

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 20.121, F.S.; revising duties of
4 the Division of Investigative and Forensic Services
5 within the Department of Financial Services; deleting
6 provisions relating to a specified unit within the
7 department; amending s. 112.215, F.S.; defining the
8 term "government employee" rather than the term
9 "employee"; specifying that the Chief Financial
10 Officer is required to establish state plans of
11 deferred compensation for government employees;
12 authorizing the Chief Financial Officer to create a
13 trust or other special funds for a specified purpose
14 under certain circumstances; revising the membership
15 of the Deferred Compensation Advisory Council;
16 amending s. 274.01, F.S.; revising the definition of
17 the term "governmental unit"; amending s. 440.13,
18 F.S.; authorizing, rather than requiring, judges of
19 workers' compensation claims to order injured
20 employees to be evaluated by expert medical advisors
21 under certain circumstances; revising the list of
22 health care providers for the determination of
23 statewide schedules of maximum reimbursement allowance
24 under workers' compensation; deleting and revising
25 provisions relating to maximum reimbursement

26 allowances for health care services; deleting
27 provisions relating to legislative intent; requiring
28 the department to notify carriers and self-insurers of
29 certain schedules of maximum reimbursement allowances;
30 providing construction; revising factors that must be
31 considered for the uniform schedule of maximum
32 reimbursement allowances; deleting provisions relating
33 to practice parameters and protocols for medical
34 services and supplies under workers' compensation;
35 amending s. 440.38, F.S.; providing content
36 requirements for forms used by the department to
37 evidence employers' workers' compensation coverage;
38 amending s. 440.385, F.S.; revising the process for
39 appointing members for the board of directors of the
40 Florida Self-Insurers Guaranty Association, Inc.;
41 authorizing the Chief Financial Officer to remove
42 board members from office for specified causes;
43 providing that board members are subject to a
44 specified code of ethics; prohibiting board members
45 from certain acts; providing penalties; amending s.
46 624.501, F.S.; deleting a provision relating to the
47 application filing and license fee for reinsurance
48 intermediaries; amending s. 626.015, F.S.; revising
49 the definition of the term "association"; amending s.
50 626.171, F.S.; deleting provisions relating to

51 designated examination centers that provided
52 fingerprints for certain license applications;
53 amending s. 626.173, F.S.; providing nonapplicability
54 of certain requirements in cases of insurance agency
55 closure; amending s. 626.207, F.S.; requiring the
56 department of adopt rules establishing specific
57 penalties against certain licensees for specified
58 violations; amending s. 626.221, F.S.; revising
59 examination waivers for applicants for insurance agent
60 or adjuster licenses; amending s. 626.2815, F.S.;
61 revising continuing education requirements for certain
62 licensees engaged in the sales of insurance or
63 adjustments of insurance claims; amending s. 626.321,
64 F.S.; deleting provisions prohibiting individuals
65 holding specified insurance licenses from holding
66 certain other insurance licenses; deleting a
67 requirement for requests for duplicate licenses and
68 for payments of a fee for credit insurance licensees
69 under certain circumstances; requiring the department
70 to issue a specified license to qualified applicants;
71 providing requirements for such license; amending s.
72 626.611, F.S.; providing additional grounds for
73 refusal, suspension, and revocation of an agent's,
74 title agency's, adjuster's, customer representative's,
75 service representative's, and managing general agent's

76 licenses and appointments; amending s. 626.621, F.S.;

77 providing additional grounds for discretionary

78 refusal, suspension, and revocation of an agent's,

79 adjuster's, customer representative's, service

80 representative's, and managing general agent's

81 licenses and appointments; amending s. 626.7492, F.S.;

82 revising the definition of the terms "producer" and

83 "reinsurance intermediary manager"; revising

84 circumstances under which persons are prohibited from

85 acting as reinsurance intermediary brokers or

86 reinsurance intermediary managers; providing that

87 specified requirements apply to reinsurance

88 intermediary appointments rather than licenses;

89 deleting the Department of Financial Services'

90 authority to refuse to issue reinsurance intermediary

91 licenses under certain circumstances; deleting

92 exemptions for reinsurance intermediaries from certain

93 requirements; deleting reinsurance intermediary

94 license fees; conforming a provision to changes made

95 by the act; amending ss. 626.752, 626.793, and

96 626.837, F.S.; requiring the department to suspend the

97 authority of insurers and employers to appoint

98 licensees if certain fees and taxes for agents are not

99 paid within a specified timeframe; amending s.

100 626.785, F.S.; authorizing specified persons to obtain

101 limited licenses to sell certain policies of life
102 insurance under certain circumstances; amending s.
103 626.8411, F.S.; providing that notice to policyholders
104 of agency closure does not apply to title insurance
105 agents and agencies; amending s. 626.8437, F.S.;
106 providing additional grounds for denial, suspension,
107 revocation, and refusal to renew or continue licenses
108 and appointments of title insurance agents and
109 agencies; amending s. 626.844, F.S.; providing
110 additional grounds for discretionary refusal,
111 suspension, and revocation of a title insurance
112 agent's and agency's licenses and appointments;
113 amending s. 626.8473, F.S.; providing circumstances
114 under which title insurance agencies may engage in
115 business as escrow agents as to certain funds;
116 deleting provisions relating to title insurance
117 agents; providing disposition of funds received by
118 title insurance agencies and funds required to be
119 maintained in escrow trust accounts; requiring
120 separate records of specified receipts and
121 disbursements of escrow, settlement, and closing
122 funds; providing penalties; amending s. 626.854, F.S.;
123 exempting appointed public adjusters from certain
124 insurance activities' prohibitions; amending s.
125 626.874, F.S.; revising requirements for the

126 department to issue catastrophe and emergency adjuster
127 licenses; revising circumstances under which the
128 department may deny certain adjuster privileges;
129 amending s. 626.9892, F.S.; authorizing the department
130 to pay rewards for information leading to arrests of
131 persons for violations of specified provisions;
132 amending s. 626.9957, F.S.; requiring navigators'
133 registrations to expire under certain circumstances;
134 prohibiting navigators with expired registrations from
135 being granted subsequent registrations; amending s.
136 627.351, F.S.; revising the process for selecting
137 members for the board of governors of the Joint
138 Underwriting Association; providing for vacancy
139 fillings; authorizing the Chief Financial Officer to
140 remove board members for specified causes; providing
141 that board members are subject to specified code of
142 ethics; prohibiting board members from certain acts;
143 providing penalties; amending s. 627.7015, F.S.;

144 providing requirements that insurers must meet before
145 disputed property insurance claims are eligible for
146 mediation; authorizing the department to suspend
147 property insurers' authority to appoint licensees if
148 the insurers do not timely pay certain fees; amending
149 s. 627.7074, F.S.; authorizing the department to
150 designate an entity or person to serve as

151 administrator; authorizing the department to make such
 152 designation through a contract or agreement; amending
 153 s. 627.745, F.S.; providing requirements for mediation
 154 costs and fees and their payment; providing that the
 155 insurers' authority to appoint licensees may be
 156 suspended if the insurers do not timely pay
 157 administrative fees; deleting certain requirements
 158 relating to mediation and to department rules;
 159 requiring the department to adopt a motor vehicle
 160 insurance mediation program; requiring the department
 161 to adopt special rules applicable in cases of state
 162 emergencies; providing requirements for such rules;
 163 authorizing the department to designate an entity or
 164 person to serve as administrator; authorizing the
 165 department to make such designation through a contract
 166 or agreement; amending s. 631.141, F.S.; authorizing
 167 the department to take certain actions to preserve the
 168 right and interest of policyholders whose insurance
 169 policies and similar contracts are affected by
 170 receivership proceedings; amending s. 631.252, F.S.;
 171 providing exceptions to cancellation of insurance
 172 policies or similar contracts of coverage under
 173 certain circumstances; revising the dates of such
 174 cancellation; providing a cross-reference; providing
 175 circumstances under which the insurance coverage

176 continuation period after the date of entry of a
177 liquidation order may be extended; amending ss.
178 631.56, 631.716, 631.816, and 631.912, F.S.; revising
179 the qualifications of, and the process for appointing,
180 members of the board of directors of Florida Insurance
181 Guaranty Association, Incorporated, the Florida Life
182 and Health Insurance Guaranty Association, the Florida
183 Health Maintenance Organization Consumer Assistance
184 Plan, and the Florida Workers' Compensation Insurance
185 Guaranty Association, Incorporated, respectively;
186 limiting the number of years that members may serve on
187 the board; authorizing the Chief Financial Officer to
188 remove board members for specified causes; providing
189 that board members are subject to specified code of
190 ethics; prohibiting board members from certain acts;
191 providing penalties; creating s. 633.1423, F.S.;
192 defining the term "organization"; authorizing the
193 Division of State Fire Marshal to establish the State
194 Fire Marshal Safety and Training Force for a specified
195 purpose; providing requirements for the organization;
196 requiring the organization to operate under written
197 contract with the division; providing requirements for
198 the contract; requiring the organization to be
199 governed by a board of directors; requiring the State
200 Fire Marshal to appoint the board's president;

201 requiring board members to be appointed by the
202 president; authorizing the organization to use the
203 division's fixed property and facilities under certain
204 circumstances; prohibiting the department from
205 authorizing the organization to use the division's
206 property and facilities under certain circumstances;
207 requiring the department to adopt rules; requiring
208 moneys received by the organization to be held in a
209 separate depository account in the name of the
210 organization and to be subject to the contract with
211 the division; requiring the organization to submit to
212 the division certain information and documents;
213 requiring an annual financial audit; requiring
214 proceeds received by the division from the
215 organization to be deposited into a specified trust
216 fund; providing for future repeal and legislative
217 review of specified provisions; amending s. 634.181,
218 F.S.; providing additional grounds for the
219 department's compulsory refusal, suspension, and
220 revocation of licenses and appointments of certain
221 salespersons; requiring the department to temporarily
222 suspend licenses and appointments immediately upon
223 receipt of information on or indictment for certain
224 felonies; requiring such suspension to continue under
225 certain circumstances; authorizing the department to

226 | adopt rules; amending s. 634.191, F.S.; revising
227 | grounds for the department's discretionary refusal,
228 | suspension, and revocation of licenses and
229 | appointments of certain salespersons; requiring
230 | certain salespersons to submit specified orders and
231 | legal documents to the department; authorizing the
232 | department to adopt rules; amending s. 634.320, F.S.;
233 | providing additional grounds for the department's
234 | compulsory refusal, suspension, and revocation of
235 | licenses and appointments of certain sales
236 | representatives; requiring the department to
237 | temporarily suspend licenses and appointments
238 | immediately upon receipt of information on or
239 | indictment for certain felonies; requiring such
240 | suspension to continue under certain circumstances;
241 | authorizing the department to adopt rules; amending s.
242 | 634.321, F.S.; revising grounds for the department's
243 | discretionary refusal, suspension, and revocation of
244 | licenses and appointments of certain sales
245 | representatives; requiring sales representatives to
246 | submit certain orders and legal documents to the
247 | department; authorizing the department to adopt rules;
248 | amending s. 634.419, F.S.; providing nonapplicability
249 | of home solicitation sale provisions to certain
250 | licensees and appointees and their affiliates;

