shall be filled for the remaining period of the term in the same
1355 manner as initial appointments.

1356 (5) The Chief Financial Officer may remove a board member
1357 from office for misconduct, malfeasance, misfeasance, or neglect
1358 of duty. Any vacancy so created shall be filled as provided in
1359 subsection (1).

1360 (6) Board members are subject to the code of ethics under
1361 part III of chapter 112, including, but not limited to, the code
1362 of ethics and public disclosure and reporting of financial
1363 interests, pursuant to s. 112.3145. For purposes of applying
1364 part III of chapter 112 to activities of members of the board of
1365 directors, those persons are considered public officers and the
1366 association is considered their agency. Notwithstanding s.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1367 112.3143(2), a board member may not vote on any measure that he
1368 or she knows would inure to his or her special private gain or
1369 loss; that he or she knows would inure to the special private
1370 gain or loss of any principal by which he or she is retained,
1371 other than an agency as defined in s. 112.312; or that he or she
1372 knows would inure to the special private gain or loss of a
1373 relative or business associate of the public officer. Before the
1374 vote is taken, such member shall publicly state to the board the
1375 nature of his or her interest in the matter from which he or she
1376 is abstaining from voting and, within 15 days after the vote
1377 occurs, disclose the nature of his or her interest as a public
1378 record in a memorandum filed with the person responsible for
1379 recording the minutes of the meeting, who shall incorporate the
1380 memorandum in the minutes.

1381 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
1382 law, a board member may not knowingly accept, directly or
1383 indirectly, any gift or expenditure from a person or entity, or
1384 an employee or representative of such person or entity, which
1385 has a contractual relationship with the association or which is
1386 under consideration for a contract.

1387 (8) A board member who fails to comply with subsection (6)
1388 or subsection (7) is subject to the penalties provided under ss.
1389 112.317 and 112.3173.

1390 Section 36. Paragraph (a) of subsection (1) of section
1391 631.716, Florida Statutes, is amended, and subsections (4)

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1392 through (7) are added to that section, to read:

1393 631.716 Board of directors.—

1394 (1)(a) The board of directors of the association shall
1395 have at least 9, but no more than 11, members. The members shall
1396 consist ~~be comprised~~ of member insurers serving terms as
1397 established in the plan of operation and 1 Florida Health
1398 Maintenance Organization Consumer Assistance Plan director
1399 confirmed pursuant to paragraph (b), or other persons with
1400 experience in life and annuity or accident and health insurance
1401 as determined by the Chief Financial Officer. At all times, at
1402 least 1 ~~member of the board~~ member must be a domestic insurer as
1403 defined in s. 624.06(1). The ~~members of the board~~ members who
1404 are member insurers shall be elected by member insurers, subject
1405 to the approval of the department. Each board member shall serve
1406 for a 4-year term and may be reappointed.

1407 (4) The Chief Financial Officer may remove a board member
1408 from office for misconduct, malfeasance, misfeasance, or neglect
1409 of duty. Any vacancy so created shall be filled as provided in
1410 subsection (1).

1411 (5) Board members are subject to the code of ethics under
1412 part III of chapter 112, including, but not limited to, the code
1413 of ethics and public disclosure and reporting of financial
1414 interests, pursuant to s. 112.3145. For purposes of applying
1415 part III of chapter 112 to activities of members of the board of
1416 directors, those persons are considered public officers and the

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1417 association is considered their agency. Notwithstanding s.
1418 112.3143(2), a board member may not vote on any measure that he
1419 or she knows would inure to his or her special private gain or
1420 loss; that he or she knows would inure to the special private
1421 gain or loss of any principal by which he or she is retained,
1422 other than an agency as defined in s. 112.312; or that he or she
1423 knows would inure to the special private gain or loss of a
1424 relative or business associate of the public officer. Before the
1425 vote is taken, such member shall publicly state to the board the
1426 nature of his or her interest in the matter from which he or she
1427 is abstaining from voting and, within 15 days after the vote
1428 occurs, disclose the nature of his or her interest as a public
1429 record in a memorandum filed with the person responsible for
1430 recording the minutes of the meeting, who shall incorporate the
1431 memorandum in the minutes.

1432 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
1433 law, a board member may not knowingly accept, directly or
1434 indirectly, any gift or expenditure from a person or entity, or
1435 an employee or representative of such person or entity, which
1436 has a contractual relationship with the association or which is
1437 under consideration for a contract.

1438 (7) A board member who fails to comply with subsection (5)
1439 or subsection (6) is subject to the penalties provided under ss.
1440 112.317 and 112.3173.

1441 Section 37. Subsection (1) of section 631.816, Florida

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1442 Statutes, is amended, and subsections (8) through (11) are added
1443 to that section, to read:

1444 631.816 Board of directors.—

1445 (1) The board of directors of the plan shall consist of
1446 not less than five or more than nine persons serving terms as
1447 established in the plan of operation. The department shall
1448 approve and appoint to the board persons recommended by the
1449 member HMOs or other persons with experience in health insurance
1450 as determined by the Chief Financial Officer. ~~In the event the~~
1451 ~~department finds that any recommended person does not meet the~~
1452 ~~qualifications for service on the board, the department shall~~
1453 ~~request the member HMOs to recommend another person.~~ Each member
1454 shall serve for a 4-year term and may be reappointed, except
1455 that terms may be staggered as defined in the plan of operation.
1456 Vacancies on the board shall be filled for the remaining period
1457 of the term in the same manner as initial appointments. In
1458 determining voting rights, each HMO is entitled to vote on the
1459 basis of cumulative weighted voting based on the net written
1460 premium for non-Medicare and non-Medicaid policies.

1461 (8) The Chief Financial Officer may remove a board member
1462 from office for misconduct, malfeasance, misfeasance, or neglect
1463 of duty. Any vacancy so created shall be filled as provided in
1464 subsection (1).

1465 (9) Board members are subject to the code of ethics under
1466 part III of chapter 112, including, but not limited to, the code

Amendment No. 1

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

1486 (10) Notwithstanding s. 112.3148, s. 112.3149, or any
1487 other law, a board member may not knowingly accept, directly or
1488 indirectly, any gift or expenditure from a person or entity, or
1489 an employee or representative of such person or entity, which
1490 has a contractual relationship with the plan or which is under
1491 consideration for a contract.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1492 (11) A board member who fails to comply with subsection
1493 (9) or subsection (10) is subject to the penalties provided
1494 under ss. 112.317 and 112.3173.

1495 Section 38. Subsection (1) of section 631.912, Florida
1496 Statutes, is amended, and subsections (4), (5), and (6) are
1497 added to that section, to read:

1498 631.912 Board of directors.—

1499 (1) The board of directors of the corporation shall
1500 consist of 11 persons, 1 of whom is the insurance consumer
1501 advocate appointed under s. 627.0613 or designee and 1 of whom
1502 is designated by the Chief Financial Officer. The department
1503 shall appoint to the board 6 persons selected by private
1504 carriers from among the 20 workers' compensation insurers with
1505 the largest amount of direct written premium as determined by
1506 the department, and 2 persons selected by the self-insurance
1507 funds or other persons with experience in workers' compensation
1508 insurance as determined by the Chief Financial Officer. The
1509 Governor shall appoint one person who has commercial insurance
1510 experience. At least two of the private carriers shall be
1511 foreign carriers authorized to do business in this state. The
1512 board shall elect a chairperson from among its members. The
1513 Chief Financial Officer may remove any board member for cause.
1514 Each board member shall be appointed to serve a 4-year term and
1515 may be reappointed. A vacancy on the board shall be filled for
1516 the remaining period of the term in the same manner by which the

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1517 original appointment was made.

1518 (4) Board members are subject to the code of ethics under
1519 part III of chapter 112, including, but not limited to, the code
1520 of ethics and public disclosure and reporting of financial
1521 interests, pursuant to s. 112.3145. For purposes of applying
1522 part III of chapter 112 to activities of members of the board of
1523 directors, those persons are considered public officers and the
1524 corporation is considered their agency. Notwithstanding s.
1525 112.3143(2), a board member may not vote on any measure that he
1526 or she knows would inure to his or her special private gain or
1527 loss; that he or she knows would inure to the special private
1528 gain or loss of any principal by which he or she is retained,
1529 other than an agency as defined in s. 112.312; or that he or she
1530 knows would inure to the special private gain or loss of a
1531 relative or business associate of the public officer. Before the
1532 vote is taken, such member shall publicly state to the board the
1533 nature of his or her interest in the matter from which he or she
1534 is abstaining from voting and, within 15 days after the vote
1535 occurs, disclose the nature of his or her interest as a public
1536 record in a memorandum filed with the person responsible for
1537 recording the minutes of the meeting, who shall incorporate the
1538 memorandum in the minutes.

1539 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
1540 law, a board member may not knowingly accept, directly or
1541 indirectly, any gift or expenditure from a person or entity, or

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1542 an employee or representative of such person or entity, which
1543 has a contractual relationship with the corporation or which is
1544 under consideration for a contract.

1545 (6) A board member who fails to comply with subsection (4)
1546 or subsection (5) is subject to the penalties provided under ss.
1547 112.317 and 112.3173.

1548 Section 39. Section 633.1423, Florida Statutes, is created
1549 to read:

1550 633.1423 State Fire Marshal direct-support organization.-

1551 (1) DEFINITION.-As used in this section, the term
1552 "organization" means the direct-support organization established
1553 under this section.

1554 (2) ORGANIZATION ESTABLISHED.-The division may establish a
1555 direct-support organization, to be known as the "State Fire
1556 Marshal Safety and Training Force," whose sole purpose is to
1557 support the safety and training of firefighters and to recognize
1558 exemplary service. The organization must:

1559 (a) Be a not-for-profit corporation incorporated under
1560 chapter 617 and approved by the Department of State.

1561 (b) Be organized and operated to raise funds; request and
1562 receive grants, gifts, and bequests of money; conduct programs
1563 and activities; acquire, receive, hold, invest, and administer,
1564 in its own name, securities, funds, or property; and make grants
1565 and expenditures to or for the direct or indirect benefit of the
1566 division. Grants and expenditures may include the cost of

Amendment No. 1

1567 education or training of firefighters, or the recognition of
1568 exemplary service of firefighters.

1569 (c) Be determined by the division to operate in a manner
1570 that is:

1571 1. Consistent with the goals of the division and laws
1572 relating to the safety and training of firefighters.

1573 2. In the best interest of the state.

1574 3. In accordance with the adopted goals and mission of the
1575 division.

1576 (d) Use all of its grants and expenditures solely for the
1577 purpose of educating, training, and recognizing firefighters,
1578 and not for advertising using the likeness or name of any
1579 elected official nor for the purpose of lobbying as defined in
1580 s. 11.045(1).

1581 (e) Be subject to an annual financial audit in accordance
1582 with s. 215.981.

1583 (3) CONTRACT.—The organization shall operate under written
1584 contract with the division. The contract must provide for:

1585 (a) Certification by the division that the organization is
1586 complying with the terms of the contract and in a manner
1587 consistent with the goals and purposes of the department and in
1588 the best interest of the state. Such certification must be made
1589 annually and reported in the official minutes of a meeting of
1590 the organization.

1591 (b) The reversion of moneys and property held by the

Amendment No. 1

1592 organization for firefighter safety, training, and recognition
1593 to the division if the organization is no longer approved to
1594 operate by the division or if the organization ceases to exist,
1595 or to the state if the division ceases to exist.

1596 (4) BOARD OF DIRECTORS.—The organization shall be governed
1597 by a board of directors. The State Fire Marshal, or his or her
1598 designee, shall appoint a president of the board. The board of
1599 directors shall be appointed by the president of the board.

1600 (5) USE OF PROPERTY.—The division may authorize, without
1601 charge, appropriate use of fixed property and facilities of the
1602 division by the organization, subject to this subsection.

1603 (a) The department may prescribe any condition with which
1604 the organization must comply in order to use the division's
1605 property or facilities.

1606 (b) The department may not authorize the use of the
1607 division's property or facilities if the organization does not
1608 provide equal membership and employment opportunities to all
1609 persons regardless of race, religion, sex, age, or national
1610 origin.

1611 (c) The department shall adopt rules prescribing the
1612 procedures by which the organization is governed and any
1613 conditions with which the organization must comply to use the
1614 division's property or facilities.

1615 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
1616 organization may be held in a separate depository account in the

Amendment No. 1

1617 name of the organization and subject to the contract with the
1618 division.