251 amending s. 634.422, F.S.; providing additional
252 grounds for the department's compulsory refusal,
253 suspension, and revocation of licenses and
254 appointments of certain sales representatives;
255 requiring the department to temporarily suspend
256 licenses and appointments immediately upon receipt of
257 information on or indictment for certain felonies;
258 requiring such suspension to continue under certain
259 circumstances; authorizing the department to adopt
260 rules; amending s. 634.423, F.S.; revising grounds for
261 the department's discretionary refusal, suspension,
262 and revocation of licenses and appointments of certain
263 sales representatives; requiring sales representatives
264 to submit certain orders and legal documents to the
265 department; authorizing the department to adopt rules;
266 reordering and amending s. 648.25, F.S.; providing and
267 revising definitions; amending s. 648.26, F.S.;
268 providing construction for certain investigatory
269 records of the department; amending s. 648.285, F.S.;
270 providing that persons who manage bail bond agencies
271 are subject to certain requirements; revising
272 requirements for persons who own, control, or have
273 pecuniary interests in bail bond agencies; authorizing
274 the department to issue bail bond agencies to certain
275 persons; providing requirements for applications for

276 | bail bond agency licenses; requiring public displays
277 | of such licenses; providing automatic conversions of
278 | certain bail bond agency registration numbers to
279 | licenses on a specified date; providing
280 | nonapplicability of licensing disqualification
281 | provisions based on criminal conviction; conforming
282 | provisions to changes made by the act; amending s.
283 | 648.30, F.S.; conforming provisions to changes made by
284 | the act; revising requirements for persons to act or
285 | preform as bail bond agents; providing requirements
286 | for persons and entities to act or perform as bail
287 | bond agencies; prohibiting bail bond agents from
288 | selling certain bail bonds; amending s. 648.34, F.S.;
289 | conforming provisions to changes made by the act;
290 | revising requirements for bail bond agent
291 | qualifications; amending s. 648.355, F.S.; providing
292 | requirements for licensure, rather than temporary
293 | licensure, of limited surety agents and professional
294 | bail bond agents; providing requirements and fees for
295 | license application; revising the conditions under
296 | which individuals licensed as temporary bail bond
297 | agents may take bail bond agent's licensure
298 | examinations and apply for bail bond agent's licenses;
299 | prohibiting the department from issuing temporary bail
300 | bond agent's licenses on or after a specified date;

301 authorizing individuals licensed as temporary bail
302 bond agents to continue to be licensed; prohibiting
303 temporary bail bond's licenses from being reinstated;
304 amending s. 648.382, F.S.; conforming provisions to
305 changes made by the act; requiring insurers and
306 managing general agents appointing bail bond agencies
307 to file the appointments with the department;
308 requiring appointed entities to have valid bail bond
309 agencies' licenses; requiring appointing entities to
310 submit certain certifications; amending s. 648.386,
311 F.S.; defining the term "classroom instruction";
312 revising criteria for approval and certification as an
313 approved limited surety agent and professional bail
314 bond agent continuing education school to require
315 continuing education classes to be classroom
316 instruction; amending s. 648.387, F.S.; conforming
317 provisions to changes made by the act; providing that
318 bail bond agency's licenses expire under certain
319 circumstances; deleting penalty provisions; creating
320 s. 648.3875, F.S.; specifying requirements for
321 applications for designation as bail bond agents in
322 charge; specifying qualifications for bail bond agents
323 in charge; repealing s. 648.41, F.S., relating to
324 termination of appointment of temporary bail bond
325 agents; amending s. 648.42, F.S.; revising the

326 entities from whom a bail bond agent must receive
327 appointment before registering as a bail bond agent;
328 conforming provisions to changes made by the act;
329 amending s. 648.44, F.S.; conforming provisions to
330 changes made by the act; revising activities that are
331 prohibited to bail bond agents; amending s. 648.46,
332 F.S.; providing construction; amending s. 717.135,
333 F.S.; requiring claimants' representatives to engage
334 into agreements or contracts with claimants or sellers
335 to file claims of unclaimed property with the
336 department; revising the prohibition against such
337 representatives' use or distribution of any other
338 agreements; providing construction; amending s.
339 843.021, F.S.; conforming a provision to changes made
340 by the act; revising a defense to the charge of
341 unlawful possession of a concealed handcuff key;
342 amending ss. 648.27, 648.31, 648.39, 648.441, and
343 648.50, F.S.; conforming provisions to changes made by
344 the act; amending ss. 631.152, 631.398, and 903.09,
345 F.S.; conforming cross-references; ratifying a
346 specific rule relating to the Florida Workers'
347 Compensation Health Care Provider Reimbursement
348 Manual, for the sole and exclusive purpose of
349 satisfying any condition on effectiveness pursuant to
350 s. 120.541(3), F.S., which requires ratification of

351 any rule meeting any specified thresholds for likely
 352 adverse impact or increase in regulatory costs;
 353 providing applicability; providing effective dates.

354
 355 Be It Enacted by the Legislature of the State of Florida:

356
 357 Section 1. Section 1. Paragraph (e) of subsection (2) and
 358 subsection (6) of section 20.121, Florida Statutes, are amended
 359 to read:

360 20.121 Department of Financial Services.—There is created
 361 a Department of Financial Services.

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

364 (e) The Division of Investigative and Forensic Services,
 365 which shall function as a criminal justice agency for purposes
 366 of ss. 943.045-943.08. The division may initiate and conduct
 367 investigations into any matter under the jurisdiction of the
 368 Chief Financial Officer and Fire Marshal within or outside of
 369 this state as it deems necessary. If, during an investigation,
 370 the division has reason to believe that any criminal law of this
 371 state or the United States has or may have been violated, it
 372 shall refer any records tending to show such violation to state
 373 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
 374 prosecutorial agencies and shall provide investigative
 375 assistance to those agencies as appropriate ~~required~~. The

376 | division shall include the following bureaus and office:

- 377 | 1. The Bureau of Forensic Services;
- 378 | 2. The Bureau of Fire, Arson, and Explosives
- 379 | Investigations;
- 380 | 3. The Office of Fiscal Integrity, which shall have a
- 381 | separate budget;
- 382 | 4. The Bureau of Insurance Fraud; and
- 383 | 5. The Bureau of Workers' Compensation Fraud.

384 | ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~

385 | ~~Strategic Markets Research and Assessment Unit is established~~

386 | ~~within the Department of Financial Services. The Chief Financial~~

387 | ~~Officer or his or her designee shall report on September 1,~~

388 | ~~2008, and quarterly thereafter, to the Cabinet, the President of~~

389 | ~~the Senate, and the Speaker of the House of Representatives on~~

390 | ~~the status of the state's financial services markets. At a~~

391 | ~~minimum, the report must include a summary of issues, trends,~~

392 | ~~and threats that broadly impact the condition of the financial~~

393 | ~~services industries, along with the effect of such conditions on~~

394 | ~~financial institutions, the securities industries, other~~

395 | ~~financial entities, and the credit market. The Chief Financial~~

396 | ~~Officer shall also provide findings and recommendations~~

397 | ~~regarding regulatory and policy changes to the Cabinet, the~~

398 | ~~President of the Senate, and the Speaker of the House of~~

399 | ~~Representatives.~~

400 | Section 2. Subsections (2) and (4), paragraph (a) of

401 subsection (8), and subsection (12) of section 112.215, Florida
 402 Statutes, are amended to read:

403 112.215 Government employees; deferred compensation
 404 program.—

405 (2) For the purposes of this section, the term "government
 406 employee" means any person employed, whether appointed, elected,
 407 or under contract, by providing services for the state or any
 408 governmental unit of the state, including, but not limited to,
 409 any state agency; any ~~or~~ county, municipality, or other
 410 political subdivision of the state; any special district or
 411 water management district, as the terms are defined in s.
 412 189.012 municipality; any state university or Florida College
 413 System institution, as the terms are defined in s. 1000.21(6)
 414 and (3), respectively ~~board of trustees;~~ or any constitutional
 415 county officer under s. 1(d), Art. VIII of the State
 416 Constitution for which compensation or statutory fees are paid.

417 (4)(a) The Chief Financial Officer, with the approval of
 418 the State Board of Administration, shall establish a state ~~such~~
 419 plan or plans of deferred compensation for government ~~state~~
 420 employees and may include persons employed by a state university
 421 as defined in s. 1000.21, a special district as defined in s.
 422 189.012, or a water management district as defined in s.
 423 ~~189.012,~~ including all such investment vehicles or products
 424 incident thereto, as may be available through, or offered by,
 425 qualified companies or persons, and may approve one or more such

426 | plans for implementation ~~by and on behalf of the state and its~~
 427 | ~~agencies and employees.~~

428 | (b) If the Chief Financial Officer deems it advisable, he
 429 | or she shall have the power, with the approval of the State
 430 | Board of Administration, to create a trust or other special
 431 | funds for the segregation of funds or assets resulting from
 432 | compensation deferred at the request of government employees
 433 | participating in ~~of~~ the state plan ~~or its agencies and~~ for the
 434 | administration of such program.

435 | (c) The Chief Financial Officer, with the approval of the
 436 | State Board of Administration, may delegate responsibility for
 437 | administration of the state plan to a person the Chief Financial
 438 | Officer determines to be qualified, compensate such person, and,
 439 | directly or through such person or pursuant to a collective
 440 | bargaining agreement, contract with a private corporation or
 441 | institution to provide such services as may be part of any such
 442 | plan or as may be deemed necessary or proper by the Chief
 443 | Financial Officer or such person, including, but not limited to,
 444 | providing consolidated billing, individual and collective
 445 | recordkeeping and accountings, asset purchase, control, and
 446 | safekeeping, and direct disbursement of funds to employees or
 447 | other beneficiaries. The Chief Financial Officer may authorize a
 448 | person, private corporation, or institution to make direct
 449 | disbursement of funds under the state plan to an employee or
 450 | other beneficiary.

451 (d) In accordance with such approved state plan, and upon
452 contract or agreement with an eligible government employee,
453 deferrals of compensation may be accomplished by payroll
454 deductions made by the appropriate officer or officers of the
455 state, with such funds being thereafter held and administered in
456 accordance with the plan.

457 (e) The administrative costs of the deferred compensation
458 plan must be wholly or partially self-funded. Fees for such
459 self-funding of the state plan shall be paid by investment
460 providers and may be recouped from their respective plan
461 participants. Such fees shall be deposited in the Deferred
462 Compensation Trust Fund.

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

465 1. One member shall be appointed by the Speaker of the
466 House of Representatives and the President of the Senate jointly
467 and shall be an employee of the legislative branch.

468 2. One member shall be appointed by the Chief Justice of
469 the Supreme Court and shall be an employee of the judicial
470 branch.

471 3. One member shall be appointed by the chair of the
472 Public Employees Relations Commission and shall be a nonexempt
473 public employee.

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

476 a. One member shall be appointed by the Chancellor of the
 477 State University System and shall be an employee of the
 478 university system.

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

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

483 d. One member shall be appointed by the Executive Director
 484 of the State Board of Administration and shall be an employee of
 485 the State Board of Administration.

486 e. One member shall be appointed by the Chancellor of the
 487 Florida College System and shall be an employee of the Florida
 488 College System.

489 (12) The Chief Financial Officer may adopt any rule
 490 necessary to administer and implement this act with respect to
 491 the state deferred compensation plan or plans for state
 492 ~~employees and persons employed by a state university as defined~~
 493 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
 494 ~~water management district as defined in s. 189.012.~~

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

497 274.01 Definitions.—The following words as used in this
 498 act have the meanings set forth in the below subsections, unless
 499 a different meaning is required by the context:

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

501 commission, or authority of a county, a county agency, a
 502 municipality, a special district as defined in s. 189.012 or
 503 taxing district of the state, or the sheriff of the county.