1619 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall
1620 submit to the division its annual budget and financial reports,
1621 its federal Internal Revenue Service Application for Recognition
1622 of Exemption Form 1023, and its federal Internal Revenue Service
1623 Return of Organization Exempt from Income Tax Form 990.

1624 (8) ANNUAL AUDIT.—The organization shall provide for an
1625 annual financial audit in accordance with s. 215.981.

1626 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
1627 the division from the organization shall be deposited into the
1628 Insurance Regulatory Trust Fund.

1629 (10) This section is repealed October 1, 2028, unless
1630 reviewed and saved from repeal by the Legislature.

1631 Section 40. Section 634.181, Florida Statutes, is amended
1632 to read:

1633 634.181 Grounds for compulsory refusal, suspension, or
1634 revocation of license or appointment of salespersons.—

1635 (1) The department shall deny, suspend, revoke, or refuse
1636 to renew or continue the license or appointment of any such
1637 salesperson if it finds that as to the salesperson any one or
1638 more of the following applicable grounds exist:

1639 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
1640 in obtaining or attempting to obtain the license or appointment.

1641 (b)~~(2)~~ If the license or appointment is willfully used, or

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1642 to be used, to circumvent any of the requirements or
1643 prohibitions of this part, any applicable provision of the
1644 Florida Insurance Code, or rule of the department or commission.

1645 ~~(c)(3)~~ Willful misrepresentation of any service agreement
1646 or willful deception with regard to any agreement, done either
1647 in person or by any form of dissemination of information or
1648 advertising.

1649 ~~(d)(4)~~ If in the adjustment of claims arising out of
1650 service agreements, she or he has materially misrepresented to a
1651 service agreement holder or other interested party the terms and
1652 coverage of a service agreement with intent and for the purpose
1653 of effecting settlement of the claim on less favorable terms
1654 than those provided in and contemplated by the service
1655 agreement.

1656 ~~(e)(5)~~ For demonstrated lack of fitness or trustworthiness
1657 to engage in the service agreement business.

1658 ~~(f)(6)~~ For demonstrated lack of adequate knowledge and
1659 technical competence to engage in the transactions authorized by
1660 the license or appointment.

1661 ~~(g)(7)~~ Fraudulent or dishonest practices in the conduct of
1662 business under the license or appointment.

1663 ~~(h)(8)~~ Misappropriation, conversion, or unlawful
1664 withholding of moneys belonging to a service agreement company,
1665 insurer, or service agreement holder or to others and received
1666 in the conduct of business under the license or appointment.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1667 ~~(i)-(9)~~ For unlawfully rebating, or attempt thereat, or for
1668 unlawfully dividing or offering to divide her or his commission
1669 with another.

1670 ~~(j)-(10)~~ Willful failure to comply with, or willful
1671 violation of any proper order of the department or office, or
1672 willful violation of any provision of this part, or of any
1673 applicable provision of the insurance code, or applicable rule
1674 of the department or commission.

1675 ~~(k)-(11)~~ Having been found guilty of, or having pleaded
1676 guilty or nolo contendere to, a felony or a crime punishable by
1677 imprisonment of 1 year or more under the law of the United
1678 States of America or any state thereof or under the law of any
1679 other country which involves moral turpitude, without regard to
1680 whether a judgment of conviction has been entered by the court
1681 having jurisdiction of the cases.

1682 ~~(l)-(12)~~ Failure to refund unearned pro rata commission to
1683 the agreement holder or the service agreement company, if the
1684 service agreement company is making a full unearned pro rata
1685 refund to the agreement holder.

1686 (m) Having been the subject of, or having had a license,
1687 permit, appointment, registration, or other authority to conduct
1688 business subject to, any decision, finding, injunction,
1689 suspension, prohibition, revocation, denial, judgment, final
1690 agency action, or administrative order by any court of competent
1691 jurisdiction, administrative law proceeding, state agency,

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1692 federal agency, national securities, commodities, or options
1693 exchange, or national securities, commodities, or options
1694 association involving a violation of any federal or state
1695 securities or commodities law or any rule or regulation adopted
1696 thereunder, or a violation of any rule or regulation of any
1697 national securities, commodities, or options exchange or
1698 national securities, commodities, or options association.

1699 (2) When a licensee is charged with a felony enumerated in
1700 s. 626.207(2), the department shall, immediately upon receipt of
1701 information on or indictment for the felony, temporarily suspend
1702 a license or appointment issued under this chapter. Such
1703 suspension shall continue if the licensee is found guilty of, or
1704 pleads guilty or nolo contendere to, the crime, regardless of
1705 whether a judgment or conviction is entered, during a pending
1706 appeal. A person may not transact insurance business after
1707 suspension of his or her license or appointment.

1708 (3) The department may adopt rules to administer this
1709 section.

1710 Section 41. Section 634.191, Florida Statutes, is amended
1711 to read:

1712 634.191 Grounds for discretionary refusal, suspension, or
1713 revocation of license or appointment of salespersons.—

1714 (1) The department may, in its discretion, deny, suspend,
1715 revoke, or refuse to renew or continue the license or
1716 appointment of any salesperson if it finds that as to the

Amendment No. 1

1717 salesperson any one or more of the following applicable grounds
1718 exist under circumstances for which such denial, suspension,
1719 revocation, or refusal is not mandatory under s. 634.181:

1720 ~~(a)(1)~~ For any cause for which granting of the license or
1721 appointment could have been refused had it then existed and been
1722 known to the department.

1723 ~~(b)(2)~~ Violation of any provision of this part or of any
1724 other law applicable to the business of service agreements in
1725 the course of dealings under the license or appointment.

1726 ~~(c)(3)~~ Violation of ~~Has violated~~ any lawful order or rule
1727 of the department or commission.

1728 ~~(d)(4)~~ Failure or refusal, upon demand, to pay over to any
1729 company or insurer the salesperson represents or has represented
1730 any money coming into her or his hands belonging to the company
1731 or insurer.

1732 ~~(e)(5)~~ If, in the conduct of business under the license or
1733 appointment, the salesperson has engaged in unfair methods of
1734 competition or in unfair or deceptive acts or practices, as such
1735 methods, acts, or practices are or may be defined under this
1736 part, or has otherwise shown herself or himself to be a source
1737 of injury or loss to the public or detrimental to the public
1738 interest.

1739 ~~(f)(6)~~ Failure to report to the department within 30 days
1740 the final disposition of an administrative action taken against
1741 a salesperson by a governmental agency or other regulatory

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1742 agency in this state or any other state or jurisdiction relating
1743 to the business of insurance, the sale of securities, or an
1744 activity involving fraud, dishonesty, trustworthiness, or breach
1745 of a fiduciary duty. The salesperson must submit a copy of the
1746 order, consent to order, or other relevant legal documents to
1747 the department ~~Having been found guilty of, or having pleaded~~
1748 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
1749 ~~imprisonment of 1 year or more under the law of the United~~
1750 ~~States of America or any state thereof or under the law of any~~
1751 ~~other country, without regard to whether a judgment of~~
1752 ~~conviction has been entered by the court having jurisdiction of~~
1753 ~~the cases.~~

1754 (2) The department may adopt rules to administer this
1755 section.

1756 Section 42. Section 634.320, Florida Statutes, is amended
1757 to read:

1758 634.320 Grounds for compulsory refusal, suspension, or
1759 revocation of license or appointment of sales representatives.—

1760 (1) The department shall deny, suspend, revoke, or refuse
1761 to renew or continue the license or appointment of any sales
1762 representative if it is found that any one or more of the
1763 following grounds applicable to the sales representative exist:

1764 (a) ~~(1)~~ Material misstatement, misrepresentation, or fraud
1765 in obtaining or attempting to obtain a license or appointment.

1766 (b) ~~(2)~~ The license or appointment is willfully used, or to

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1767 | be used, to circumvent any of the requirements or prohibitions
1768 | of this part.

1769 | ~~(c)-(3)~~ Willful misrepresentation of any warranty contract
1770 | or willful deception with regard to any such contract, done
1771 | either in person or by any form of dissemination of information
1772 | or advertising.

1773 | ~~(d)-(4)~~ In the adjustment of claims arising out of
1774 | warranties, material misrepresentation to a warranty holder or
1775 | other interested party of the terms and coverage of a contract,
1776 | with the intent and for the purpose of effecting settlement of
1777 | such claim on less favorable terms than those provided in and
1778 | contemplated by the contract.

1779 | ~~(e)-(5)~~ Demonstrated lack of fitness or trustworthiness to
1780 | engage in the business of home warranty.

1781 | ~~(f)-(6)~~ Demonstrated lack of adequate knowledge and
1782 | technical competence to engage in the transactions authorized by
1783 | the license or appointment.

1784 | ~~(g)-(7)~~ Fraudulent or dishonest practices in the conduct of
1785 | business under the license or appointment.

1786 | ~~(h)-(8)~~ Misappropriation, conversion, or unlawful
1787 | withholding of moneys belonging to an association, insurer, or
1788 | warranty holder, or to others, and received in the conduct of
1789 | business under the license or appointment.

1790 | ~~(i)-(9)~~ Unlawfully rebating, or attempting to unlawfully
1791 | rebate, or unlawfully dividing, or offering to divide, her or

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1792 his commission with another.

1793 (j)~~(10)~~ Willful failure to comply with, or willful
1794 violation of, any proper order or rule of the department or
1795 commission or willful violation of any provision of this part.

1796 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo
1797 contendere to a felony or a crime punishable by imprisonment of
1798 1 year or more under the law of the United States of America or
1799 any state thereof or under the law of any other country
1800 ~~involving moral turpitude~~, without regard to whether judgment of
1801 conviction has been entered by the court.

1802 (1) Having been the subject of, or having had a license,
1803 permit, appointment, registration, or other authority to conduct
1804 business subject to, any decision, finding, injunction,
1805 suspension, prohibition, revocation, denial, judgment, final
1806 agency action, or administrative order by any court of competent
1807 jurisdiction, administrative law proceeding, state agency,
1808 federal agency, national securities, commodities, or options
1809 exchange, or national securities, commodities, or options
1810 association involving a violation of any federal or state
1811 securities or commodities law or any rule or regulation adopted
1812 thereunder, or a violation of any rule or regulation of any
1813 national securities, commodities, or options exchange or
1814 national securities, commodities, or options association.

1815 (2) When a licensee is charged with a felony enumerated in
1816 s. 626.207(2), the department shall, immediately upon receipt of

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Page 73 of 132

Amendment No. 1

1817 information on or indictment for the felony, temporarily suspend
1818 a license or appointment issued under this chapter. Such
1819 suspension shall continue if the licensee is found guilty of, or
1820 pleads guilty or nolo contendere to, the crime, regardless of
1821 whether a judgment or conviction is entered, during a pending
1822 appeal. A person may not transact insurance business after
1823 suspension of his or her license or appointment.

1824 (3) The department may adopt rules to administer this
1825 section.

1826 Section 43. Section 634.321, Florida Statutes, is amended
1827 to read:

1828 634.321 Grounds for discretionary refusal, suspension, or
1829 revocation of license or appointment of sales representatives.—

1830 (1) The department may, in its discretion, deny, suspend,
1831 revoke, or refuse to renew or continue the license or
1832 appointment of any sales representative if it is found that any
1833 one or more of the following grounds applicable to the sales
1834 representative exist under circumstances for which such denial,
1835 suspension, revocation, or refusal is not mandatory under s.
1836 634.320:

1837 (a)-(1) Any cause for which granting of the license or
1838 appointment could have been refused had it then existed and been
1839 known to the department.

1840 (b)-(2) Violation of any provision of this part, or of any
1841 other law applicable to the business of warranties, in the

Amendment No. 1

1842 course of dealings under the license or appointment.

1843 ~~(c)(3)~~ Violation of any lawful order or rule of the
1844 department or commission.

1845 ~~(d)(4)~~ Failure or refusal to pay over, upon demand, to any
1846 home warranty association or insurer the sales representative
1847 represents or has represented any money coming into her or his
1848 hands which belongs to the association or insurer.

1849 ~~(e)(5)~~ In the conduct of business under the license or
1850 appointment, engaging in unfair methods of competition or in
1851 unfair or deceptive acts or practices, as such methods, acts, or
1852 practices are or may be defined under this part, or otherwise
1853 showing herself or himself to be a source of injury or loss to
1854 the public or detriment to the public interest.

1855 ~~(f)(6)~~ Failure to report to the department within 30 days
1856 the final disposition of an administrative action taken against
1857 a sales representative by a governmental agency or other
1858 regulatory agency in this state or any other state or
1859 jurisdiction relating to the business of insurance, the sale of
1860 securities, or an activity involving fraud, dishonesty,
1861 trustworthiness, or breach of a fiduciary duty. The sales
1862 representative must submit a copy of the order, consent to
1863 order, or other relevant legal documents to the department ~~Being~~
1864 ~~found guilty of or pleading guilty or nolo contendere to a~~
1865 ~~felony or a crime punishable by imprisonment of 1 year or more~~
1866 ~~under the law of the United States of America or any state~~

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1867 ~~thereof or under the law of any other country, without regard to~~
1868 ~~whether a judgment of conviction has been entered by the court.~~

1869 (2) The department may adopt rules to administer this
1870 section.

1871 Section 44. Section 634.419, Florida Statutes, is amended
1872 to read:

1873 634.419 License and appointment required.—No person or
1874 entity shall solicit, negotiate, advertise, or effectuate
1875 service warranty contracts in this state unless such person or
1876 entity is licensed and appointed as a sales representative.
1877 Sales representatives shall be responsible for the actions of
1878 persons under their supervision. However, a service warranty
1879 association licensed as such under this part shall not be
1880 required to be licensed and appointed as a sales representative
1881 to solicit, negotiate, advertise, or effectuate its products.
1882 Sections 501.021-501.055 do not apply to persons or entities
1883 licensed and appointed under this section, or their affiliates,
1884 that solicit the sale of a service warranty or related service
1885 or product in connection with a prearranged appointment at the
1886 request of the consumer.

1887 Section 45. Section 634.422, Florida Statutes, is amended
1888 to read:

1889 634.422 Grounds for compulsory refusal, suspension, or
1890 revocation of license or appointment of sales representatives.—

1891 (1) The department shall deny, suspend, revoke, or refuse

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1892 to renew or continue the license or appointment of any sales
1893 representative if it is found that any one or more of the
1894 following grounds applicable to the sales representative exist:

1895 ~~(a)(1)~~ Material misstatement, misrepresentation, or fraud
1896 in obtaining or attempting to obtain a license or appointment.

1897 ~~(b)(2)~~ The license or appointment is willfully used, or to
1898 be used, to circumvent any of the requirements or prohibitions
1899 of this part.

1900 ~~(c)(3)~~ Willful misrepresentation of any service warranty
1901 contract or willful deception with regard to any such contract,
1902 done either in person or by any form of dissemination of
1903 information or advertising.

1904 ~~(d)(4)~~ In the adjustment of claims arising out of
1905 warranties, material misrepresentation to a service warranty
1906 holder or other interested party of the terms and coverage of a
1907 contract with the intent and for the purpose of effecting
1908 settlement of the claim on less favorable terms than those
1909 provided in and contemplated by the contract.

1910 ~~(e)(5)~~ Demonstrated lack of fitness or trustworthiness to
1911 engage in the business of service warranty.

1912 ~~(f)(6)~~ Demonstrated lack of adequate knowledge and
1913 technical competence to engage in the transactions authorized by
1914 the license or appointment.

1915 ~~(g)(7)~~ Fraudulent or dishonest practices in the conduct of
1916 business under the license or appointment.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1917 ~~(h)-(8)~~ Misappropriation, conversion, or unlawful
1918 withholding of moneys belonging to an association, insurer, or
1919 warranty holder, or to others, and received in the conduct of
1920 business under the license or appointment.

1921 ~~(i)-(9)~~ Unlawfully rebating, or attempting to unlawfully
1922 rebate, or unlawfully dividing, or offering to divide, her or
1923 his commission with another.

1924 ~~(j)-(10)~~ Willful failure to comply with, or willful
1925 violation of, any proper order or rule of the department or
1926 commission, or willful violation of any provision of this part.

1927 ~~(k)-(11)~~ Being found guilty of or pleading nolo contendere
1928 to a felony or a crime punishable by imprisonment of 1 year or
1929 more under the law of the United States of America or any state
1930 thereof or under the law of any other country ~~involving moral~~
1931 ~~turpitude~~, without regard to whether judgment of conviction has
1932 been entered by the court having jurisdiction of the case.

1933 (l) Having been the subject of, or having had a license,
1934 permit, appointment, registration, or other authority to conduct
1935 business subject to, any decision, finding, injunction,
1936 suspension, prohibition, revocation, denial, judgment, final
1937 agency action, or administrative order by any court of competent
1938 jurisdiction, administrative law proceeding, state agency,
1939 federal agency, national securities, commodities, or options
1940 exchange, or national securities, commodities, or options
1941 association involving a violation of any federal or state

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1942 securities or commodities law or any rule or regulation adopted
1943 thereunder, or a violation of any rule or regulation of any
1944 national securities, commodities, or options exchange or
1945 national securities, commodities, or options association.

1946 (2) When a licensee is charged with a felony enumerated in
1947 s. 626.207(2), the department shall, immediately upon receipt of
1948 information on or indictment for the felony, temporarily suspend
1949 a license or appointment issued under this chapter. Such
1950 suspension shall continue if the licensee is found guilty of, or
1951 pleads guilty or nolo contendere to, the crime, regardless of
1952 whether a judgment or conviction is entered, during a pending
1953 appeal. A person may not transact insurance business after
1954 suspension of his or her license or appointment.

1955 (3) The department may adopt rules to administer this
1956 section.

1957 Section 46. Section 634.423, Florida Statutes, is amended
1958 to read:

1959 634.423 Grounds for discretionary refusal, suspension, or
1960 revocation of license or appointment of sales representatives.—

1961 (1) The department may deny, suspend, revoke, or refuse to
1962 renew or continue the license or appointment of any sales
1963 representative if it is found that any one or more of the
1964 following grounds applicable to the sales representative exist
1965 under circumstances for which such denial, suspension,
1966 revocation, or refusal is not mandatory under s. 634.422:

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

1967 ~~(a)(1)~~ Any cause for which granting of the license or
1968 appointment could have been refused had it then existed and been
1969 known to the department.

1970 ~~(b)(2)~~ Violation of any provision of this part, or of any
1971 other law applicable to the business of service warranties, in
1972 the course of dealings under the license or appointment.

1973 ~~(c)(3)~~ Violation of any lawful order or rule of the
1974 department or commission.

1975 ~~(d)(4)~~ Failure or refusal to pay over, upon demand, to any
1976 service warranty association or insurer the sales representative
1977 represents or has represented any money coming into her or his
1978 hands which belongs to the association or insurer.

1979 ~~(e)(5)~~ In the conduct of business under the license or
1980 appointment, engaging in unfair methods of competition or in
1981 unfair or deceptive acts or practices, as such methods, acts, or
1982 practices are or may be defined under this part, or otherwise
1983 showing herself or himself to be a source of injury or loss to
1984 the public or detriment to the public interest.

1985 ~~(f)(6)~~ Failure to report to the department within 30 days
1986 the final disposition of an administrative action taken against
1987 a sales representative by a governmental agency or other
1988 regulatory agency in this state or any other state or
1989 jurisdiction relating to the business of insurance, the sale of
1990 securities, or an activity involving fraud, dishonesty,
1991 trustworthiness, or breach of a fiduciary duty. The sales

Amendment No. 1

1992 representative must submit a copy of the order, consent to
1993 order, or other relevant legal documents to the department Being
1994 ~~found guilty of or pleading guilty or nolo contendere to a~~
1995 ~~felony or a crime punishable by imprisonment of 1 year or more~~
1996 ~~under the law of the United States of America or any state~~
1997 ~~thereof or under the law of any other country, without regard to~~
1998 ~~whether judgment of conviction has been entered by the court~~
1999 ~~having jurisdiction of such case.~~

2000 (2) The department may adopt rules to administer this
2001 section.

2002 Section 47. Section 648.25, Florida Statutes, is reordered
2003 and amended to read:

2004 648.25 Definitions.—As used in this chapter, the term:

2005 (1) "Appointment" means the authority given by an insurer
2006 or the managing general agent of an insurer through the
2007 department to a licensee to transact insurance or adjust claims
2008 on behalf of the insurer or managing general agent.

2009 (2)-(1) "Bail bond agency" means:

2010 (a) The building where a licensee maintains an office and
2011 where all records required by ss. 648.34 and 648.36 are
2012 maintained; or

2013 (b) An entity that:

2014 1. Charges a fee or premium to release an accused
2015 defendant or detainee from jail; or

2016 2. Engages in or employs others to engage in any activity

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2017 that may be performed only by a licensed and appointed bail bond
2018 agent.

2019 ~~(3)-(2)~~ "Bail bond agent" means a limited surety agent or a
2020 professional bail bond agent as hereafter defined.

2021 ~~(7)-(3)~~ "Managing general agent" means any individual,
2022 partnership, association, or corporation appointed or employed
2023 by an insurer to supervise or manage the bail bond business
2024 written in this state by limited surety agents appointed by the
2025 insurer.

2026 ~~(5)-(4)~~ "Insurer" means any domestic, foreign, or alien
2027 surety company which has been authorized to transact surety
2028 business in this state.

2029 ~~(6)-(5)~~ "Limited surety agent" means any individual
2030 appointed by an insurer by power of attorney to execute or
2031 countersign bail bonds in connection with judicial proceedings
2032 who receives or is promised money or other things of value
2033 therefor.

2034 ~~(4)-(6)~~ "~~Primary~~ Bail bond agent in charge" means a
2035 licensed bail bond agent who is responsible for the overall
2036 operation and management of a bail bond agency location and
2037 whose responsibilities include hiring and supervising all
2038 individuals within that location. A bail bond agent may be
2039 designated as the primary bail bond agent in charge for only one
2040 bail bond agency location.

2041 ~~(8)-(7)~~ "Professional bail bond agent" means any person who

Amendment No. 1

2042 pledges United States currency, United States postal money
2043 orders, or cashier's checks as security for a bail bond in
2044 connection with a judicial proceeding and receives or is
2045 promised therefor money or other things of value.

2046 ~~(9)(8)~~ "Temporary bail bond agent" means a person licensed
2047 before January 1, 2024, who is employed by a bail bond agent or
2048 agency, insurer, or managing general agent, and such licensee
2049 has the same authority as a licensed bail bond agent, including
2050 presenting defendants in court; apprehending, arresting, and
2051 surrendering defendants to the proper authorities, while
2052 accompanied by a supervising bail bond agent or an agent from
2053 the same agency; and keeping defendants under necessary
2054 surveillance. However, a temporary licensee may not execute or
2055 sign bonds, handle collateral receipts, or deliver bonds to
2056 appropriate authorities. A temporary licensee may not operate an
2057 agency or branch agency separate from the location of the
2058 supervising bail bond agent, managing general agent, or insurer
2059 by whom the licensee is employed. This does not affect the right
2060 of a bail bond agent or insurer to hire counsel or to obtain the
2061 assistance of law enforcement officers. A temporary bail bond
2062 agent license expires 18 months after issuance and is no longer
2063 valid on or after June 30, 2025.

2064 Section 48. Subsection (3) of section 648.26, Florida
2065 Statutes, is amended to read:

2066 648.26 Department of Financial Services; administration.-

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2067 (3) The papers, documents, reports, or any other
2068 investigatory records of the department are confidential and
2069 exempt from ~~the provisions of~~ s. 119.07(1) until such
2070 investigation is completed or ceases to be active. For the
2071 purpose of this section, an investigation is considered active
2072 ~~"active"~~ while the investigation is being conducted by the
2073 department with a reasonable, good faith belief that it may lead
2074 to the filing of administrative, civil, or criminal proceedings.
2075 An investigation does not cease to be active if the department
2076 is proceeding with reasonable dispatch and there is good faith
2077 belief that action may be initiated by the department or other
2078 administrative or law enforcement agency. This subsection does
2079 not prevent the department or office from disclosing the content
2080 of a complaint or such information as it deems necessary to
2081 conduct the investigation, to update the complainant as to the
2082 status and outcome of the complaint, or to share such
2083 information with any law enforcement agency or other regulatory
2084 body.