504 Section 4. Present subsections (15) and (16) of section
 505 440.13, Florida Statutes, are redesignated as subsections (14)
 506 and (15), respectively, and paragraph (c) of subsection (9),
 507 subsection (12), and present subsection (14) of that section are
 508 amended, to read:

509 440.13 Medical services and supplies; penalty for
 510 violations; limitations.—

511 (9) EXPERT MEDICAL ADVISORS.—

512 (c) If there is disagreement in the opinions of the health
 513 care providers, if two health care providers disagree on medical
 514 evidence supporting the employee's complaints or the need for
 515 additional medical treatment, or if two health care providers
 516 disagree that the employee is able to return to work, the
 517 department may, and the judge of compensation claims may ~~shall~~,
 518 upon his or her own motion or within 15 days after receipt of a
 519 written request by either the injured employee, the employer, or
 520 the carrier, order the injured employee to be evaluated by an
 521 expert medical advisor. The injured employee and the employer or
 522 carrier may agree on the health care provider to serve as an
 523 expert medical advisor. If the parties do not agree, the judge
 524 of compensation claims shall select an expert medical advisor
 525 from the department's list of certified expert medical advisors.

526 If a certified medical advisor within the relevant medical
527 specialty is unavailable, the judge of compensation claims shall
528 appoint any otherwise qualified health care provider to serve as
529 an expert medical advisor without obtaining the department's
530 certification. The opinion of the expert medical advisor is
531 presumed to be correct unless there is clear and convincing
532 evidence to the contrary as determined by the judge of
533 compensation claims. The expert medical advisor appointed to
534 conduct the evaluation shall have free and complete access to
535 the medical records of the employee. An employee who fails to
536 report to and cooperate with such evaluation forfeits
537 entitlement to compensation during the period of failure to
538 report or cooperate.

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

541 (a) A three-member panel is created, consisting of the
542 Chief Financial Officer, or the Chief Financial Officer's
543 designee, and two members to be appointed by the Governor,
544 subject to confirmation by the Senate, one member who, on
545 account of present or previous vocation, employment, or
546 affiliation, shall be classified as a representative of
547 employers, the other member who, on account of previous
548 vocation, employment, or affiliation, shall be classified as a
549 representative of employees. The panel shall determine statewide
550 schedules of maximum reimbursement allowances for medically

551 necessary treatment, care, and attendance provided by
552 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
553 ~~hardening programs, pain programs, and durable medical~~
554 ~~equipment.~~ The maximum reimbursement allowances for inpatient
555 hospital care shall be based on a schedule of per diem rates, to
556 be approved by the three-member panel no later than March 1,
557 1994, to be used in conjunction with a precertification manual
558 as determined by the department, including maximum hours in
559 which an outpatient may remain in observation status, which
560 shall not exceed 23 hours. All compensable charges for hospital
561 outpatient care shall be reimbursed at 75 percent of usual and
562 customary charges, except as otherwise provided by this
563 subsection. Annually, the three-member panel shall adopt
564 schedules of maximum reimbursement allowances for ~~physicians,~~
565 hospital inpatient care, hospital outpatient care, and
566 ambulatory surgical centers, ~~work-hardening programs, and pain~~
567 ~~programs.~~ A ~~An individual physician, hospital or, ambulatory~~
568 ~~surgical center, pain program, or work-hardening program~~ shall
569 be reimbursed ~~either~~ the agreed-upon contract price or the
570 maximum reimbursement allowance in the appropriate schedule.

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

576 ~~following:~~

577 ~~1.~~ Payments for outpatient physical, occupational, and
 578 speech therapy provided by hospitals shall be ~~reduced to~~ the
 579 schedule of maximum reimbursement allowances for these services
 580 which applies to nonhospital providers.

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

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

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

596 2. Subparagraph 1. shall take effect January 1, following
 597 the July 1, 2024, notice of the physician and nonhospital
 598 services schedule of maximum reimbursement allowances that the
 599 department provides to carriers and self-insurers.

600 (f)4. Maximum reimbursement for a physician licensed under

601 chapter 458 or chapter 459 shall be ~~increased to~~ 110 percent of
602 the reimbursement allowed by Medicare, using appropriate codes
603 and modifiers ~~or the medical reimbursement level adopted by the~~
604 ~~three-member panel as of January 1, 2003, whichever is greater.~~

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

609 (h)(e) As to reimbursement for a prescription medication,
610 the reimbursement amount for a prescription shall be the average
611 wholesale price plus \$4.18 for the dispensing fee. For
612 repackaged or relabeled prescription medications dispensed by a
613 dispensing practitioner as provided in s. 465.0276, the fee
614 schedule for reimbursement shall be 112.5 percent of the average
615 wholesale price, plus \$8.00 for the dispensing fee. For purposes
616 of this subsection, the average wholesale price shall be
617 calculated by multiplying the number of units dispensed times
618 the per-unit average wholesale price set by the original
619 manufacturer of the underlying drug dispensed by the
620 practitioner, based upon the published manufacturer's average
621 wholesale price published in the Medi-Span Master Drug Database
622 as of the date of dispensing. All pharmaceutical claims
623 submitted for repackaged or relabeled prescription medications
624 must include the National Drug Code of the original
625 manufacturer. Fees for pharmaceuticals and pharmaceutical

626 services shall be reimbursable at the applicable fee schedule
627 amount except where the employer or carrier, or a service
628 company, third party administrator, or any entity acting on
629 behalf of the employer or carrier directly contracts with the
630 provider seeking reimbursement for a lower amount.

631 (i)~~(d)~~ Reimbursement for all fees and other charges for
632 such treatment, care, and attendance, including treatment, care,
633 and attendance provided by any hospital or other health care
634 provider, ambulatory surgical center, work-hardening program, or
635 pain program, must not exceed the amounts provided by the
636 uniform schedule of maximum reimbursement allowances as
637 determined by the panel or as otherwise provided in this
638 section. This subsection also applies to independent medical
639 examinations performed by health care providers under this
640 chapter. In determining the uniform schedule, the panel shall
641 first approve the data which it finds representative of
642 prevailing charges in the state for similar treatment, care, and
643 attendance of injured persons. Each health care provider, health
644 care facility, ambulatory surgical center, work-hardening
645 program, or pain program receiving workers' compensation
646 payments shall maintain records verifying their usual charges.
647 In establishing the uniform schedule of maximum reimbursement
648 allowances, the panel must consider:

649 1. The levels of reimbursement for similar treatment,
650 care, and attendance made by other health care programs or

651 third-party providers;

652 2. The impact upon cost to employers for providing a level
 653 of reimbursement for treatment, care, and attendance which will
 654 ensure the availability of treatment, care, and attendance
 655 required by injured workers; and

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

667 ~~4. The most recent average maximum allowable rate of~~
 668 ~~increase for hospitals determined by the Health Care Board under~~
 669 ~~chapter 408.~~

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

672 1. Take testimony, receive records, and collect data to
 673 evaluate the adequacy of the workers' compensation fee schedule,
 674 nationally recognized fee schedules and alternative methods of
 675 reimbursement to health care providers and health care

676 facilities for inpatient and outpatient treatment and care.

677 2. Survey health care providers and health care facilities
678 to determine the availability and accessibility of workers'
679 compensation health care delivery systems for injured workers.

680 3. Survey carriers to determine the estimated impact on
681 carrier costs and workers' compensation premium rates by
682 implementing changes to the carrier reimbursement schedule or
683 implementing alternative reimbursement methods.

684 4. Submit recommendations on or before January 15, 2017,
685 and biennially thereafter, to the President of the Senate and
686 the Speaker of the House of Representatives on methods to
687 improve the workers' compensation health care delivery system.

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

701 company or employer to the supplying manufacturer, wholesaler,
 702 distributor, or drug repackager within 60 days of the dispensing
 703 practitioner taking possession of that medication.

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

708 Section 5. Subsection (8) is added to section 440.38,
 709 Florida Statutes, to read:

710 440.38 Security for compensation; insurance carriers and
 711 self-insurers.—

712 (8) Any form used by the department to evidence an
 713 employer's compensation coverage under paragraph (1)(a) must
 714 contain all of the following:

715 (a) The governing class code or codes.

716 (b) Payroll information.

717 (c) The total number of employees covered by the
 718 compensation insurance policy.

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

721 440.385 Florida Self-Insurers Guaranty Association,
 722 Incorporated.—

723 (2) BOARD OF DIRECTORS.—The board of directors of the
 724 association shall consist of nine persons and shall be organized
 725 as established in the plan of operation. Each director must ~~All~~

726 ~~board members shall~~ be experienced in self-insurance in this
727 state. Each director shall serve for a 4-year term and may be
728 reappointed. Appointments after January 1, 2002, shall be made
729 by the department upon recommendation of members of the
730 association or other persons with experience in self-insurance
731 as determined by the Chief Financial Officer. Any vacancy on the
732 board shall be filled for the remaining period of the term in
733 the same manner as appointments other than initial appointments
734 are made. Each director shall be reimbursed for expenses
735 incurred in carrying out the duties of the board on behalf of
736 the association.

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

741 (b) Directors are subject to the code of ethics under part
742 III of chapter 112, including, but not limited to, the code of
743 ethics and public disclosure and reporting of financial
744 interests, pursuant to s. 112.3145. For purposes of applying
745 part III of chapter 112 to activities of members of the board of
746 directors, those persons are considered public officers and the
747 association is considered their agency. Notwithstanding s.
748 112.3143(2), a director may not vote on any measure that he or
749 she knows would inure to his or her special private gain or
750 loss; that he or she knows would inure to the special private

751 gain or loss of any principal by which he or she is retained,
752 other than an agency as defined in s. 112.312; or that he or she
753 knows would inure to the special private gain or loss of a
754 relative or business associate of the public officer. Before the
755 vote is taken, such director shall publicly state to the board
756 the nature of his or her interest in the matter from which he or
757 she is abstaining from voting and, within 15 days after the vote
758 occurs, disclose the nature of his or her interest as a public
759 record in a memorandum filed with the person responsible for
760 recording the minutes of the meeting, who shall incorporate the
761 memorandum in the minutes.

762 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other
763 law, an employee of the association or a director may not
764 knowingly accept, directly or indirectly, any gift or
765 expenditure from a person or entity, or an employee or
766 representative of such person or entity, which has a contractual
767 relationship with the association or which is under
768 consideration for a contract.

769 (d) A director who fails to comply with paragraph (b) or
770 paragraph (c) is subject to the penalties provided under ss.
771 112.317 and 112.3173.

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

774 624.501 Filing, license, appointment, and miscellaneous
775 fees.—The department, commission, or office, as appropriate,

776 shall collect in advance, and persons so served shall pay to it
 777 in advance, fees, licenses, and miscellaneous charges as
 778 follows:

779 (25) Reinsurance intermediary:

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

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

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

785 626.015 Definitions.—As used in this part:

786 (5) "Association" includes the Florida Association of
 787 Insurance Agents (FAIA), the National Association of Insurance
 788 and Financial Advisors (NAIFA), the National Association of
 789 Benefits and Insurance Professionals Florida Chapter (NABIP
 790 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the
 791 Latin American Association of Insurance Agencies (LAAIA), the
 792 Florida Association of Public Insurance Adjusters (FAPIA), the
 793 Florida Bail Agents Association (FBAA), or the Professional Bail
 794 Agents of the United States (PBUS).

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

797 626.171 Application for license as an agent, customer
 798 representative, adjuster, service representative, or reinsurance
 799 intermediary.—

800 (4) An applicant for a license issued by the department

801 under this chapter must submit a set of the individual
 802 applicant's fingerprints, or, if the applicant is not an
 803 individual, a set of the fingerprints of the sole proprietor,
 804 majority owner, partners, officers, and directors, to the
 805 department and must pay the fingerprint processing fee set forth
 806 in s. 624.501. Fingerprints must be processed in accordance with
 807 s. 624.34 and used to investigate the applicant's qualifications
 808 pursuant to s. 626.201. The fingerprints must be taken by a law
 809 enforcement agency, ~~designated examination center,~~ or other
 810 department-approved entity. ~~The department shall require all~~
 811 ~~designated examination centers to have fingerprinting equipment~~
 812 ~~and to take fingerprints from any applicant or prospective~~
 813 ~~applicant who pays the applicable fee.~~ The department may not
 814 approve an application for licensure as an agent, customer
 815 service representative, adjuster, service representative, or
 816 reinsurance intermediary if fingerprints have not been
 817 submitted.