2085 Section 49. Subsection (5) of section 648.27, Florida
2086 Statutes, is amended to read:

2087 648.27 Licenses and appointments; general.—

2088 (5)~~(a)~~ The license of a bail bond agent shall continue in
2089 force, without further examination unless deemed necessary by
2090 the department, until suspended, revoked, or otherwise
2091 terminated.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2092 ~~(b) The license of a temporary bail bond agent shall~~
2093 ~~continue in force until suspended, revoked, or otherwise~~
2094 ~~terminated.~~

2095 Section 50. Section 648.285, Florida Statutes, is amended
2096 to read:

2097 648.285 Bond agency; ownership requirements; applications
2098 for bail bond agency licenses.-

2099 (1) A person may not own, control, manage, or otherwise
2100 have a pecuniary interest in a bail bond agency unless such
2101 individual is ~~a~~ licensed pursuant to s. 648.27, and appointed
2102 through the department, and actively engaged as a bail bond
2103 agent for at least the preceding 24 months. Any agency that is
2104 not in compliance with this subsection is ~~shall be~~ subject to
2105 the issuance of an immediate final order of suspension of its
2106 license and all operations until the agency achieves compliance.

2107 (2) Effective January 1, 2024, the department may issue a
2108 bail bond agency license to any person only after such person
2109 files a written application with the department and qualifies
2110 for such license.

2111 (3) An application for a bail bond agency license must be
2112 signed by an individual required to be listed in the application
2113 under paragraph (a). A bail bond agency license may permit a
2114 third party to complete, submit, and sign an application on the
2115 bail bond agency's behalf; however, the bail bond agency is
2116 responsible for ensuring that the information on the application

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2117 is true and correct, and the bail bond agency is accountable for
2118 any misstatements or misrepresentations. The application for a
2119 bail bond agency license must include:

2120 (a) The name and license number of each owner, partner,
2121 officer, director, president, senior vice president, secretary,
2122 treasurer, and limited liability company member who directs or
2123 participates in the management or control of the bail bond
2124 agency, whether through ownership of voting securities, by
2125 contract, by ownership of any agency bank account, or otherwise.

2126 (b) The residence address of each person required to be
2127 listed in the application under paragraph (a).

2128 (c) The name, principal business street address, and valid
2129 e-mail address of the bail bond agency and the name, address,
2130 and e-mail address of the agency's registered agent or person or
2131 company authorized to accept service on behalf of the bail bond
2132 agency.

2133 (d) The physical address of each branch bail bond agency,
2134 including its name, e-mail address, and telephone number, and
2135 the date that the branch location began transacting bail bond
2136 business.

2137 (e) The name of the full-time bail bond agent in charge of
2138 the agency office, including branch locations, and his or her
2139 corresponding location.

2140 (f) Such additional information as the department requires
2141 by rule to ascertain the trustworthiness and competence of

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2142 persons required to be listed on the application and to
2143 ascertain that such persons meet the requirements of this code.
2144 However, the department may not require that credit or character
2145 reports be submitted for persons required to be listed on the
2146 application.

2147 (4) The department must issue a license to each agency
2148 upon approval of the application, and each agency location must
2149 display the license prominently in a manner that makes it
2150 clearly visible to any customer or potential customer who enters
2151 the agency location.

2152 (5) A bail bond agency that holds a current and valid
2153 registration number with the department shall have its
2154 registration automatically converted to a license on July 1,
2155 2024.

2156 (6) Section 112.011 does not apply to bail bond agencies
2157 or to applicants for licensure as owners of bail bond agencies.

2158 (7)~~(2)~~ If the owner of a bail bond agency dies or becomes
2159 mentally incapacitated, a personal representative or legal
2160 guardian may be issued a temporary permit to manage the affairs
2161 of the bail bond agency. Such person must appoint or maintain
2162 the appointment of a ~~primary~~ bail bond agent in charge, as
2163 provided in s. 648.387, and may not engage in any activities as
2164 a licensed bail bond agent but must comply with s. 648.387
2165 during the administration of the estate or guardianship. A
2166 temporary permit is valid for a maximum of 24 months.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2167 ~~(8)(3)~~ Application for a temporary permit must be made by
2168 the personal representative or legal guardian upon statements
2169 and affidavits filed with the department on forms prescribed and
2170 furnished by it. The applicant must meet the qualifications for
2171 licensure as a bail bond agent, except for the residency,
2172 examination, education, and experience requirements.

2173 Section 51. Subsection (1) of section 648.30, Florida
2174 Statutes, is amended to read:

2175 648.30 Licensure and appointment required; prohibited
2176 acts; penalties.—

2177 (1)(a) A person or entity may not act in the capacity of a
2178 bail bond agent or ~~temporary~~ bail bond agency agent or perform
2179 any of the functions, duties, or powers prescribed for bail bond
2180 agents or ~~temporary~~ bail bond agencies agents under this chapter
2181 unless that person or entity is qualified, licensed, and
2182 appointed as provided in this chapter and employed by a bail
2183 bond agency.

2184 (b) A bail bond agent may not sell a bail bond issued by
2185 an insurer for which the agent and the agent's bail bond agency
2186 do not hold a current appointment.

2187 (c) Except as otherwise provided in this part, a person or
2188 entity, other than a bail bond agency or an employee of a bail
2189 bond agency, may not perform any of the functions of a bail bond
2190 agency without a bail bond agency license.

2191 Section 52. Section 648.31, Florida Statutes, is amended

Amendment No. 1

2192 to read:

2193 648.31 Appointment taxes and fees.—The department shall
2194 collect in advance all appointment taxes and fees for the
2195 issuance of any appointment to a bail bond agent ~~or temporary~~
2196 ~~bail bond agent~~, as provided in s. 624.501.

2197 Section 53. Subsection (2) of section 648.34, Florida
2198 Statutes, is amended to read:

2199 648.34 Bail bond agents; qualifications.—

2200 (2) To qualify as a bail bond agent, it must affirmatively
2201 appear at the time of application and throughout the period of
2202 licensure that the applicant ~~has complied with the provisions of~~
2203 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
2204 ~~section and:~~

2205 (a) ~~The applicant~~ Is a natural person who has reached the
2206 age of 18 years and holds a high school diploma or its
2207 equivalent.

2208 (b) ~~The applicant~~ Is a United States citizen or legal
2209 alien who possesses work authorization from the United States
2210 Bureau of Citizenship and Immigration Services and is a resident
2211 of this state. An individual who is a resident of this state
2212 shall be deemed to meet the residence requirement of this
2213 paragraph, notwithstanding the existence, at the time of
2214 application for license, of a license in the applicant's name on
2215 the records of another state as a resident licensee of such
2216 other state, if the applicant furnishes a letter of clearance

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2217 satisfactory to the department that his or her resident licenses
2218 have been canceled or changed to a nonresident basis and that he
2219 or she is in good standing.

2220 (c) Will maintain his or her ~~The place of business of the~~
2221 ~~applicant will be located~~ in this state and in the county where
2222 the applicant will maintain his or her records and be actively
2223 engaged in the bail bond business and work with a licensed
2224 ~~maintain an~~ agency accessible to the public which is open for
2225 reasonable business hours.

2226 (d) ~~The applicant~~ Is vouched for and recommended upon
2227 sworn statements filed with the department by at least three
2228 reputable citizens who are residents of the same counties in
2229 which the applicant proposes to engage in the bail bond
2230 business.

2231 (e) ~~The applicant~~ Is a person of high character and
2232 approved integrity and has not been convicted of or pleaded
2233 guilty or no contest to a felony, a crime involving moral
2234 turpitude, or a crime punishable by imprisonment of 1 year or
2235 more under the law of any state, territory, or country, whether
2236 or not a judgment or conviction has been entered.

2237 (f) Within 2 years immediately before applying for the
2238 license, has successfully completed a basic certification course
2239 in the criminal justice system which consists of at least 120
2240 hours of classroom instruction with a passing grade of 80
2241 percent or higher and has successfully completed a

Amendment No. 1

2242 correspondence course for bail bond agents approved by the
2243 department.

2244 ~~(g)-(f) The applicant Has passed any required examination.~~

2245 Section 54. Section 648.355, Florida Statutes, is amended
2246 to read:

2247 648.355 ~~Temporary limited license as~~ Limited surety agents
2248 and agent or professional bail bond agents agent; qualifications
2249 pending examination.-

2250 (1) ~~The department may, in its discretion, issue a~~
2251 ~~temporary license as a limited surety agent or professional bail~~
2252 ~~bond agent, subject to the following conditions:~~

2253 ~~(a) The applicant is a natural person at least 18 years of~~
2254 ~~age and holds a high school diploma or its equivalent.~~

2255 ~~(b) The applicant is a United States citizen or legal~~
2256 ~~alien who possesses work authorization from the United States~~
2257 ~~Bureau of Citizenship and Immigration Services and is a resident~~
2258 ~~of this state. An individual who is a resident of this state~~
2259 ~~shall be deemed to meet the residence requirement of this~~
2260 ~~paragraph, notwithstanding the existence, at the time of~~
2261 ~~application for temporary license, of a license in the~~
2262 ~~individual's name on the records of another state as a resident~~
2263 ~~licensee of such other state, if the applicant furnishes a~~
2264 ~~letter of clearance satisfactory to the department that the~~
2265 ~~individual's resident licenses have been canceled or changed to~~
2266 ~~a nonresident basis and that the individual is in good standing.~~

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2267 ~~(c) The applicant is a person of high character and~~
2268 ~~approved integrity and has never been convicted of or pleaded~~
2269 ~~guilty or no contest to a felony, a crime involving moral~~
2270 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
2271 ~~more under the law of any state, territory, or country, whether~~
2272 ~~or not a judgment or conviction is entered.~~

2273 ~~(d) Within 4 years prior to the date of application for a~~
2274 ~~temporary license, the applicant has successfully completed a~~
2275 ~~basic certification course in the criminal justice system,~~
2276 ~~consisting of not less than 120 hours of classroom instruction~~
2277 ~~with a passing grade of 80 percent or higher and has~~
2278 ~~successfully completed a correspondence course for bail bond~~
2279 ~~agents approved by the department.~~

2280 ~~(e) The applicant must be employed full time at the time~~
2281 ~~of licensure, and at all times throughout the existence of the~~
2282 ~~temporary license, by only one licensed and appointed~~
2283 ~~supervising bail bond agent, who supervises the work of the~~
2284 ~~applicant and is responsible for the licensee's conduct in the~~
2285 ~~bail bond business. The applicant must be appointed by the same~~
2286 ~~insurers as the supervising bail bond agent. The supervising~~
2287 ~~bail bond agent shall certify monthly to the department under~~
2288 ~~oath, on a form prescribed by the department, the names and~~
2289 ~~hours worked each week of all temporary bail bond agents. Filing~~
2290 ~~a false certification is grounds for the immediate suspension of~~
2291 ~~the license and imposition of a \$5,000 administrative fine. The~~

Amendment No. 1

2292 ~~department may adopt rules that establish standards for the~~
2293 ~~employment requirements.~~

2294 ~~(f) The application must be accompanied by an affidavit~~
2295 ~~verifying proposed employment and a report as to the applicant's~~
2296 ~~integrity and moral character on a form prescribed by the~~
2297 ~~department and executed by the proposed employer.~~

2298 ~~(g) The applicant must file with the department statements~~
2299 ~~by at least three reputable citizens who are residents of the~~
2300 ~~same counties in which the applicant proposes to engage as a~~
2301 ~~temporary licensee.~~

2302 ~~(h) The applicant's employer is responsible for the bail~~
2303 ~~bonding acts of any licensee under this section.~~

2304 ~~(2) All applicable license fees, as prescribed in s.~~
2305 ~~624.501, must be paid before issuance of the temporary license.~~

2306 ~~(3) The temporary license shall be effective for 18~~
2307 ~~months, subject to earlier termination at the request of the~~
2308 ~~employer or if suspended or revoked by the department.~~

2309 ~~(4) The applicant shall furnish, with the application for~~
2310 ~~temporary license, a complete set of the applicant's~~
2311 ~~fingerprints in accordance with s. 626.171(4) and a recent~~
2312 ~~credential-sized, fullface photograph of the applicant. The~~
2313 ~~department may shall not issue a temporary license under this~~
2314 ~~section until the department has received a report from the~~
2315 ~~Department of Law Enforcement and the Federal Bureau of~~
2316 ~~Investigation relative to the existence or nonexistence of a~~

Amendment No. 1

2317 criminal history report based on the applicant's fingerprints.

2318 ~~(2)(5)~~ The department may collect a fee necessary to cover
2319 the cost of a character and credit report made by an established
2320 and reputable independent reporting service. The fee shall be
2321 deposited to the credit of the Insurance Regulatory Trust Fund.