818 Section 10. Paragraph (c) of subsection (1) of section
 819 626.173, Florida Statutes, is amended to read:

820 626.173 Insurance agency closure; cancellation of
 821 licenses.—

822 (1) If a licensed insurance agency permanently ceases the
 823 transacting of insurance or ceases the transacting of insurance
 824 for more than 30 days, the agent in charge, the director of the
 825 agency, or other officer listed on the original application for

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

828 (c) Notify all policyholders currently insured by a policy
 829 written, produced, or serviced by the agency of the agency's
 830 cessation of operations; the date on which operations ceased;
 831 and the identity of the agency or agent to which the agency's
 832 current book of business has been transferred or, if no transfer
 833 has occurred, a statement directing the policyholder to contact
 834 the insurance company for assistance in locating a licensed
 835 agent to service the policy. This paragraph does not apply to
 836 title insurance, life insurance, or annuity contracts.

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

839 626.207 Disqualification of applicants and licensees;
 840 penalties against licensees; rulemaking authority.—

841 (8) The department shall adopt rules establishing specific
 842 penalties against licensees in accordance with ss. 626.641 and
 843 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.
 844 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.
 845 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.
 846 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.
 847 634.423, s. 642.041, or s. 642.043. The purpose of the
 848 revocation or suspension is to provide a sufficient penalty to
 849 deter future violations of the Florida Insurance Code. The
 850 imposition of a revocation or the length of suspension shall be

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

856 Section 12. Paragraph (j) of subsection (2) of section
857 626.221, Florida Statutes, is amended to read:

858 626.221 Examination requirement; exemptions.—

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

861 (j) An applicant for license as an all-lines adjuster who
862 has the designation of Accredited Claims Adjuster (ACA) from a
863 regionally accredited postsecondary institution in this state;
864 Certified All Lines Adjuster (CALA) from Kaplan Financial
865 Education; Associate in Claims (AIC) from the Insurance
866 Institute of America; Professional Claims Adjuster (PCA) from
867 the Professional Career Institute; Professional Property
868 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
869 Certified Adjuster (CA) from ALL LINES Training; Certified
870 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
871 Certified Professional (CACP) from WebCE, Inc.; Accredited
872 Insurance Claims Specialist (AICS) from Encore Claim Services;
873 Professional in Claims (PIC) from 2021 Training, LLC; or
874 Universal Claims Certification (UCC) from Claims and Litigation
875 Management Alliance (CLM) whose curriculum has been approved by

876 | the department and which includes comprehensive analysis of
877 | basic property and casualty lines of insurance and testing at
878 | least equal to that of standard department testing for the all-
879 | lines adjuster license. The department shall adopt rules
880 | establishing standards for the approval of curriculum.

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

883 | 626.2815 Continuing education requirements.—

884 | (3) Each licensee except a title insurance agent must
885 | complete a 4-hour update course every 2 years which is specific
886 | to the license held by the licensee. The course must be
887 | developed and offered by providers and approved by the
888 | department. The content of the course must address all lines of
889 | insurance for which examination and licensure are required and
890 | include the following subject areas: insurance law updates,
891 | ethics for insurance professionals, disciplinary trends and case
892 | studies, industry trends, premium discounts, determining
893 | suitability of products and services, and other similar
894 | insurance-related topics the department determines are relevant
895 | to legally and ethically carrying out the responsibilities of
896 | the license granted. A licensee who holds multiple insurance
897 | licenses must complete an update course that is specific to at
898 | least one of the licenses held. Except as otherwise specified,
899 | any remaining required hours of continuing education are
900 | elective and may consist of any continuing education course

901 approved by the department under this section.

902 (c) A licensee who has been licensed for 25 years or more
 903 and is a CLU or a CPCU or has a Bachelor of Science degree or
 904 higher in risk management or insurance with evidence of 18 or
 905 more semester hours in insurance-related courses must also
 906 complete a minimum of 6 hours of elective continuing education
 907 courses every 2 years.

908 (f) Elective continuing education courses for public
 909 adjusters may ~~must~~ be any course related to commercial and
 910 residential property coverages, claim adjusting practices, and
 911 any other adjuster elective courses specifically designed for
 912 ~~public adjusters and~~ approved by the department. Notwithstanding
 913 this subsection, public adjusters for workers' compensation
 914 insurance or health insurance are not required to take
 915 continuing education courses pursuant to this section.

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

919 626.321 Limited licenses and registration.—

920 (1) The department shall issue to a qualified applicant a
 921 license as agent authorized to transact a limited class of
 922 business in any of the following categories of limited lines
 923 insurance:

924 (a) Motor vehicle physical damage and mechanical breakdown
 925 insurance.—License covering insurance against only the loss of

926 or damage to a motor vehicle that is designed for use upon a
927 highway, including trailers and semitrailers designed for use
928 with such vehicles. Such license also covers insurance against
929 the failure of an original or replacement part to perform any
930 function for which it was designed. ~~A licensee under this~~
931 ~~paragraph may not hold a license as an agent for any other or~~
932 ~~additional kind or class of insurance coverage except a limited~~
933 ~~license for credit insurance as provided in paragraph (c).~~
934 Effective October 1, 2012, all licensees holding such limited
935 license and appointment may renew the license and appointment,
936 but no new or additional licenses may be issued pursuant to this
937 paragraph, and a licensee whose limited license under this
938 paragraph has been terminated, suspended, or revoked may not
939 have such license reinstated.

940 (b) Industrial fire insurance or burglary insurance.—
941 License covering only industrial fire insurance or burglary
942 insurance. ~~A licensee under this paragraph may not hold a~~
943 ~~license as an agent for any other or additional kind or class of~~
944 ~~insurance coverage except for life insurance and health~~
945 ~~insurance.~~ Effective July 1, 2019, all licensees holding such
946 limited license and appointment may renew the license and
947 appointment, but no new or additional licenses may be issued
948 pursuant to this paragraph, and a licensee whose limited license
949 under this paragraph has been terminated, suspended, or revoked
950 may not have such license reinstated.

951 (e) Credit insurance.—License covering credit life, credit
 952 disability, credit property, credit unemployment, involuntary
 953 unemployment, mortgage life, mortgage guaranty, mortgage
 954 disability, guaranteed automobile protection (GAP) insurance,
 955 and any other form of insurance offered in connection with an
 956 extension of credit which is limited to partially or wholly
 957 extinguishing a credit obligation that the department determines
 958 should be designated a form of limited line credit insurance.
 959 Effective October 1, 2012, all valid licenses held by persons
 960 for any of the lines of insurance listed in this paragraph shall
 961 be converted to a credit insurance license. ~~Licenseses who wish~~
 962 ~~to obtain a new license reflecting such change must request a~~
 963 ~~duplicate license and pay a \$5 fee as specified in s.~~
 964 ~~624.501(15).~~ The license may be issued only to an individual
 965 employed by a life or health insurer as an officer or other
 966 salaried or commissioned representative, to an individual
 967 employed by or associated with a lending or financial
 968 institution or creditor, or to a lending or financial
 969 institution or creditor, and may authorize the sale of such
 970 insurance only with respect to borrowers or debtors of such
 971 lending or financing institution or creditor. However, only the
 972 individual or entity whose tax identification number is used in
 973 receiving or is credited with receiving the commission from the
 974 sale of such insurance shall be the licensed agent of the
 975 insurer. ~~No individual while so licensed shall hold a license as~~

976 | ~~an agent as to any other or additional kind or class of life or~~
 977 | ~~health insurance coverage.~~

978 | (i) Preneed funeral agreement insurance.—Limited license
 979 | for insurance covering only prearranged funeral, cremation, or
 980 | cemetery agreements, or any combination thereof, funded by
 981 | insurance and offered in connection with an establishment that
 982 | holds a preneed license pursuant to s. 497.452. Such license may
 983 | be issued without examination only to an individual who has
 984 | filed with the department an application for a license in a form
 985 | and manner prescribed by the department, who currently holds a
 986 | valid preneed sales agent license pursuant to s. 497.466, who
 987 | paid the applicable fees for a license as prescribed in s.
 988 | 624.501, who has been appointed under s. 626.112, and who paid
 989 | the prescribed appointment fee under s. 624.501.

990 | Section 15. Paragraph (n) of subsection (1) of section
 991 | 626.611, Florida Statutes, is amended to read:

992 | 626.611 Grounds for compulsory refusal, suspension, or
 993 | revocation of agent's, title agency's, adjuster's, customer
 994 | representative's, service representative's, or managing general
 995 | agent's license or appointment.—

996 | (1) The department shall deny an application for, suspend,
 997 | revoke, or refuse to renew or continue the license or
 998 | appointment of any applicant, agent, title agency, adjuster,
 999 | customer representative, service representative, or managing
 1000 | general agent, and it shall suspend or revoke the eligibility to

1001 hold a license or appointment of any such person, if it finds
 1002 that as to the applicant, licensee, or appointee any one or more
 1003 of the following applicable grounds exist:

1004 (n) Having been found guilty of or having pleaded guilty
 1005 or nolo contendere to a misdemeanor directly related to the
 1006 financial services business, any felony, or any a crime
 1007 punishable by imprisonment of 1 year or more under the law of
 1008 the United States of America or of any state thereof or under
 1009 the law of any other country, without regard to whether a
 1010 judgment of conviction has been entered by the court having
 1011 jurisdiction of such cases.

1012 Section 16. Subsection (18) is added to section 626.621,
 1013 Florida Statutes, to read:

1014 626.621 Grounds for discretionary refusal, suspension, or
 1015 revocation of agent's, adjuster's, customer representative's,
 1016 service representative's, or managing general agent's license or
 1017 appointment.—The department may, in its discretion, deny an
 1018 application for, suspend, revoke, or refuse to renew or continue
 1019 the license or appointment of any applicant, agent, adjuster,
 1020 customer representative, service representative, or managing
 1021 general agent, and it may suspend or revoke the eligibility to
 1022 hold a license or appointment of any such person, if it finds
 1023 that as to the applicant, licensee, or appointee any one or more
 1024 of the following applicable grounds exist under circumstances
 1025 for which such denial, suspension, revocation, or refusal is not

1026 | mandatory under s. 626.611:

1027 | (18) Cancellation of the applicant's, licensee's, or
 1028 | appointee's resident license in a jurisdiction other than this
 1029 | state.

1030 | Section 17. Paragraphs (d) and (g) of subsection (2) and
 1031 | paragraphs (a), (b), and (e) through (j) of subsection (3) of
 1032 | section 626.7492, Florida Statutes, are amended to read:

1033 | 626.7492 Reinsurance intermediaries.—

1034 | (2) DEFINITIONS.—As used in this section:

1035 | (d) "Producer" means a licensed ~~an~~ agent, broker, or
 1036 | insurance agency that is appointed as a reinsurance intermediary
 1037 | ~~licensed~~ pursuant to the applicable provision of the Florida
 1038 | Insurance Code.

1039 | (g) "Reinsurance intermediary manager" means any person
 1040 | who has authority to bind, or manages all or part of, the
 1041 | assumed reinsurance business of a reinsurer, including the
 1042 | management of a separate division, department, or underwriting
 1043 | office, and acts as a representative ~~an agent~~ for the reinsurer
 1044 | whether known as a reinsurance intermediary manager, manager, or
 1045 | other similar term. Notwithstanding the above, none of the
 1046 | following persons is a reinsurance intermediary manager with
 1047 | respect to the reinsurer for the purposes of this section:

- 1048 | 1. An employee of the reinsurer;
 1049 | 2. A manager of the United States branch of an alien
 1050 | reinsurer;

1051 3. An underwriting manager which, pursuant to contract,
 1052 manages all the reinsurance operations of the reinsurer, is
 1053 under common control with the reinsurer, subject to the holding
 1054 company act, and whose compensation is not based on the volume
 1055 of premiums written.