2322 ~~(3)(6)~~ Effective July 1, 2023, any individual licensed by
2323 the department as a temporary bail bond agent may take the
2324 required bail bond agent's licensure examination, may file an
2325 application for a bail bond agent's license if otherwise
2326 qualified for licensure, and may take the required bail bond
2327 agent's licensure examination ~~After licensure as a temporary~~
2328 ~~licensee for at least 12 months, such licensee may file an~~
2329 ~~application for and become eligible for a regular bail bond~~
2330 ~~agent's license based on the licensee's experience in the bail~~
2331 ~~bond business and education pursuant to paragraph (1) (d) and, if~~
2332 ~~otherwise qualified, take the required bail bond agent's~~
2333 ~~licensure examination. The applicant and supervising bail bond~~
2334 ~~agent must each file an affidavit under oath, on a form~~
2335 ~~prescribed by the department, verifying the required employment~~
2336 ~~of the temporary agent before issuance of the license.~~

2337 ~~(7)~~ ~~In no event shall a temporary licensee licensed under~~
2338 ~~this section perform any of the functions for which a bail bond~~
2339 ~~agent's license is required after expiration of the temporary~~
2340 ~~license without having passed the written examination as for a~~
2341 ~~regular bail bond agent's license.~~

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2342 ~~(8)(a) A temporary licensee has the same authority as a~~
2343 ~~licensed bail bond agent, including presenting defendants in~~
2344 ~~court; apprehending, arresting, and surrendering defendants to~~
2345 ~~the proper authorities; and keeping defendants under necessary~~
2346 ~~surveillance. However, a temporary licensee must be accompanied~~
2347 ~~by a supervising bail bond agent or an agent from the same~~
2348 ~~agency when apprehending, arresting, or surrendering defendants~~
2349 ~~to authorities.~~

2350 ~~(b) A temporary licensee may not execute or sign bonds,~~
2351 ~~handle collateral receipts, deliver bonds to appropriate~~
2352 ~~authorities, or operate an agency or branch agency separate from~~
2353 ~~the location of the supervising bail bond agent, managing~~
2354 ~~general agent, or insurer by whom the licensee is employed.~~

2355 ~~(4)(9)~~ Effective July 1, 2023, the department may not
2356 issue a temporary bail bond agent's license. An individual
2357 currently licensed as a temporary bail bond agent may continue
2358 to be licensed in accordance with this chapter. A temporary bail
2359 bond agent's license may not be reinstated if the license
2360 expires or is terminated, suspended, or revoked ~~The department~~
2361 ~~shall not issue a temporary bail bond agent's license to any~~
2362 ~~individual who has held such a temporary license in this state~~
2363 ~~within 2 years after the expiration of such temporary bail bond~~
2364 ~~agent's license.~~

2365 Section 55. Subsections (1) through (4) of section
2366 648.382, Florida Statutes, are amended to read:

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2367 648.382 Appointment of bail bond agents and bail bond
2368 agencies ~~temporary bail bond agents~~; effective date of
2369 appointment.-

2370 (1) (a) Each insurer ~~or appointing a bail bond agent and~~
2371 ~~each insurer~~, managing general agent, ~~or bail bond agent~~
2372 appointing a ~~temporary~~ bail bond agent or bail bond agency in
2373 this state must file the appointment with the department and, at
2374 the same time, pay the applicable appointment fees and taxes. A
2375 person appointed under this section must hold a valid bail bond
2376 agent's or ~~temporary~~ bail bond agency's ~~agent's~~ license.

2377 (b) Effective July 1, 2025, each insurer or managing
2378 general agent appointing a bail bond agency in this state must
2379 file the appointment with the department. An entity appointed
2380 under this section must hold a valid bail bond agency's license.

2381 (2) Before ~~Prior to~~ any appointment, an appropriate
2382 officer or official of the appointing insurer ~~in the case of a~~
2383 ~~bail bond agent or an insurer, managing general agent, or bail~~
2384 ~~bond agent in the case of a temporary bail bond agent~~ must
2385 submit:

2386 (a) A certified statement or affidavit to the department
2387 stating what investigation has been made concerning the proposed
2388 appointee and the proposed appointee's background and the
2389 appointing person's opinion to the best of his or her knowledge
2390 and belief as to the moral character and reputation of the
2391 proposed appointee. In lieu of such certified statement or

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2392 affidavit, by authorizing the effectuation of an appointment for
2393 a licensee, the appointing entity certifies to the department
2394 that such investigation has been made and that the results of
2395 the investigation and the appointing person's opinion is that
2396 the proposed appointee is a person of good moral character and
2397 reputation and is fit to engage in the bail bond business;

2398 (b) An affidavit under oath on a form prescribed by the
2399 department, signed by the proposed appointee, stating that
2400 premiums are not owed to any insurer and that the appointee will
2401 discharge all outstanding forfeitures and judgments on bonds
2402 previously written. If the appointee does not satisfy or
2403 discharge such forfeitures or judgments, the former insurer
2404 shall file a notice, with supporting documents, with the
2405 appointing insurer, the former agent or agency, and the
2406 department, stating under oath that the licensee has failed to
2407 timely satisfy forfeitures and judgments on bonds written and
2408 that the insurer has satisfied the forfeiture or judgment from
2409 its own funds. Upon receipt of such notification and supporting
2410 documents, the appointing insurer shall immediately cancel the
2411 licensee's appointment. The licensee may be reappointed only
2412 upon certification by the former insurer that all forfeitures
2413 and judgments on bonds written by the licensee have been
2414 discharged. The appointing insurer or former agent or agency
2415 may, within 10 days, file a petition with the department seeking
2416 relief from this paragraph. Filing of the petition stays the

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2417 duty of the appointing insurer to cancel the appointment until
2418 the department grants or denies the petition; ~~and~~

2419 (c) Any other information that the department reasonably
2420 requires concerning the proposed appointee; and

2421 (d) Effective January 1, 2025, a certification that the
2422 appointing entity obtained from each appointee the following
2423 sworn statement:

2424
2425 Pursuant to section 648.382(2)(b), Florida Statutes, I
2426 do solemnly swear that I owe no premium to any insurer
2427 and that I will discharge all outstanding forfeitures
2428 and judgments on bonds that have been previously
2429 written. I acknowledge that failure to do this will
2430 result in my active appointments being canceled.

2431
2432 An appointed bail bond agency must have the attestation under
2433 this paragraph signed by its owner.

2434 (3) By authorizing the effectuation of an appointment for
2435 a licensee, the appointing insurer certifies to the department
2436 that the insurer will be bound by the acts of the bail bond
2437 agent or bail bond agency acting within the scope of the agent's
2438 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
2439 ~~temporary bail bond agent, the appointing insurer, managing~~
2440 ~~general agent, or bail bond agent, as the case may be, must~~
2441 ~~certify to the department that he or she will supervise the~~

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2442 ~~temporary bail bond agent's activities.~~

2443 (4) Each appointing insurer ~~or~~, managing general agent, ~~or~~
2444 ~~bail bond agent~~ must advise the department in writing within 5
2445 days after receiving notice or learning that an appointee has
2446 been arrested for, pled guilty or nolo contendere to, or been
2447 found guilty of, a felony or other offense punishable by
2448 imprisonment of 1 year or more under the law of any
2449 jurisdiction, whether judgment was entered or withheld by the
2450 court.

2451 Section 56. Present subsections (1) through (4) of section
2452 648.386, Florida Statutes, are redesignated as subsections (2)
2453 through (5), respectively, a new subsection (1) is added to that
2454 section, and present subsection (2) of that section is amended,
2455 to read:

2456 648.386 Qualifications for prelicensing and continuing
2457 education schools and instructors.—

2458 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
2459 section, the term "classroom instruction" means a course
2460 designed to be presented to a group of students by a live
2461 instructor using lecture, video, webcast, or virtual or other
2462 audio-video presentation.

2463 (3)~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
2464 SCHOOLS.—In order to be considered for approval and
2465 certification as an approved limited surety agent and
2466 professional bail bond agent continuing education school, such

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2467 entity must:

2468 (a) Provide a minimum of three classroom-instruction
2469 continuing education classes per calendar year.

2470 (b) Submit a course curriculum to the department for
2471 approval.

2472 (c) Offer continuing education classes that comprise ~~which~~
2473 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
2474 instruction coursework and are taught by an approved supervising
2475 instructor or guest lecturer approved by the entity or the
2476 supervising instructor.

2477 Section 57. Section 648.387, Florida Statutes, is amended
2478 to read:

2479 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2480 (1) The owner or operator of a bail bond agency shall
2481 designate a ~~primary~~ bail bond agent in charge for each location,
2482 and shall file with the department the name and license number
2483 of the person and the address of the location on a form approved
2484 by the department. The designation of the ~~primary~~ bail bond
2485 agent in charge may be changed if the department is notified
2486 immediately. Failure to notify the department within 10 working
2487 days after such change is grounds for disciplinary action
2488 pursuant to s. 648.45.

2489 (2) The ~~primary~~ bail bond agent in charge is responsible
2490 for the overall operation and management of a bail bond agency
2491 location, whose responsibilities may include, without

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2492 limitations, hiring and supervising of all individuals within
2493 the location, whether they deal with the public in the
2494 solicitation or negotiation of bail bond contracts or in the
2495 collection or accounting of moneys. A person may be designated
2496 as the primary bail bond agent in charge for only one agency and
2497 location.

2498 (3) The department may suspend or revoke the license of
2499 the owner, bail bond agent in charge operator, and primary bail
2500 bond agency agent if the a bail bond agency employs, contracts
2501 with, or uses the services of a person who has had a license
2502 denied or whose license is currently suspended or revoked.
2503 However, a person who has been denied a license for failure to
2504 pass a required examination may be employed to perform clerical
2505 or administrative functions for which licensure is not required.

2506 (4) An owner, a bail bond agent in charge operator, or a
2507 bail bond agency primary agent may not employ, contract with, or
2508 use the services of any person in a bail bond agency who has
2509 been charged with, found guilty of, or pled guilty or nolo
2510 contendere to a felony or a crime punishable by imprisonment of
2511 1 year or more under the law of any jurisdiction, without regard
2512 to whether judgment was entered or withheld by the court.

2513 (5) A bail bond agency location may not conduct surety
2514 business unless a primary bail bond agent in charge is
2515 designated by, and provides services to, the bail bond agency at
2516 all times. If the bail bond agent in charge designated with the

Amendment No. 1

2517 department ends his or her affiliation with the bail bond agency
2518 for any reason, and the bail bond agency fails to designate
2519 another bail bond agent in charge within the 10-day period under
2520 subsection (1) and such failure continues for 90 days, the bail
2521 bond agency license automatically expires on the 91st day after
2522 the date the designated bail bond agent in charge ended his or
2523 her affiliation with the agency ~~The failure to designate a~~
2524 ~~primary agent on a form prescribed by the department, within 10~~
2525 ~~working days after an agency's inception or a change of primary~~
2526 ~~agent, is a violation of this chapter, punishable as provided in~~
2527 ~~s. 648.45.~~

2528 Section 58. Section 648.3875, Florida Statutes, is created
2529 to read:

2530 648.3875 Bail bond agent in charge; qualifications.-

2531 (1) An application for designation as a bail bond agent in
2532 charge must be submitted on forms prescribed by the department.
2533 The application must include the applicant's full name and the
2534 applicant's license number issued pursuant to s. 648.27.

2535 (2) To qualify as a bail bond agent in charge, it must
2536 affirmatively appear that, at the time of application and
2537 throughout the period of licensure, the applicant has complied
2538 with s. 648.285 and that the applicant has been licensed as a
2539 bail bond agent for the 24 months immediately preceding the
2540 appointment as the bail bond agent in charge.

2541 Section 59. Section 648.39, Florida Statutes, is amended

Amendment No. 1

2542 to read:

2543 648.39 Termination of appointment of managing general
2544 agents, bail bond agents, and ~~temporary~~ bail bond agencies
2545 ~~agents.~~

2546 (1) An insurer that ~~who~~ terminates the appointment of a
2547 managing general agent, bail bond agent, or ~~temporary~~ bail bond
2548 agency agent shall, within 10 days after such termination, file
2549 written notice thereof with the department together with a
2550 statement that it has given or mailed notice to the terminated
2551 agent or agency. Such notice filed with the department must
2552 state the reasons, if any, for such termination. Information so
2553 furnished to the department is confidential and exempt from ~~the~~
2554 ~~provisions of~~ s. 119.07(1).