1056 4. The manager of a group, association, pool, or
 1057 organization of insurers which engage in joint underwriting or
 1058 joint reinsurance and who are subject to examination by the
 1059 insurance regulatory authority of the state in which the
 1060 manager's principal business office is located.

1061 (3) LICENSURE.—

1062 (a) No person shall act as a reinsurance intermediary
 1063 broker in this state if the reinsurance intermediary broker
 1064 maintains an office either directly or as a member or employee
 1065 of a firm or association, or an officer, director, or employee
 1066 of a corporation:

1067 1. In this state, unless the reinsurance intermediary
 1068 broker is a licensed producer in this state; or

1069 2. In another state, unless the reinsurance intermediary
 1070 broker is a licensed producer in this state or in another state
 1071 having a law substantially similar to this section or the
 1072 reinsurance intermediary broker is licensed in this state as an
 1073 insurance agency and appointed as a ~~nonresident~~ reinsurance
 1074 intermediary.

1075 (b) No person shall act as a reinsurance intermediary

1076 manager:

1077 1. For a reinsurer domiciled in this state, unless the
 1078 reinsurance intermediary manager is a licensed producer in this
 1079 state;

1080 2. In this state, if the reinsurance intermediary manager
 1081 maintains an office either directly or as a member or employee
 1082 of a firm or association, or an officer, director, or employee
 1083 of a corporation in this state, unless the reinsurance
 1084 intermediary manager is a licensed producer in this state;

1085 3. In another state for a nondomestic insurer, unless the
 1086 reinsurance intermediary manager is a licensed producer in this
 1087 state or another state having a law substantially similar to
 1088 this section, or the person is licensed in this state as a
 1089 producer ~~nonresident reinsurance intermediary~~.

1090 (e) If the applicant for a reinsurance intermediary
 1091 appointment ~~license~~ is a nonresident, the applicant, as a
 1092 condition precedent to receiving or holding an appointment ~~a~~
 1093 ~~license~~, must designate the Chief Financial Officer as agent for
 1094 service of process in the manner, and with the same legal
 1095 effect, provided for by this section for designation of service
 1096 of process upon unauthorized insurers. Such applicant shall also
 1097 furnish the department with the name and address of a resident
 1098 of this state upon whom notices or orders of the department or
 1099 process affecting the nonresident reinsurance intermediary may
 1100 be served. The licensee shall promptly notify the department in

1101 writing of each change in its designated agent for service of
1102 process, and the change shall not become effective until
1103 acknowledged by the department.

1104 ~~(f) The department may refuse to issue a reinsurance~~
1105 ~~intermediary license if, in its judgment, the applicant, anyone~~
1106 ~~named on the application, or any member, principal, officer, or~~
1107 ~~director of the applicant, has demonstrated a lack of fitness~~
1108 ~~and trustworthiness, or that any controlling person of the~~
1109 ~~applicant is not fit or trustworthy to act as a reinsurance~~
1110 ~~intermediary, or that any of the foregoing has given cause for~~
1111 ~~revocation or suspension of the license, or has failed to comply~~
1112 ~~with any prerequisite for the issuance of the license.~~

1113 ~~(g)~~ Reinsurance intermediaries shall be ~~licensed,~~
1114 appointed, renewed, continued, reinstated, or terminated as
1115 prescribed in this chapter for insurance representatives in
1116 general, ~~except that they shall be exempt from the photo,~~
1117 ~~education, and examination provisions. License, Appointment, and~~
1118 other fees shall be those prescribed in s. 624.501.

1119 ~~(g)(h)~~ The grounds and procedures for refusal of an ~~a~~
1120 ~~license or~~ appointment or suspension or revocation of a license
1121 or appointment issued to a reinsurance intermediary under this
1122 section are as set forth in ss. 626.611-626.691 for insurance
1123 representatives in general.

1124 ~~(h)(i)~~ An attorney licensed in this state, when acting in
1125 a professional capacity, is exempt from this subsection.

1126 ~~(i)-(j)~~ The department may develop necessary rules to carry
 1127 out this section.

1128 Section 18. Subsection (5) of section 626.752, Florida
 1129 Statutes, is amended to read:

1130 626.752 Exchange of business.—

1131 (5) Within 15 days after the last day of each month, any
 1132 insurer accepting business under this section shall report to
 1133 the department the name, address, telephone number, and social
 1134 security number of each agent from which the insurer received
 1135 more than four personal lines risks during the calendar year,
 1136 except for risks being removed from the Citizens Property
 1137 Insurance Corporation and placed with that insurer by a
 1138 brokering agent. Once the insurer has reported pursuant to this
 1139 subsection an agent's name to the department, additional reports
 1140 on the same agent shall not be required. However, the fee set
 1141 forth in s. 624.501 must be paid for the agent by the insurer
 1142 for each year until the insurer notifies the department that the
 1143 insurer is no longer accepting business from the agent pursuant
 1144 to this section. The insurer may require that the agent
 1145 reimburse the insurer for the fee. If the insurer or employer
 1146 does not pay the fees and taxes due under this subsection within
 1147 21 days after notice by the department, the department must
 1148 suspend the insurer's or employer's authority to appoint
 1149 licensees until all outstanding fees and taxes have been paid.

1150 Section 19. Subsection (3) of section 626.785, Florida

1151 Statutes, is amended to read:

1152 626.785 Qualifications for license.—

1153 (3) Notwithstanding any other provisions of this chapter,
 1154 a funeral director, a direct disposer, or an employee of a
 1155 funeral establishment that holds a preneed license pursuant to
 1156 s. 497.452 may obtain an agent's license or a limited license to
 1157 sell only policies of life insurance covering the expense of a
 1158 prearrangement for funeral services or merchandise so as to
 1159 provide funds at the time the services and merchandise are
 1160 needed. The face amount of insurance covered by any such policy
 1161 shall not exceed \$21,000, plus an annual percentage increase
 1162 based on the Annual Consumer Price Index compiled by the United
 1163 States Department of Labor, beginning with the Annual Consumer
 1164 Price Index announced by the United States Department of Labor
 1165 for 2016.

1166 Section 20. Subsection (4) of section 626.793, Florida
 1167 Statutes, is amended to read:

1168 626.793 Excess or rejected business.—

1169 (4) Within 15 days after the last day of each month, any
 1170 insurer accepting business under this section shall report to
 1171 the department the name, address, telephone number, and social
 1172 security number of each agent from which the insurer received
 1173 more than four risks during the calendar year. Once the insurer
 1174 has reported an agent's name to the department pursuant to this
 1175 subsection, additional reports on the same agent shall not be

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1176 required. However, the fee set forth in s. 624.501 must be paid
1177 for the agent by the insurer for each year until the insurer
1178 notifies the department that the insurer is no longer accepting
1179 business from the agent pursuant to this section. The insurer
1180 may require that the agent reimburse the insurer for the fee. If
1181 the insurer or employer does not pay the fees and taxes due
1182 under this subsection within 21 days after notice by the
1183 department, the department must suspend the insurer's or
1184 employer's authority to appoint licensees until all outstanding
1185 fees and taxes have been paid.

1186 Section 21. Subsection (5) of section 626.837, Florida
1187 Statutes, is amended to read:

1188 626.837 Excess or rejected business.—

1189 (5) Within 15 days after the last day of each month, any
1190 insurer accepting business under this section shall report to
1191 the department the name, address, telephone number, and social
1192 security number of each agent from which the insurer received
1193 more than four risks during the calendar year. Once the insurer
1194 has reported pursuant to this subsection an agent's name to the
1195 department, additional reports on the same agent shall not be
1196 required. However, the fee set forth in s. 624.501 must be paid
1197 for the agent by the insurer for each year until the insurer
1198 notifies the department that the insurer is no longer accepting
1199 business from the agent pursuant to this section. The insurer
1200 may require that the agent reimburse the insurer for the fee. If

1201 the insurer or employer does not pay the fees and taxes due
 1202 under this subsection within 21 days after notice by the
 1203 department, the department must suspend the insurer's or
 1204 employer's authority to appoint licensees until all outstanding
 1205 fees and taxes have been paid.

1206 Section 22. Paragraph (e) is added to subsection (2) of
 1207 section 626.8411, Florida Statutes, to read:

1208 626.8411 Application of Florida Insurance Code provisions
 1209 to title insurance agents or agencies.—

1210 (2) The following provisions of part I do not apply to
 1211 title insurance agents or title insurance agencies:

1212 (e) Section 626.173(1)(c), relating to notifying
 1213 policyholders of the agency closure.

1214 Section 23. Present subsections (8) through (11) of
 1215 section 626.8437, Florida Statutes, are redesignated as
 1216 subsections (9) through (12), respectively, and a new subsection
 1217 (8) and subsection (13) are added to that section, to read:

1218 626.8437 Grounds for denial, suspension, revocation, or
 1219 refusal to renew license or appointment.—The department shall
 1220 deny, suspend, revoke, or refuse to renew or continue the
 1221 license or appointment of any title insurance agent or agency,
 1222 and it shall suspend or revoke the eligibility to hold a license
 1223 or appointment of such person, if it finds that as to the
 1224 applicant, licensee, appointee, or any principal thereof, any
 1225 one or more of the following grounds exist:

1226 (8) Misappropriation, conversion, or improper withholding
 1227 of funds to which such person is not legally entitled and which
 1228 are received in a fiduciary capacity and held as part of an
 1229 escrow agreement or real estate sales contract, or as provided
 1230 on a settlement statement in a real estate transaction.

1231 (13) Revocation or cancellation of a licensee's resident
 1232 license in a jurisdiction other than this state.

1233 Section 24. Subsections (7) and (8) are added to section
 1234 626.844, Florida Statutes, to read:

1235 626.844 Grounds for discretionary refusal, suspension, or
 1236 revocation of license or appointment.—The department may, in its
 1237 discretion, deny, suspend, revoke, or refuse to renew or
 1238 continue the license or appointment of any title insurance agent
 1239 or agency, and it may suspend or revoke the eligibility to hold
 1240 a license or appointment of any such title insurance agent or
 1241 agency if it finds that as to the applicant or licensee or
 1242 appointee, or any principal thereof, any one or more of the
 1243 following grounds exist under circumstances for which such
 1244 denial, suspension, revocation, or refusal is not mandatory
 1245 under s. 626.8437:

1246 (7) Having been the subject of, or having had a license,
 1247 permit, appointment, registration, or other authority to conduct
 1248 business subject to, any decision, finding, injunction,
 1249 suspension, prohibition, revocation, denial, judgment, final
 1250 agency action, or administrative order by any court of competent

1251 jurisdiction, administrative law proceeding, state agency,
 1252 federal agency, national securities, commodities, or option
 1253 exchange, or national securities, commodities, or option
 1254 association involving a violation of any federal or state
 1255 securities or commodities law or any rule or regulation adopted
 1256 thereunder, or a violation of any rule or regulation of any
 1257 national securities, commodities, or options exchange or
 1258 national securities, commodities, or options association.

1259 (8) Revocation or cancellation of a licensee's resident
 1260 license in a jurisdiction other than this state.

1261 Section 25. Section 626.8473, Florida Statutes, is amended
 1262 to read:

1263 626.8473 Escrow; trust fund.—

1264 (1) A title insurance agency agent may engage in business
 1265 as an escrow agent as to funds received from others to be
 1266 subsequently disbursed ~~by the title insurance agent~~ in
 1267 connection with real estate closing transactions involving the
 1268 issuance of title ~~insurance binders,~~ commitments, policies of
 1269 title insurance, or guarantees of title, provided that a
 1270 licensed and appointed title insurance agency agent complies
 1271 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
 1272 requirements added after the initial licensure of the agency
 1273 ~~agent~~.