2555 (2) Each insurer shall, within 5 days after terminating
2556 the appointment of any managing general agent, bail bond agent,
2557 or ~~temporary~~ bail bond agency agent, give written notice thereof
2558 to each clerk of the circuit court and sheriff with whom such
2559 person is registered.

2560 (3) An insurer that terminates the appointment of a
2561 managing general agent, or bail bond agent, ~~or temporary bail~~
2562 ~~bond agency agent~~ may authorize such person to continue to
2563 attempt the arrest and surrender of a defendant for whom a
2564 surety bond had been written by the bail bond agent before ~~prior~~
2565 ~~to~~ termination and to seek discharge of forfeitures and
2566 judgments as provided in chapter 903.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2567 Section 60. Section 648.41, Florida Statutes, is repealed.

2568 Section 61. Section 648.42, Florida Statutes, is amended

2569 to read:

2570 648.42 Registration of bail bond agents.—A bail bond agent
2571 may not become a surety on an undertaking unless he or she has
2572 registered in the office of the sheriff and with the clerk of
2573 the circuit court in the county in which the bail bond agent
2574 resides. The bail bond agent may register in a like manner in
2575 any other county, and any bail bond agent shall file a certified
2576 copy of his or her appointment by power of attorney from each
2577 insurer which he or she represents as a bail bond agent with
2578 each of such officers. Registration and filing of a certified
2579 copy of renewed power of attorney shall be performed by April 1
2580 of each odd-numbered year. The clerk of the circuit court and
2581 the sheriff may ~~shall~~ not permit the registration of a bail bond
2582 agent unless such bail bond agent is currently licensed by the
2583 department and appointed by an insurer ~~the department~~. ~~Nothing~~
2584 ~~in this section shall prevent the registration of a temporary~~
2585 ~~licensee at the jail for the purposes of enabling the licensee~~
2586 ~~to perform the duties under such license as set forth in this~~
2587 ~~chapter.~~

2588 Section 62. Subsections (1) and (2) and paragraphs (c) and
2589 (d) of subsection (8) of section 648.44, Florida Statutes, are
2590 amended to read:

2591 648.44 Prohibitions; penalty.—

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2592 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
2593 may not:

2594 (a) Suggest or advise the employment of, or name for
2595 employment, any particular attorney or attorneys to represent
2596 his or her principal.

2597 (b) Directly or indirectly solicit business in or on the
2598 property or grounds of a jail, prison, or other place where
2599 prisoners are confined or in or on the property or grounds of
2600 any court. The term "solicitation" includes the distribution of
2601 business cards, print advertising, or other written or oral
2602 information directed to prisoners or potential indemnitors,
2603 unless a request is initiated by the prisoner or a potential
2604 indemnitor. Permissible print advertising in the jail is
2605 strictly limited to a listing in a telephone directory and the
2606 posting of the bail bond agent's or agency's name, address, e-
2607 mail address, web address, and telephone number in a designated
2608 location within the jail.

2609 (c) Initiate in-person or telephone solicitation after
2610 9:00 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
2611 ~~eases,~~ at the residence of the detainee or the detainee's
2612 family. Any solicitation ~~not prohibited by this chapter~~ must
2613 comply with the telephone solicitation requirements in ss.
2614 501.059(2) and (4), 501.613, and 501.616(6).

2615 (d) Wear or display any identification other than the
2616 department issued or approved license or approved department

Amendment No. 1

2617 identification, which includes a citation of the licensee's
2618 arrest powers, in or on the property or grounds of a jail,
2619 prison, or other place where prisoners are confined or in or on
2620 the property or grounds of any court.

2621 (e) Pay a fee or rebate or give or promise anything of
2622 value to a jailer, police officer, peace officer, or committing
2623 trial court judge or any other person who has power to arrest or
2624 to hold in custody or to any public official or public employee
2625 in order to secure a settlement, compromise, remission, or
2626 reduction of the amount of any bail bond or estreatment thereof.

2627 (f) Pay a fee or rebate or give anything of value to an
2628 attorney in a bail bond matter, except in defense of any action
2629 on a bond.

2630 (g) Pay a fee or rebate or give or promise anything of
2631 value to the principal or anyone in his or her behalf.

2632 (h) Participate in the capacity of an attorney at a trial
2633 or hearing of one on whose bond he or she is surety.

2634 (i) Loiter in or about a jail, courthouse, or where
2635 prisoners are confined.

2636 (j) Accept anything of value from a principal for
2637 providing a bail bond except the premium and transfer fee
2638 authorized by the office, except that the bail bond agent or
2639 bail bond agency may accept collateral security or other
2640 indemnity from the principal or another person in accordance
2641 with ~~the provisions of~~ s. 648.442, together with documentary

Amendment No. 1

2642 stamp taxes, if applicable. No fees, expenses, or charges of any
2643 kind shall be permitted to be deducted from the collateral held
2644 or any return premium due, except as authorized by this chapter
2645 or rule of the department or commission. A bail bond agent or
2646 bail bond agency may, upon written agreement with another party,
2647 receive a fee or compensation for returning to custody an
2648 individual who has fled the jurisdiction of the court or caused
2649 the forfeiture of a bond.

2650 (k) Write more than one power of attorney per charge on a
2651 bond, except in the case of a cosurety, unless the power of
2652 attorney prohibits a cosurety.

2653 (l) Execute a bond in this state on his or her own behalf.

2654 (m) Execute a bond in this state if a judgment has been
2655 entered on a bond executed by the bail bond agent or bail bond
2656 agency is a named party on the judgement, which has remained
2657 unpaid for 35 days, unless the full amount of the judgment is
2658 deposited with the clerk in accordance with s. 903.27(5).

2659 (n) Make a statement or representation to a court, unless
2660 such statement or representation is under oath. Such statement
2661 or representation may not be false, misleading, or deceptive.

2662 (o) Attempt to collect, through threat or coercion,
2663 amounts due for the payment of any indebtedness related to the
2664 issuance of a bail bond in violation of s. 559.72.

2665 (p) Conduct bail bond business with any person, other than
2666 the defendant, on the grounds of the jail or courthouse for the

Amendment No. 1

2667 | purpose of executing a bond.

2668 | (2) The following persons or classes may ~~shall~~ not be bail
2669 | bond agents, ~~temporary bail bond agents~~, or employees of a bail
2670 | bond agent or a bail bond agency ~~business~~ and may ~~shall~~ not
2671 | directly or indirectly receive any benefits from the execution
2672 | of any bail bond:

2673 | (a) Jailers or persons employed in any jail.

2674 | (b) Police officers or employees of any police department
2675 | or law enforcement agency.

2676 | (c) Committing trial court judges, employees of a court,
2677 | or employees of the clerk of any court.

2678 | (d) Sheriffs and deputy sheriffs or employees of any
2679 | sheriff's department.

2680 | (e) Attorneys.

2681 | (f) Persons having the power to arrest or persons who have
2682 | authority over or control of federal, state, county, or
2683 | municipal prisoners.

2684 | (8)

2685 | (c) Any law enforcement agency, state attorney's office,
2686 | court clerk, or insurer that is aware that a bail bond agent ~~or~~
2687 | ~~temporary bail bond agent~~ has been convicted of or who has
2688 | pleaded guilty or no contest to a crime as described in
2689 | paragraph (a) shall notify the department of this fact.

2690 | (d) Upon the filing of an information or indictment
2691 | against a bail bond agent ~~or temporary bail bond agent~~, the

Amendment No. 1

2692 state attorney or clerk of the circuit court shall immediately
2693 furnish the department a certified copy of the information or
2694 indictment.

2695 Section 63. Subsection (1) of section 648.441, Florida
2696 Statutes, is amended to read:

2697 648.441 Furnishing supplies to unlicensed bail bond agent
2698 prohibited; civil liability and penalty.—

2699 (1) An insurer, managing general agent, bail bond agent,
2700 or ~~temporary~~ bail bond agency ~~agent~~ appointed under this chapter
2701 may not furnish to any person any blank forms, applications,
2702 stationery, business card, or other supplies to be used in
2703 soliciting, negotiating, or effecting bail bonds until such
2704 person has received from the department a license to act as a
2705 bail bond agent and is appointed by the insurer. This section
2706 does not prohibit an unlicensed employee, under the direct
2707 supervision and control of a licensed and appointed bail bond
2708 agent, from possessing or executing in the bail bond agency, any
2709 forms, except for powers of attorney, bond forms, and collateral
2710 receipts, while acting within the scope of his or her
2711 employment.

2712 Section 64. Subsection (3) of section 648.46, Florida
2713 Statutes, is amended to read:

2714 648.46 Procedure for disciplinary action against
2715 licensees.—

2716 (3) The complaint and all information obtained pursuant to

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2717 the investigation of the department are confidential and exempt
2718 from the provisions of s. 119.07(1) until such investigation is
2719 completed or ceases to be active. For the purpose of this
2720 section, an investigation is considered "active" while the
2721 investigation is being conducted by the department with a
2722 reasonable, good faith belief that it may lead to the filing of
2723 administrative, civil, or criminal proceedings. An investigation
2724 does not cease to be active if the department is proceeding with
2725 reasonable dispatch and there is good faith belief that action
2726 may be initiated by the department or other administrative or
2727 law enforcement agency. This subsection does not prevent the
2728 department or office from disclosing the complaint or such
2729 information as it deems necessary to conduct the investigation,
2730 to update the complainant as to the status and outcome of the
2731 complaint, or to share such information with any law enforcement
2732 agency or other regulatory body.

2733 Section 65. Section 648.50, Florida Statutes, is amended
2734 to read:

2735 648.50 Effect of suspension, revocation upon associated
2736 licenses and licensees.—

2737 (1) Upon the suspension, revocation, or refusal to renew
2738 or continue any license or appointment or the eligibility to
2739 hold a license or appointment of a bail bond agent or ~~temporary~~
2740 bail bond agency agent, the department shall at the same time
2741 likewise suspend or revoke all other licenses or appointments

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2742 and the eligibility to hold any other such licenses or
2743 appointments which may be held by the licensee under the Florida
2744 Insurance Code.

2745 (2) In case of the suspension or revocation of the license
2746 or appointment, or the eligibility to hold a license or
2747 appointment, of any bail bond agent, the license, appointment,
2748 or eligibility of any and all bail bond agents who are members
2749 of a bail bond agency, whether incorporated or unincorporated,
2750 ~~and any and all temporary bail bond agents employed by such bail~~
2751 ~~bond agency,~~ who knowingly are parties to the act which formed
2752 the ground for the suspension or revocation may likewise be
2753 suspended or revoked.

2754 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
2755 ~~temporary bail bond agent~~ has been revoked or suspended may not
2756 ~~shall~~ be employed by any bail bond agent, have any ownership
2757 interest in any business involving bail bonds, or have any
2758 financial interest of any type in any bail bond business during
2759 the period of revocation or suspension.

2760 Section 66. Subsections (4), (5), and (6) of section
2761 717.135, Florida Statutes, is amended to read:

2762 717.135 Recovery agreements and purchase agreements for
2763 claims filed by a claimant's representative; fees and costs.—

2764 (4) A claimant's representative must use the Unclaimed
2765 Property Recovery Agreement or the Unclaimed Property Purchase
2766 Agreement as the exclusive means of engaging into an agreement

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2767 or contract with a claimant or seller to file a claim with the
2768 department.

2769 (5) Fees and costs may be owed or paid to, or received by,
2770 a claimant's representative only after a filed claim has been
2771 approved and if the claimant's representative used an agreement
2772 authorized by this section.

2773 (6) A claimant's representative may not use or distribute
2774 any other agreement of any type, conveyed by any method, form,
2775 ~~or other media~~ with respect to the claimant or seller which
2776 relates, directly or indirectly, to unclaimed property accounts
2777 held by the department or the Chief Financial Officer other than
2778 the agreements authorized by this section. Any engagement,
2779 authorization, recovery, or fee agreement that is not authorized
2780 by this section is void. A claimant's representative is subject
2781 to administrative and civil enforcement under s. 717.1322 if he
2782 or she uses an agreement that is not authorized by this section.
2783 Nothing herein is intended to inhibit lawful non-agreement, non-
2784 contractual or advertising communications between or among the
2785 parties.