1274 (2) All funds received by a title insurance agency agent
 1275 as described in subsection (1) shall be trust funds received in

1276 a fiduciary capacity by the title insurance agency agent and
1277 shall be the property of the person or persons entitled thereto.

1278 (3) All funds received by a title insurance agency agent
1279 to be held in trust shall be immediately placed in a financial
1280 institution that is located within this state and is a member of
1281 the Federal Deposit Insurance Corporation or the National Credit
1282 Union Share Insurance Fund. These funds shall be invested in an
1283 escrow account in accordance with the investment requirements
1284 and standards established for deposits and investments of state
1285 funds in s. 17.57, where the funds shall be kept until
1286 disbursement thereof is properly authorized.

1287 (4) Funds required to be maintained in escrow trust
1288 accounts pursuant to this section shall not be subject to any
1289 debts of the title insurance agency agent and shall be used only
1290 in accordance with the terms of the individual, escrow,
1291 settlement, or closing instructions under which the funds were
1292 accepted.

1293 (5) The title insurance agency agents shall maintain
1294 separate records of all receipts and disbursements of escrow,
1295 settlement, or closing funds.

1296 (6) In the event that the department promulgates rules
1297 necessary to implement the requirements of this section pursuant
1298 to s. 624.308, the department shall consider reasonable
1299 standards necessary for the protection of funds held in trust,
1300 including, but not limited to, standards for accounting of

1301 funds, standards for receipt and disbursement of funds, and
1302 protection for the person or persons to whom the funds are to be
1303 disbursed.

1304 (7) A title insurance agency agent, or any officer,
1305 director, or employee thereof, or any person associated
1306 therewith as an independent contractor for bookkeeping or
1307 similar purposes, who converts or misappropriates funds received
1308 or held in escrow or in trust by such title insurance agency
1309 ~~agent~~, or any person who knowingly receives or conspires to
1310 receive such funds, commits:

1311 (a) If the funds converted or misappropriated are \$300 or
1312 less, a misdemeanor of the first degree, punishable as provided
1313 in s. 775.082 or s. 775.083.

1314 (b) If the funds converted or misappropriated are more
1315 than \$300, but less than \$20,000, a felony of the third degree,
1316 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1317 (c) If the funds converted or misappropriated are \$20,000
1318 or more, but less than \$100,000, a felony of the second degree,
1319 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1320 (d) If the funds converted or misappropriated are \$100,000
1321 or more, a felony of the first degree, punishable as provided in
1322 s. 775.082, s. 775.083, or s. 775.084.

1323 (8) An attorney shall deposit and maintain all funds
1324 received in connection with transactions in which the attorney
1325 is serving as a title or real estate settlement agent into a

1326 separate trust account that is maintained exclusively for funds
 1327 received in connection with such transactions and permit the
 1328 account to be audited by its title insurers, unless maintaining
 1329 funds in the separate account for a particular client would
 1330 violate applicable rules of The Florida Bar.

1331 Section 26. Subsection (19) of section 626.854, Florida
 1332 Statutes, is amended to read:

1333 626.854 "Public adjuster" defined; prohibitions.—The
 1334 Legislature finds that it is necessary for the protection of the
 1335 public to regulate public insurance adjusters and to prevent the
 1336 unauthorized practice of law.

1337 (19) Except as otherwise provided in this chapter, no
 1338 person, except an attorney at law or a licensed and appointed
 1339 public adjuster, may for money, commission, or any other thing
 1340 of value, directly or indirectly:

1341 (a) Prepare, complete, or file an insurance claim for an
 1342 insured or a third-party claimant;

1343 (b) Act on behalf of or aid an insured or a third-party
 1344 claimant in negotiating for or effecting the settlement of a
 1345 claim for loss or damage covered by an insurance contract;

1346 (c) Offer to initiate or negotiate a claim on behalf of an
 1347 insured;

1348 (d) Advertise services that require a license as a public
 1349 adjuster; or

1350 (e) Solicit, investigate, or adjust a claim on behalf of a

1351 public adjuster, an insured, or a third-party claimant.

1352 Section 27. Section 626.874, Florida Statutes, is amended
 1353 to read:

1354 626.874 Catastrophe or emergency adjusters.—

1355 (1) In the event of a catastrophe or emergency, the
 1356 department may issue a license, for the purposes and under the
 1357 conditions and for the period of emergency as it shall
 1358 determine, to persons who are residents or nonresidents of this
 1359 state, who are at least 18 years of age, who are United States
 1360 citizens or legal aliens who possess work authorization from the
 1361 United States Bureau of Citizenship and Immigration Services,
 1362 and who are not licensed adjusters under this part but who have
 1363 been designated and certified to it as qualified to act as
 1364 adjusters by an authorized insurer to adjust claims, losses, or
 1365 damages under policies or contracts of insurance issued by such
 1366 insurers, or by a licensed ~~the primary adjuster of an~~
 1367 independent adjusting firm contracted with an authorized insurer
 1368 to adjust claims on behalf of the insurer. The fee for the
 1369 license is as provided in s. 624.501(12) (c).

1370 (2) If any person not a licensed adjuster who has been
 1371 permitted to adjust such losses, claims, or damages under the
 1372 conditions and circumstances set forth in subsection (1),
 1373 engages in any of the misconduct described in or contemplated by
 1374 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without
 1375 notice and hearing, shall be authorized to issue its order

1376 denying such person the privileges granted under this section;
 1377 and thereafter it shall be unlawful for any such person to
 1378 adjust any such losses, claims, or damages in this state.

1379 Section 28. Subsection (2) of section 626.9892, Florida
 1380 Statutes, is amended to read:

1381 626.9892 Anti-Fraud Reward Program; reporting of insurance
 1382 fraud.—

1383 (2) The department may pay rewards of up to \$25,000 to
 1384 persons providing information leading to the arrest ~~and~~
 1385 ~~conviction~~ of persons committing crimes investigated by the
 1386 department arising from violations of s. 400.9935, s. 440.105,
 1387 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.
 1388 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.
 1389 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.
 1390 817.233, ~~s. 817.234~~, s. 817.236, s. 817.2361, s. 817.505, s.
 1391 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1392 Section 29. Present subsections (7) through (12) of
 1393 section 626.9957, Florida Statutes, are redesignated as
 1394 subsections (8) through (13), respectively, and a new subsection
 1395 (7) is added to that section, to read:

1396 626.9957 Conduct prohibited; denial, revocation,
 1397 termination, expiration, or suspension of registration.—

1398 (7) If a navigator registered under this part fails to
 1399 maintain an active, valid navigator's registration status with
 1400 the Federal Government or an exchange, the navigator's

1401 registration issued under this part shall expire by operation of
 1402 law. A navigator with an expired registration may not be granted
 1403 subsequent registration until the navigator qualifies as a
 1404 first-time applicant.

1405 Section 30. Paragraph (c) of subsection (4) of section
 1406 627.351, Florida Statutes, is amended to read:

1407 627.351 Insurance risk apportionment plans.—

1408 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1409 (c) The Joint Underwriting Association shall operate
 1410 subject to the supervision and approval of a board of governors
 1411 consisting of representatives of five of the insurers
 1412 participating in the Joint Underwriting Association, an attorney
 1413 named by The Florida Bar, a physician named by the Florida
 1414 Medical Association, a dentist named by the Florida Dental
 1415 Association, and a hospital representative named by the Florida
 1416 Hospital Association. The Chief Financial Officer shall select
 1417 the representatives of the five insurers or other persons with
 1418 experience in medical malpractice insurance as determined by the
 1419 Chief Financial Officer. One insurer representative shall be
 1420 selected from recommendations of the American Insurance
 1421 Association. One insurer representative shall be selected from
 1422 recommendations of the Property Casualty Insurers Association of
 1423 America. One insurer representative shall be selected from
 1424 recommendations of the Florida Insurance Council. Two insurer
 1425 representatives shall be selected to represent insurers that are

1426 not affiliated with these associations. Vacancies on the board
1427 shall be filled for the remaining period of the term in the same
1428 manner as the initial appointments. During the first meeting of
1429 the board after June 30 of each year, the board shall choose one
1430 of its members to serve as chair of the board and another member
1431 to serve as vice chair of the board. There is no liability on
1432 the part of, and no cause of action shall arise against, any
1433 member insurer, self-insurer, or its agents or employees, the
1434 Joint Underwriting Association or its agents or employees,
1435 members of the board of governors, or the office or its
1436 representatives for any action taken by them in the performance
1437 of their powers and duties under this subsection.

1438 1. The Chief Financial Officer may remove a board member
1439 from office for misconduct, malfeasance, misfeasance, or neglect
1440 of duty. Any vacancy so created shall be filled as provided in
1441 this paragraph.

1442 2. Board members are subject to the code of ethics under
1443 part III of chapter 112, including, but not limited to, the code
1444 of ethics and public disclosure and reporting of financial
1445 interests, pursuant to s. 112.3145. For purposes of applying
1446 part III of chapter 112 to activities of members of the board of
1447 governors, those persons are considered public officers and the
1448 Joint Underwriting Association is considered their agency.
1449 Notwithstanding s. 112.3143(2), a board member may not vote on
1450 any measure that he or she knows would inure to his or her

1451 special private gain or loss; that he or she knows would inure
1452 to the special private gain or loss of any principal by which he
1453 or she is retained, other than an agency as defined in s.
1454 112.312; or that he or she knows would inure to the special
1455 private gain or loss of a relative or business associate of the
1456 public officer. Before the vote is taken, such board member
1457 shall publicly state to the board the nature of his or her
1458 interest in the matter from which he or she is abstaining from
1459 voting and, within 15 days after the vote occurs, disclose the
1460 nature of his or her interest as a public record in a memorandum
1461 filed with the person responsible for recording the minutes of
1462 the meeting, who shall incorporate the memorandum in the
1463 minutes.

1464 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
1465 law, an board member may not knowingly accept, directly or
1466 indirectly, any gift or expenditure from a person or entity, or
1467 an employee or representative of such person or entity, which
1468 has a contractual relationship with the Joint Underwriting
1469 Association or which is under consideration for a contract.

1470 4. A board member who fails to comply with subparagraph 2.
1471 or subparagraph 3. is subject to the penalties provided under
1472 ss. 112.317 and 112.3173.

1473 Section 31. Subsections (2) and (3) of section 627.7015,
1474 Florida Statutes, are amended to read:

1475 627.7015 Alternative procedure for resolution of disputed

1476 | property insurance claims.—

1477 | (2) At the time of issuance and renewal of a policy or at
 1478 | the time a first-party claim within the scope of this section is
 1479 | filed by the policyholder, the insurer shall notify the
 1480 | policyholder of its right to participate in the mediation
 1481 | program under this section. A claim is not eligible for
 1482 | mediation until the insurer has made a claim determination or
 1483 | elected to repair pursuant to s. 627.70131. The department shall
 1484 | prepare a consumer information pamphlet for distribution to
 1485 | persons participating in mediation.

1486 | (3) The costs of mediation must be reasonable, and the
 1487 | insurer must bear all of the cost of conducting mediation
 1488 | conferences, except as otherwise provided in this section. If a
 1489 | policyholder fails to appear at the conference, the conference
 1490 | must be rescheduled upon the policyholder's payment of the costs
 1491 | of a rescheduled conference. If the insurer fails to appear at
 1492 | the conference, the insurer must pay the policyholder's actual
 1493 | cash expenses incurred in attending the conference if the
 1494 | insurer's failure to attend was not due to a good cause
 1495 | acceptable to the department. An insurer will be deemed to have
 1496 | failed to appear if the insurer's representative lacks authority
 1497 | to settle the full value of the claim. The insurer shall incur
 1498 | an additional fee for a rescheduled conference necessitated by
 1499 | the insurer's failure to appear at a scheduled conference. The
 1500 | fees assessed by the department ~~administrator~~ must include a

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1501 charge necessary to defray the expenses of the department
1502 related to its duties under this section and must be deposited
1503 in the Insurance Regulatory Trust Fund. The department may
1504 suspend the insurer's authority to appoint licensees if the
1505 insurer does not timely pay the required fees.

1506 Section 32. Subsection (18) is added to section 627.7074,
1507 Florida Statutes, to read:

1508 627.7074 Alternative procedure for resolution of disputed
1509 sinkhole insurance claims.—

1510 (18) The department may designate an entity or person to
1511 serve as administrator to carry out any of the provisions of
1512 this section and may take this action by means of a written
1513 contract or agreement.

1514 Section 33. Section 627.745, Florida Statutes, is amended
1515 to read:

1516 627.745 Mediation of claims.—

1517 (1)(a) In any claim filed with an insurer for personal
1518 injury in an amount of \$10,000 or less or any claim for property
1519 damage in any amount, arising out of the ownership, operation,
1520 use, or maintenance of a motor vehicle, either party may demand
1521 mediation of the claim prior to the institution of litigation.

1522 (b) The costs of mediation must be reasonable, and the
1523 insurer must bear all of the cost of conducting mediation
1524 conferences, except as otherwise provided in this section. If a
1525 policyholder fails to appear at the conference, the conference

1526 must be rescheduled upon the policyholder's payment of the costs
1527 of a rescheduled conference. If the insurer fails to appear at
1528 the conference, the insurer must pay the policyholder's actual
1529 cash expenses incurred in attending the conference if the
1530 insurer's failure to attend was not due to a good cause
1531 acceptable to the department. An insurer is deemed to have
1532 failed to appear if the insurer's representative lacks authority
1533 to settle the full value of the claim. The insurer shall incur
1534 an additional fee, paid to the mediator, for a rescheduled
1535 conference necessitated by the insurer's failure to appear at a
1536 scheduled conference. The fees assessed by the department or
1537 administrator must include a charge necessary to defray the
1538 expenses of the department related to its duties under this
1539 section and must be deposited in the Insurance Regulatory Trust
1540 Fund. The department or administrator may request that the
1541 department suspend the insurer's authority to appoint licensees
1542 if the insurer does not timely pay the per-mediation-event
1543 administrative fee.

1544 ~~(b) A request for mediation shall be filed with the~~
1545 ~~department on a form approved by the department. The request for~~
1546 ~~mediation shall state the reason for the request for mediation~~
1547 ~~and the issues in dispute which are to be mediated. The filing~~
1548 ~~of a request for mediation tolls the applicable time~~
1549 ~~requirements for filing suit for a period of 60 days following~~
1550 ~~the conclusion of the mediation process or the time prescribed~~

1551 ~~in s. 95.11, whichever is later.~~

1552 ~~(c) The insurance policy must specify in detail the terms~~
1553 ~~and conditions for mediation of a first-party claim.~~

1554 ~~(d) The mediation shall be conducted as an informal~~
1555 ~~process in which formal rules of evidence and procedure need not~~
1556 ~~be observed. Any party participating in a mediation must have~~
1557 ~~the authority to make a binding decision. All parties must~~
1558 ~~mediate in good faith.~~

1559 ~~(e) The department shall randomly select mediators. Each~~
1560 ~~party may once reject the mediator selected, either originally~~
1561 ~~or after the opposing side has exercised its option to reject a~~
1562 ~~mediator.~~

1563 ~~(f) Costs of mediation shall be borne equally by both~~
1564 ~~parties unless the mediator determines that one party has not~~
1565 ~~mediated in good faith.~~

1566 ~~(g) Only one mediation may be requested for each claim,~~
1567 ~~unless all parties agree to further mediation.~~

1568 ~~(2) Upon receipt of a request for mediation, the~~
1569 ~~department shall refer the request to a mediator. The mediator~~
1570 ~~shall notify the applicant and all interested parties, as~~
1571 ~~identified by the applicant, and any other parties the mediator~~
1572 ~~believes may have an interest in the mediation, of the date,~~
1573 ~~time, and place of the mediation conference. The conference may~~
1574 ~~be held by telephone, if feasible. The mediation conference~~
1575 ~~shall be held within 45 days after the request for mediation.~~

1576 (2) (a) ~~(3) (a)~~ The department shall approve mediators to
 1577 conduct mediations pursuant to this section. All mediators must
 1578 file an application under oath for approval as a mediator.

1579 (b) To qualify for approval as a mediator, an individual
 1580 must meet one of the following qualifications:

1581 1. Possess an active certification as a Florida Supreme
 1582 Court certified circuit court mediator. A Florida Supreme Court
 1583 certified circuit court mediator in a lapsed, suspended,
 1584 sanctioned, or decertified status is not eligible to participate
 1585 in the mediation program.

1586 2. Be an approved department mediator as of July 1, 2014,
 1587 and have conducted at least one mediation on behalf of the
 1588 department within 4 years immediately preceding that date.

1589 (3) ~~(4)~~ The department shall deny an application, or
 1590 suspend or revoke its approval, of a mediator to serve in such
 1591 capacity if the department finds that one or more of the
 1592 following grounds exist:

1593 (a) Lack of one or more of the qualifications specified in
 1594 this section for approval.

1595 (b) Material misstatement, misrepresentation, or fraud in
 1596 obtaining or attempting to obtain the approval.

1597 (c) Demonstrated lack of fitness or trustworthiness to act
 1598 as a mediator.

1599 (d) Fraudulent or dishonest practices in the conduct of
 1600 mediation or in the conduct of business in the financial

1601 services industry.

1602 (e) Violation of any provision of this code or of a lawful
 1603 order or rule of the department, violation of the Florida Rules
 1604 for Certified and Court-Appointed Mediators, or aiding,
 1605 instructing, or encouraging another party in committing such a
 1606 violation.

1607
 1608 The department may adopt rules to administer this subsection.

1609 (4) The department shall adopt by rule a motor vehicle
 1610 claims insurance mediation program to be administered by the
 1611 department or its designee. The department may also adopt
 1612 special rules that are applicable in cases of an emergency
 1613 within the state. The rules shall be modeled after practices and
 1614 procedures set forth in mediation rules of procedure adopted by
 1615 the Supreme Court. The rules must include:

1616 (a) Reasonable requirements for processing and scheduling
 1617 of requests for mediation.

1618 (b) Provisions governing who may attend mediation
 1619 conferences.

1620 (c) Selection of mediators.

1621 (d) Criteria for the conduct of mediation conferences.

1622 (e) Right to legal counsel.

1623 ~~(5) The department must adopt rules of procedure for~~
 1624 ~~claims mediation, taking into consideration a system which:~~

1625 ~~(a) Is fair.~~

1626 ~~(b) Promotes settlement.~~
 1627 ~~(c) Avoids delay.~~
 1628 ~~(d) Is nonadversarial.~~
 1629 ~~(e) Uses a framework for modern mediating technique.~~
 1630 (f) Controls of costs and expenses of mediation.
 1631 (5) The department may designate an entity or person to
 1632 serve as an administrator to carry out any of the provisions of
 1633 this section and may take this action by means of a written
 1634 contract or agreement.
 1635 (6) Disclosures and information divulged in the mediation
 1636 process are not admissible in any subsequent action or
 1637 proceeding relating to the claim or to the cause of action
 1638 giving rise to the claim. A person demanding mediation under
 1639 this section may not demand or request mediation after a suit is
 1640 filed relating to the same facts already mediated.
 1641 Section 34. Present subsections (7) through (12) of
 1642 section 631.141, Florida Statutes, are redesignated as
 1643 subsections (8) through (13), respectively, and a new subsection
 1644 (7) is added to that section, to read:
 1645 631.141 Conduct of delinquency proceeding; domestic and
 1646 alien insurers.—
 1647 (7) In order to preserve as much as possible the right and
 1648 interest of the policyholders whose insurance policies or
 1649 similar contracts are affected by the receivership proceedings,
 1650 the department as a domiciliary receiver may:

1651 (a) Use the property of the estate of the insurer to
1652 transfer the insurer's book of business, policies, or similar
1653 contracts of coverage, in whole or in part, to a solvent
1654 assuming insurer or insurers.

1655 (b) Notwithstanding s. 631.195, share records of the
1656 insurer with the prospective solvent assuming insurer or
1657 insurers, but only to the extent necessary to undertake due
1658 diligence for a transfer contemplated under this section.

1659 Section 35. Subsections (1) and (3) of section 631.252,
1660 Florida Statutes, are amended to read:

1661 631.252 Continuation of coverage.—

1662 (1) Unless another insurer, with approval of the
1663 receivership court, assumes or otherwise provides coverage for
1664 the policies of the insolvent insurer, all insurance policies or
1665 similar contracts of coverage, other than coverages defined in
1666 s. 631.713 or health maintenance organization coverage under
1667 part IV, issued by the insurer shall be canceled upon the
1668 earlier ~~earliest to occur~~ of the following:

1669 (a) The date of entry of the liquidation or, if the court
1670 so provides in its order, the expiration of 30 days from the
1671 date of entry of the liquidation order;

1672 (b) The normal expiration of the policy or contract
1673 coverage;

1674 (c) The replacement of the coverage by the insured, or the
1675 replacement of the policy or contract of coverage, with a policy

1676 or contract acceptable to the insured by the receiver with
 1677 another insurer; ~~or~~

1678 (d) The date proposed by the receiver and approved by the
 1679 receivership court to cancel coverage; or

1680 (e)-(d) The termination of the coverage by the insured.

1681 (3) The 30-day coverage continuation period provided in
 1682 paragraph (1)(a) and s. 631.57(1)(a)1. may not be extended
 1683 unless the Chief Financial Officer ~~office~~ determines, based on a
 1684 reasonable belief, that market conditions are such that policies
 1685 of residential property insurance coverage cannot be placed with
 1686 an authorized insurer within 30 days and that an additional 15
 1687 days is needed to place such coverage. ~~;~~ and Failure of actual
 1688 notice to the policyholder of the insolvency of the insurer, of
 1689 commencement of a delinquency proceeding, or of expiration of
 1690 the extension period does not affect such expiration.

1691 Section 36. Subsection (1) of section 631.56, Florida
 1692 Statutes, is amended, and subsections (5) through (8) are added
 1693 to that section, to read:

1694 631.56 Board of directors.—

1695 (1) The board of directors of the association shall
 1696 consist of not less than five or more than nine persons serving
 1697 terms as established in the plan of operation. Three members of
 1698 the board must be representatives from domestic insurers,
 1699 appointed by the Chief Financial Officer. The department shall
 1700 approve and appoint to the board persons recommended by the

1701 member insurers or other persons with experience in property and
1702 casualty insurance or motor vehicle insurance as determined by
1703 the Chief Financial Officer. ~~In the event the department finds~~
1704 ~~that any recommended person does not meet the qualifications for~~
1705 ~~service on the board, the department shall request the member~~
1706 ~~insurers to recommend another person.~~ Each member shall serve
1707 for a 4-year term and may be reappointed. Vacancies on the board
1708 shall be filled for the remaining period of the term in the same
1709 manner as initial appointments.

1710 (5) The Chief Financial Officer may remove a board member
1711 from office for misconduct, malfeasance, misfeasance, or neglect
1712 of duty. Any vacancy so created shall be filled as provided in
1713 subsection (1).