2786 Section 67. Paragraph (a) of subsection (4) of section
2787 843.021, Florida Statutes, is amended to read:

2788 843.021 Unlawful possession of a concealed handcuff key.—

2789 (4)(a) It is a defense to a charge of violating this
2790 section that the person in custody and in possession of a
2791 concealed handcuff key is:

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2792 1. A federal, state, or local law enforcement officer,
2793 including a reserve or auxiliary officer, a licensed security
2794 officer, or a private investigator as defined in s. 493.6101; or

2795 2. A professional bail bond agent, ~~temporary bail bond~~
2796 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

2797 Section 68. Paragraph (b) of subsection (6) of section
2798 28.2221, Florida Statutes, is amended to read:

2799 28.2221 Electronic access to official records.—

2800 (6)

2801 (b)1. For the purpose of conducting a title search, as
2802 defined in s. 627.7711(4), of the Official Records, as described
2803 in s. 28.222(2), and upon presentation of photo identification
2804 and affirmation by sworn affidavit consistent with s. 92.50 to
2805 the county recorder, information restricted from public display,
2806 inspection, or copying under paragraph (5)(a) pursuant to a
2807 request for removal made under s. 119.071(4)(d) may be disclosed
2808 to:

2809 a. A title insurer authorized pursuant to s. 624.401 and
2810 its affiliates as defined in s. 624.10;

2811 b. A title insurance agent or title insurance agency as
2812 these terms are defined in s. 626.841 ~~s. 626.841(1) and (2),~~
2813 ~~respectively;~~ or

2814 c. An attorney duly admitted to practice law in this state
2815 and in good standing with The Florida Bar.

2816 2. The photo identification and affirmation by sworn

Amendment No. 1

2817 affidavit may be delivered in person, by mail, or by electronic
2818 transmission to the county recorder.

2819 3. The affiant requestor must attest to his or her
2820 authority and the authorized purpose to access exempt
2821 information pursuant to this section for the property specified
2822 within the sworn affidavit.

2823 4. The affiant requestor must identify the Official
2824 Records book and page number, instrument number, or the clerk's
2825 file number for each document requested within the sworn
2826 affidavit and must include a description of the lawful purpose
2827 and identify the individual or property that is the subject of
2828 the search within the sworn affidavit.

2829 5. Affidavits submitted by a title insurer, title
2830 insurance agent, or title insurance agency must include the
2831 Florida Company Code or the license number, as applicable, and
2832 an attestation to the affiant requestor's authorization to
2833 transact business in this state. Affidavits submitted by an
2834 attorney authorized under this section must include the affiant
2835 requestor's Florida Bar number and a statement that the affiant
2836 requestor has an agency agreement with a title insurer directly
2837 or through his or her law firm.

2838 6. The county recorder must record such affidavit in the
2839 Official Records, as described in s. 28.222(2), but may not
2840 place the image or copy of the affidavit on a publicly available
2841 Internet website for general public display.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2842 7. Upon providing a document disclosing redacted
2843 information to an affiant requestor under this section, the
2844 county recorder must provide a copy of the affidavit requesting
2845 disclosure of the redacted information to each affected party at
2846 the address listed on the document or on the request for removal
2847 made by the affected party under s. 119.071. The county recorder
2848 must prepare a certificate of mailing to be affixed to the
2849 affidavit and must receive the statutory service charges as
2850 prescribed by s. 28.24 from the affiant requestor.

2851 8. Any party making a false attestation under this section
2852 is subject to the penalty of perjury under s. 837.012.

2853 Section 69. Paragraph (d) of subsection (4) of section
2854 119.071, Florida Statutes, is amended to read:

2855 119.071 General exemptions from inspection or copying of
2856 public records.—

2857 (4) AGENCY PERSONNEL INFORMATION.—

2858 (d)1. For purposes of this paragraph, the term:

2859 a. "Home addresses" means the dwelling location at which
2860 an individual resides and includes the physical address, mailing
2861 address, street address, parcel identification number, plot
2862 identification number, legal property description, neighborhood
2863 name and lot number, GPS coordinates, and any other descriptive
2864 property information that may reveal the home address.

2865 b. "Telephone numbers" includes home telephone numbers,
2866 personal cellular telephone numbers, personal pager telephone

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2867 numbers, and telephone numbers associated with personal
2868 communications devices.

2869 2.a. The home addresses, telephone numbers, dates of
2870 birth, and photographs of active or former sworn law enforcement
2871 personnel or of active or former civilian personnel employed by
2872 a law enforcement agency, including correctional and
2873 correctional probation officers, personnel of the Department of
2874 Children and Families whose duties include the investigation of
2875 abuse, neglect, exploitation, fraud, theft, or other criminal
2876 activities, personnel of the Department of Health whose duties
2877 are to support the investigation of child abuse or neglect, and
2878 personnel of the Department of Revenue or local governments
2879 whose responsibilities include revenue collection and
2880 enforcement or child support enforcement; the names, home
2881 addresses, telephone numbers, photographs, dates of birth, and
2882 places of employment of the spouses and children of such
2883 personnel; and the names and locations of schools and day care
2884 facilities attended by the children of such personnel are exempt
2885 from s. 119.07(1) and s. 24(a), Art. I of the State
2886 Constitution.

2887 b. The home addresses, telephone numbers, dates of birth,
2888 and photographs of current or former nonsworn investigative
2889 personnel of the Department of Financial Services whose duties
2890 include the investigation of fraud, theft, workers' compensation
2891 coverage requirements and compliance, other related criminal

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2892 activities, or state regulatory requirement violations; the
2893 names, home addresses, telephone numbers, dates of birth, and
2894 places of employment of the spouses and children of such
2895 personnel; and the names and locations of schools and day care
2896 facilities attended by the children of such personnel are exempt
2897 from s. 119.07(1) and s. 24(a), Art. I of the State
2898 Constitution.

2899 c. The home addresses, telephone numbers, dates of birth,
2900 and photographs of current or former nonsworn investigative
2901 personnel of the Office of Financial Regulation's Bureau of
2902 Financial Investigations whose duties include the investigation
2903 of fraud, theft, other related criminal activities, or state
2904 regulatory requirement violations; the names, home addresses,
2905 telephone numbers, dates of birth, and places of employment of
2906 the spouses and children of such personnel; and the names and
2907 locations of schools and day care facilities attended by the
2908 children of such personnel are exempt from s. 119.07(1) and s.
2909 24(a), Art. I of the State Constitution.

2910 d. The home addresses, telephone numbers, dates of birth,
2911 and photographs of current or former firefighters certified in
2912 compliance with s. 633.408; the names, home addresses, telephone
2913 numbers, photographs, dates of birth, and places of employment
2914 of the spouses and children of such firefighters; and the names
2915 and locations of schools and day care facilities attended by the
2916 children of such firefighters are exempt from s. 119.07(1) and

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2917 s. 24(a), Art. I of the State Constitution.

2918 e. The home addresses, dates of birth, and telephone
2919 numbers of current or former justices of the Supreme Court,
2920 district court of appeal judges, circuit court judges, and
2921 county court judges; the names, home addresses, telephone
2922 numbers, dates of birth, and places of employment of the spouses
2923 and children of current or former justices and judges; and the
2924 names and locations of schools and day care facilities attended
2925 by the children of current or former justices and judges are
2926 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2927 Constitution.

2928 f. The home addresses, telephone numbers, dates of birth,
2929 and photographs of current or former state attorneys, assistant
2930 state attorneys, statewide prosecutors, or assistant statewide
2931 prosecutors; the names, home addresses, telephone numbers,
2932 photographs, dates of birth, and places of employment of the
2933 spouses and children of current or former state attorneys,
2934 assistant state attorneys, statewide prosecutors, or assistant
2935 statewide prosecutors; and the names and locations of schools
2936 and day care facilities attended by the children of current or
2937 former state attorneys, assistant state attorneys, statewide
2938 prosecutors, or assistant statewide prosecutors are exempt from
2939 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2940 g. The home addresses, dates of birth, and telephone
2941 numbers of general magistrates, special magistrates, judges of

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2942 compensation claims, administrative law judges of the Division
2943 of Administrative Hearings, and child support enforcement
2944 hearing officers; the names, home addresses, telephone numbers,
2945 dates of birth, and places of employment of the spouses and
2946 children of general magistrates, special magistrates, judges of
2947 compensation claims, administrative law judges of the Division
2948 of Administrative Hearings, and child support enforcement
2949 hearing officers; and the names and locations of schools and day
2950 care facilities attended by the children of general magistrates,
2951 special magistrates, judges of compensation claims,
2952 administrative law judges of the Division of Administrative
2953 Hearings, and child support enforcement hearing officers are
2954 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2955 Constitution.

2956 h. The home addresses, telephone numbers, dates of birth,
2957 and photographs of current or former human resource, labor
2958 relations, or employee relations directors, assistant directors,
2959 managers, or assistant managers of any local government agency
2960 or water management district whose duties include hiring and
2961 firing employees, labor contract negotiation, administration, or
2962 other personnel-related duties; the names, home addresses,
2963 telephone numbers, dates of birth, and places of employment of
2964 the spouses and children of such personnel; and the names and
2965 locations of schools and day care facilities attended by the
2966 children of such personnel are exempt from s. 119.07(1) and s.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2967 24(a), Art. I of the State Constitution.

2968 i. The home addresses, telephone numbers, dates of birth,
2969 and photographs of current or former code enforcement officers;
2970 the names, home addresses, telephone numbers, dates of birth,
2971 and places of employment of the spouses and children of such
2972 personnel; and the names and locations of schools and day care
2973 facilities attended by the children of such personnel are exempt
2974 from s. 119.07(1) and s. 24(a), Art. I of the State
2975 Constitution.

2976 j. The home addresses, telephone numbers, places of
2977 employment, dates of birth, and photographs of current or former
2978 guardians ad litem, as defined in s. 39.820; the names, home
2979 addresses, telephone numbers, dates of birth, and places of
2980 employment of the spouses and children of such persons; and the
2981 names and locations of schools and day care facilities attended
2982 by the children of such persons are exempt from s. 119.07(1) and
2983 s. 24(a), Art. I of the State Constitution.

2984 k. The home addresses, telephone numbers, dates of birth,
2985 and photographs of current or former juvenile probation
2986 officers, juvenile probation supervisors, detention
2987 superintendents, assistant detention superintendents, juvenile
2988 justice detention officers I and II, juvenile justice detention
2989 officer supervisors, juvenile justice residential officers,
2990 juvenile justice residential officer supervisors I and II,
2991 juvenile justice counselors, juvenile justice counselor

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

2992 supervisors, human services counselor administrators, senior
2993 human services counselor administrators, rehabilitation
2994 therapists, and social services counselors of the Department of
2995 Juvenile Justice; the names, home addresses, telephone numbers,
2996 dates of birth, and places of employment of spouses and children
2997 of such personnel; and the names and locations of schools and
2998 day care facilities attended by the children of such personnel
2999 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3000 Constitution.

3001 1. The home addresses, telephone numbers, dates of birth,
3002 and photographs of current or former public defenders, assistant
3003 public defenders, criminal conflict and civil regional counsel,
3004 and assistant criminal conflict and civil regional counsel; the
3005 names, home addresses, telephone numbers, dates of birth, and
3006 places of employment of the spouses and children of current or
3007 former public defenders, assistant public defenders, criminal
3008 conflict and civil regional counsel, and assistant criminal
3009 conflict and civil regional counsel; and the names and locations
3010 of schools and day care facilities attended by the children of
3011 current or former public defenders, assistant public defenders,
3012 criminal conflict and civil regional counsel, and assistant
3013 criminal conflict and civil regional counsel are exempt from s.
3014 119.07(1) and s. 24(a), Art. I of the State Constitution.

3015 m. The home addresses, telephone numbers, dates of birth,
3016 and photographs of current or former investigators or inspectors

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3017 of the Department of Business and Professional Regulation; the
3018 names, home addresses, telephone numbers, dates of birth, and
3019 places of employment of the spouses and children of such current
3020 or former investigators and inspectors; and the names and
3021 locations of schools and day care facilities attended by the
3022 children of such current or former investigators and inspectors
3023 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3024 Constitution.

3025 n. The home addresses, telephone numbers, and dates of
3026 birth of county tax collectors; the names, home addresses,
3027 telephone numbers, dates of birth, and places of employment of
3028 the spouses and children of such tax collectors; and the names
3029 and locations of schools and day care facilities attended by the
3030 children of such tax collectors are exempt from s. 119.07(1) and
3031 s. 24(a), Art. I of the State Constitution.

3032 o. The home addresses, telephone numbers, dates of birth,
3033 and photographs of current or former personnel of the Department
3034 of Health whose duties include, or result in, the determination
3035 or adjudication of eligibility for social security disability
3036 benefits, the investigation or prosecution of complaints filed
3037 against health care practitioners, or the inspection of health
3038 care practitioners or health care facilities licensed by the
3039 Department of Health; the names, home addresses, telephone
3040 numbers, dates of birth, and places of employment of the spouses
3041 and children of such personnel; and the names and locations of

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3042 schools and day care facilities attended by the children of such
3043 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
3044 the State Constitution.

3045 p. The home addresses, telephone numbers, dates of birth,
3046 and photographs of current or former impaired practitioner
3047 consultants who are retained by an agency or current or former
3048 employees of an impaired practitioner consultant whose duties
3049 result in a determination of a person's skill and safety to
3050 practice a licensed profession; the names, home addresses,
3051 telephone numbers, dates of birth, and places of employment of
3052 the spouses and children of such consultants or their employees;
3053 and the names and locations of schools and day care facilities
3054 attended by the children of such consultants or employees are
3055 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3056 Constitution.

3057 q. The home addresses, telephone numbers, dates of birth,
3058 and photographs of current or former emergency medical
3059 technicians or paramedics certified under chapter 401; the
3060 names, home addresses, telephone numbers, dates of birth, and
3061 places of employment of the spouses and children of such
3062 emergency medical technicians or paramedics; and the names and
3063 locations of schools and day care facilities attended by the
3064 children of such emergency medical technicians or paramedics are
3065 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3066 Constitution.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3067 r. The home addresses, telephone numbers, dates of birth,
3068 and photographs of current or former personnel employed in an
3069 agency's office of inspector general or internal audit
3070 department whose duties include auditing or investigating waste,
3071 fraud, abuse, theft, exploitation, or other activities that
3072 could lead to criminal prosecution or administrative discipline;
3073 the names, home addresses, telephone numbers, dates of birth,
3074 and places of employment of spouses and children of such
3075 personnel; and the names and locations of schools and day care
3076 facilities attended by the children of such personnel are exempt
3077 from s. 119.07(1) and s. 24(a), Art. I of the State
3078 Constitution.

3079 s. The home addresses, telephone numbers, dates of birth,
3080 and photographs of current or former directors, managers,
3081 supervisors, nurses, and clinical employees of an addiction
3082 treatment facility; the home addresses, telephone numbers,
3083 photographs, dates of birth, and places of employment of the
3084 spouses and children of such personnel; and the names and
3085 locations of schools and day care facilities attended by the
3086 children of such personnel are exempt from s. 119.07(1) and s.
3087 24(a), Art. I of the State Constitution. For purposes of this
3088 sub-subparagraph, the term "addiction treatment facility" means
3089 a county government, or agency thereof, that is licensed
3090 pursuant to s. 397.401 and provides substance abuse prevention,
3091 intervention, or clinical treatment, including any licensed

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3092 service component described in s. 397.311(26).

3093 t. The home addresses, telephone numbers, dates of birth,
3094 and photographs of current or former directors, managers,
3095 supervisors, and clinical employees of a child advocacy center
3096 that meets the standards of s. 39.3035(2) and fulfills the
3097 screening requirement of s. 39.3035(3), and the members of a
3098 Child Protection Team as described in s. 39.303 whose duties
3099 include supporting the investigation of child abuse or sexual
3100 abuse, child abandonment, child neglect, and child exploitation
3101 or to provide services as part of a multidisciplinary case
3102 review team; the names, home addresses, telephone numbers,
3103 photographs, dates of birth, and places of employment of the
3104 spouses and children of such personnel and members; and the
3105 names and locations of schools and day care facilities attended
3106 by the children of such personnel and members are exempt from s.
3107 119.07(1) and s. 24(a), Art. I of the State Constitution.

3108 u. The home addresses, telephone numbers, places of
3109 employment, dates of birth, and photographs of current or former
3110 staff and domestic violence advocates, as defined in s.
3111 90.5036(1)(b), of domestic violence centers certified by the
3112 Department of Children and Families under chapter 39; the names,
3113 home addresses, telephone numbers, places of employment, dates
3114 of birth, and photographs of the spouses and children of such
3115 personnel; and the names and locations of schools and day care
3116 facilities attended by the children of such personnel are exempt

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3117 from s. 119.07(1) and s. 24(a), Art. I of the State
3118 Constitution.

3119 3. An agency that is the custodian of the information
3120 specified in subparagraph 2. and that is not the employer of the
3121 officer, employee, justice, judge, or other person specified in
3122 subparagraph 2. must maintain the exempt status of that
3123 information only if the officer, employee, justice, judge, other
3124 person, or employing agency of the designated employee submits a
3125 written and notarized request for maintenance of the exemption
3126 to the custodial agency. The request must state under oath the
3127 statutory basis for the individual's exemption request and
3128 confirm the individual's status as a party eligible for exempt
3129 status.

3130 4.a. A county property appraiser, as defined in s.
3131 192.001(3), or a county tax collector, as defined in s.
3132 192.001(4), who receives a written and notarized request for
3133 maintenance of the exemption pursuant to subparagraph 3. must
3134 comply by removing the name of the individual with exempt status
3135 and the instrument number or Official Records book and page
3136 number identifying the property with the exempt status from all
3137 publicly available records maintained by the property appraiser
3138 or tax collector. For written requests received on or before
3139 July 1, 2021, a county property appraiser or county tax
3140 collector must comply with this sub-subparagraph by October 1,
3141 2021. A county property appraiser or county tax collector may

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3142 not remove the street address, legal description, or other
3143 information identifying real property within the agency's
3144 records so long as a name or personal information otherwise
3145 exempt from inspection and copying pursuant to this section are
3146 not associated with the property or otherwise displayed in the
3147 public records of the agency.

3148 b. Any information restricted from public display,
3149 inspection, or copying under sub-subparagraph a. must be
3150 provided to the individual whose information was removed.

3151 5. An officer, an employee, a justice, a judge, or other
3152 person specified in subparagraph 2. may submit a written request
3153 for the release of his or her exempt information to the
3154 custodial agency. The written request must be notarized and must
3155 specify the information to be released and the party authorized
3156 to receive the information. Upon receipt of the written request,
3157 the custodial agency must release the specified information to
3158 the party authorized to receive such information.

3159 6. The exemptions in this paragraph apply to information
3160 held by an agency before, on, or after the effective date of the
3161 exemption.

3162 7. Information made exempt under this paragraph may be
3163 disclosed pursuant to s. 28.2221 to a title insurer authorized
3164 pursuant to s. 624.401 and its affiliates as defined in s.
3165 624.10; a title insurance agent or title insurance agency as
3166 these terms are defined in s. 626.841 ~~s. 626.841(1) or (2),~~

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3167 respectively; or an attorney duly admitted to practice law in
3168 this state and in good standing with The Florida Bar.

3169 8. The exempt status of a home address contained in the
3170 Official Records is maintained only during the period when a
3171 protected party resides at the dwelling location. Upon
3172 conveyance of real property after October 1, 2021, and when such
3173 real property no longer constitutes a protected party's home
3174 address as defined in sub-subparagraph 1.a., the protected party
3175 must submit a written request to release the removed information
3176 to the county recorder. The written request to release the
3177 removed information must be notarized, must confirm that a
3178 protected party's request for release is pursuant to a
3179 conveyance of his or her dwelling location, and must specify the
3180 Official Records book and page, instrument number, or clerk's
3181 file number for each document containing the information to be
3182 released.

3183 9. Upon the death of a protected party as verified by a
3184 certified copy of a death certificate or court order, any party
3185 can request the county recorder to release a protected
3186 decedent's removed information unless there is a related request
3187 on file with the county recorder for continued removal of the
3188 decedent's information or unless such removal is otherwise
3189 prohibited by statute or by court order. The written request to
3190 release the removed information upon the death of a protected
3191 party must attach the certified copy of a death certificate or

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3192 court order and must be notarized, must confirm the request for
3193 release is due to the death of a protected party, and must
3194 specify the Official Records book and page number, instrument
3195 number, or clerk's file number for each document containing the
3196 information to be released. A fee may not be charged for the
3197 release of any document pursuant to such request.

3198 10. This paragraph is subject to the Open Government
3199 Sunset Review Act in accordance with s. 119.15 and shall stand
3200 repealed on October 2, 2024, unless reviewed and saved from
3201 repeal through reenactment by the Legislature.

3202 Section 70. Subsection (4) of section 631.152, Florida
3203 Statutes, is amended to read:

3204 631.152 Conduct of delinquency proceeding; foreign
3205 insurers.—

3206 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
3207 ancillary delinquency proceedings opened for the purpose of
3208 obtaining records necessary to adjudicate the covered claims of
3209 Florida policyholders.

3210 Section 71. Paragraph (b) of subsection (3) of section
3211 631.398, Florida Statutes, is amended to read:

3212 631.398 Prevention of insolvencies.—To aid in the
3213 detection and prevention of insurer insolvencies or impairments:

3214 (3)

3215 (b) For an insolvency involving a domestic property
3216 insurer, the department shall:

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3217 1. Begin an analysis of the history and causes of the
3218 insolvency once the department is appointed by the court as
3219 receiver.

3220 2. Submit an initial report analyzing the history and
3221 causes of the insolvency to the Governor, the President of the
3222 Senate, the Speaker of the House of Representatives, and the
3223 office. The initial report must be submitted no later than 4
3224 months after the department is appointed as receiver. The
3225 initial report shall be updated at least annually until the
3226 submission of the final report. The report may not be used as
3227 evidence in any proceeding brought by the department or others
3228 to recover assets on behalf of the receivership estate as part
3229 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
3230 of a report under this subparagraph shall not be considered a
3231 waiver of any evidentiary privilege the department may assert
3232 under state or federal law.

3233 3. Provide a special report to the Governor, the President
3234 of the Senate, the Speaker of the House of Representatives, and
3235 the office, within 10 days upon identifying any condition or
3236 practice that may lead to insolvency in the property insurance
3237 marketplace.

3238 4. Submit a final report analyzing the history and causes
3239 of the insolvency and the review of the Office of Insurance
3240 Regulation's regulatory oversight of the insurer to the
3241 Governor, the President of the Senate, the Speaker of the House

Amendment No. 1

3242 of Representatives, and the office within 30 days of the
3243 conclusion of the insolvency proceeding.

3244 5. Review the Office of Insurance Regulation's regulatory
3245 oversight of the insurer.

3246 Section 72. Subsection (2) of section 903.09, Florida
3247 Statutes, is amended to read:

3248 903.09 Justification of sureties.—

3249 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,
3250 shall justify her or his suretyship by attaching a copy of the
3251 power of attorney issued by the company to the bond or by
3252 attaching to the bond United States currency, a United States
3253 postal money order, or a cashier's check in the amount of the
3254 bond; but the United States currency, United States postal money
3255 order, or cashier's check cannot be used to secure more than one
3256 bond. Nothing herein shall prohibit two or more qualified
3257 sureties from each posting any portion of a bond amount, and
3258 being liable for only that amount, so long as the total posted
3259 by all cosureties is equal to the amount of bond required.

3260 Section 73. (1) The following rule is ratified for the
3261 sole and exclusive purpose of satisfying any condition on the
3262 effectiveness imposed under s. 120.541(3), Florida Statutes:
3263 Rule 69L-7.020, Florida Administrative Code, titled "Florida
3264 Workers' Compensation Health Care Provider Reimbursement Manual"
3265 as filed for adoption with the Department of State pursuant to
3266 the certification package dated October 22, 2021.

411811 - h0487-strike.docx

Published On: 3/20/2023 9:15:07 PM

Amendment No. 1

3267 (2) This section serves no other purpose and may not be
3268 codified in the Florida Statutes. After this section becomes
3269 law, its enactment and effective dates shall be noted in the
3270 Florida Administrative Code, the Florida Administrative
3271 Register, or both, as appropriate. This section does not alter
3272 rulemaking additions delegated by prior law, does not constitute
3273 legislative preemption of or exception to any provision of law
3274 governing adoption or enforcement of the rule cited, and is
3275 intended to preserve the status of any cited rule as a rule
3276 under chapter 120, Florida Statutes. This section does not cure
3277 any rulemaking defect or preempt any challenge based on a lack
3278 of authority or a violation of the legal requirements governing
3279 the adoption of any rule cited.

3280 (3) This section takes effect July 1, 2023.

3281 Section 74. Except as otherwise expressly provided in this
3282 act, this act shall take effect upon becoming a law.

3283
3284