1714 (6) Board members are subject to the code of ethics under
1715 part III of chapter 112, including, but not limited to, the code
1716 of ethics and public disclosure and reporting of financial
1717 interests, pursuant to s. 112.3145. For purposes of applying
1718 part III of chapter 112 to activities of members of the board of
1719 directors, those persons are considered public officers and the
1720 association is considered their agency. Notwithstanding s.
1721 112.3143(2), a board member may not vote on any measure that he
1722 or she knows would inure to his or her special private gain or
1723 loss; that he or she knows would inure to the special private
1724 gain or loss of any principal by which he or she is retained,
1725 other than an agency as defined in s. 112.312; or that he or she

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1726 knows would inure to the special private gain or loss of a
1727 relative or business associate of the public officer. Before the
1728 vote is taken, such member shall publicly state to the board the
1729 nature of his or her interest in the matter from which he or she
1730 is abstaining from voting and, within 15 days after the vote
1731 occurs, disclose the nature of his or her interest as a public
1732 record in a memorandum filed with the person responsible for
1733 recording the minutes of the meeting, who shall incorporate the
1734 memorandum in the minutes.

1735 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
1736 law, a board member may not knowingly accept, directly or
1737 indirectly, any gift or expenditure from a person or entity, or
1738 an employee or representative of such person or entity, which
1739 has a contractual relationship with the association or which is
1740 under consideration for a contract.

1741 (8) A board member who fails to comply with subsection (6)
1742 or subsection (7) is subject to the penalties provided under ss.
1743 112.317 and 112.3173.

1744 Section 37. Paragraph (a) of subsection (1) of section
1745 631.716, Florida Statutes, is amended, and subsections (4)
1746 through (7) are added to that section, to read:

1747 631.716 Board of directors.—

1748 (1)(a) The board of directors of the association shall
1749 have at least 9, but no more than 11, members. The members shall
1750 consist ~~be comprised~~ of member insurers serving terms as

1751 established in the plan of operation and 1 Florida Health
1752 Maintenance Organization Consumer Assistance Plan director
1753 confirmed pursuant to paragraph (b), or other persons with
1754 experience in life and annuity or accident and health insurance
1755 as determined by the Chief Financial Officer. At all times, at
1756 least 1 ~~member of the board~~ member must be a domestic insurer as
1757 defined in s. 624.06(1). The ~~members of the board~~ members who
1758 are member insurers shall be elected by member insurers, subject
1759 to the approval of the department. Each board member shall serve
1760 for a 4-year term and may be reappointed.

1761 (4) The Chief Financial Officer may remove a board member
1762 from office for misconduct, malfeasance, misfeasance, or neglect
1763 of duty. Any vacancy so created shall be filled as provided in
1764 subsection (1).

1765 (5) Board members are subject to the code of ethics under
1766 part III of chapter 112, including, but not limited to, the code
1767 of ethics and public disclosure and reporting of financial
1768 interests, pursuant to s. 112.3145. For purposes of applying
1769 part III of chapter 112 to activities of members of the board of
1770 directors, those persons are considered public officers and the
1771 association is considered their agency. Notwithstanding s.
1772 112.3143(2), a board member may not vote on any measure that he
1773 or she knows would inure to his or her special private gain or
1774 loss; that he or she knows would inure to the special private
1775 gain or loss of any principal by which he or she is retained,

1776 other than an agency as defined in s. 112.312; or that he or she
1777 knows would inure to the special private gain or loss of a
1778 relative or business associate of the public officer. Before the
1779 vote is taken, such member shall publicly state to the board the
1780 nature of his or her interest in the matter from which he or she
1781 is abstaining from voting and, within 15 days after the vote
1782 occurs, disclose the nature of his or her interest as a public
1783 record in a memorandum filed with the person responsible for
1784 recording the minutes of the meeting, who shall incorporate the
1785 memorandum in the minutes.

1786 (6) Notwithstanding s. 112.3148 or s. 112.3149 or any
1787 other law, a board member may not knowingly accept, directly or
1788 indirectly, any gift or expenditure from a person or entity, or
1789 an employee or representative of such person or entity, which
1790 has a contractual relationship with the association or which is
1791 under consideration for a contract.

1792 (7) A board member who fails to comply with subsection (5)
1793 or subsection (6) is subject to the penalties provided under ss.
1794 112.317 and 112.3173.

1795 Section 38. Subsection (1) of section 631.816, Florida
1796 Statutes, is amended, and subsections (8) through (11) are added
1797 to that section, to read:

1798 631.816 Board of directors.—

1799 (1) The board of directors of the plan shall consist of
1800 not less than five or more than nine persons serving terms as

1801 established in the plan of operation. The department shall
1802 approve and appoint to the board persons recommended by the
1803 member HMOs or other persons with experience in health insurance
1804 as determined by the Chief Financial Officer. ~~In the event the~~
1805 ~~department finds that any recommended person does not meet the~~
1806 ~~qualifications for service on the board, the department shall~~
1807 ~~request the member HMOs to recommend another person.~~ Each member
1808 shall serve for a 4-year term and may be reappointed, except
1809 that terms may be staggered as defined in the plan of operation.
1810 Vacancies on the board shall be filled for the remaining period
1811 of the term in the same manner as initial appointments. In
1812 determining voting rights, each HMO is entitled to vote on the
1813 basis of cumulative weighted voting based on the net written
1814 premium for non-Medicare and non-Medicaid policies.

1815 (8) The Chief Financial Officer may remove a board member
1816 from office for misconduct, malfeasance, misfeasance, or neglect
1817 of duty. Any vacancy so created shall be filled as provided in
1818 subsection (1).

1819 (9) Board members are subject to the code of ethics under
1820 part III of chapter 112, including, but not limited to, the code
1821 of ethics and public disclosure and reporting of financial
1822 interests, pursuant to s. 112.3145. For purposes of applying
1823 part III of chapter 112 to activities of members of the board of
1824 directors, those persons are considered public officers and the
1825 plan is considered their agency. Notwithstanding s. 112.3143(2),

1826 a board member may not vote on any measure that he or she knows
1827 would inure to his or her special private gain or loss; that he
1828 or she knows would inure to the special private gain or loss of
1829 any principal by which he or she is retained, other than an
1830 agency as defined in s. 112.312; or that he or she knows would
1831 inure to the special private gain or loss of a relative or
1832 business associate of the public officer. Before the vote is
1833 taken, such member shall publicly state to the board the nature
1834 of his or her interest in the matter from which he or she is
1835 abstaining from voting and, within 15 days after the vote
1836 occurs, disclose the nature of his or her interest as a public
1837 record in a memorandum filed with the person responsible for
1838 recording the minutes of the meeting, who shall incorporate the
1839 memorandum in the minutes.

1840 (10) Notwithstanding s. 112.3148, s. 112.3149, or any
1841 other law, a board member may not knowingly accept, directly or
1842 indirectly, any gift or expenditure from a person or entity, or
1843 an employee or representative of such person or entity, which
1844 has a contractual relationship with the plan or which is under
1845 consideration for a contract.

1846 (11) A board member who fails to comply with subsection
1847 (9) or subsection (10) is subject to the penalties provided
1848 under ss. 112.317 and 112.3173.

1849 Section 39. Subsection (1) of section 631.912, Florida
1850 Statutes, is amended, and subsections (4), (5), and (6) are

1851 added to that section, to read:

1852 631.912 Board of directors.—

1853 (1) The board of directors of the corporation shall
1854 consist of 11 persons, 1 of whom is the insurance consumer
1855 advocate appointed under s. 627.0613 or designee and 1 of whom
1856 is designated by the Chief Financial Officer. The department
1857 shall appoint to the board 6 persons selected by private
1858 carriers from among the 20 workers' compensation insurers with
1859 the largest amount of direct written premium as determined by
1860 the department, and 2 persons selected by the self-insurance
1861 funds or other persons with experience in workers' compensation
1862 insurance as determined by the Chief Financial Officer. The
1863 Governor shall appoint one person who has commercial insurance
1864 experience. At least two of the private carriers shall be
1865 foreign carriers authorized to do business in this state. The
1866 board shall elect a chairperson from among its members. The
1867 Chief Financial Officer may remove any board member for cause.
1868 Each board member shall be appointed to serve a 4-year term and
1869 may be reappointed. A vacancy on the board shall be filled for
1870 the remaining period of the term in the same manner by which the
1871 original appointment was made.

1872 (4) Board members are subject to the code of ethics under
1873 part III of chapter 112, including, but not limited to, the code
1874 of ethics and public disclosure and reporting of financial
1875 interests, pursuant to s. 112.3145. For purposes of applying

1876 part III of chapter 112 to activities of members of the board of
1877 directors, those persons are considered public officers and the
1878 corporation is considered their agency. Notwithstanding s.
1879 112.3143(2), a board member may not vote on any measure that he
1880 or she knows would inure to his or her special private gain or
1881 loss; that he or she knows would inure to the special private
1882 gain or loss of any principal by which he or she is retained,
1883 other than an agency as defined in s. 112.312; or that he or she
1884 knows would inure to the special private gain or loss of a
1885 relative or business associate of the public officer. Before the
1886 vote is taken, such member shall publicly state to the board the
1887 nature of his or her interest in the matter from which he or she
1888 is abstaining from voting and, within 15 days after the vote
1889 occurs, disclose the nature of his or her interest as a public
1890 record in a memorandum filed with the person responsible for
1891 recording the minutes of the meeting, who shall incorporate the
1892 memorandum in the minutes.

1893 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
1894 law, a board member may not knowingly accept, directly or
1895 indirectly, any gift or expenditure from a person or entity, or
1896 an employee or representative of such person or entity, which
1897 has a contractual relationship with the corporation or which is
1898 under consideration for a contract.

1899 (6) A board member who fails to comply with subsection (4)
1900 or subsection (5) is subject to the penalties provided under ss.

1901 112.317 and 112.3173.

1902 Section 40. Section 633.1423, Florida Statutes, is created

1903 to read:

1904 633.1423 State Fire Marshal direct-support organization.—

1905 (1) DEFINITION.—As used in this section, the term

1906 "organization" means the direct-support organization established

1907 under this section.

1908 (2) ORGANIZATION ESTABLISHED.—The division may establish a

1909 direct-support organization, to be known as the "State Fire

1910 Marshal Safety and Training Force," whose sole purpose is to

1911 support the safety and training of firefighters and to recognize

1912 exemplary service. The organization must:

1913 (a) Be a not-for-profit corporation incorporated under

1914 chapter 617 and approved by the Department of State.

1915 (b) Be organized and operated to raise funds; request and

1916 receive grants, gifts, and bequests of money; conduct programs

1917 and activities; acquire, receive, hold, invest, and administer,

1918 in its own name, securities, funds, or property; and make grants

1919 and expenditures to or for the direct or indirect benefit of the

1920 division. Grants and expenditures may include the cost of

1921 education or training of firefighters, or the recognition of

1922 exemplary service of firefighters.

1923 (c) Be determined by the division to operate in a manner

1924 that is:

1925 1. Consistent with the goals of the division and laws

1926 relating to the safety and training of firefighters.

1927 2. In the best interest of the state.

1928 3. In accordance with the adopted goals and mission of the
1929 division.

1930 (d) Use all of its grants and expenditures solely for the
1931 purpose of educating, training, and recognizing firefighters,
1932 and not for advertising using the likeness or name of any
1933 elected official nor for the purpose of lobbying as defined in
1934 s. 11.045(1).

1935 (e) Be subject to an annual financial audit in accordance
1936 with s. 215.981.

1937 (3) CONTRACT.—The organization shall operate under written
1938 contract with the division. The contract must provide for:

1939 (a) Certification by the division that the organization is
1940 complying with the terms of the contract and in a manner
1941 consistent with the goals and purposes of the department and in
1942 the best interest of the state. Such certification must be made
1943 annually and reported in the official minutes of a meeting of
1944 the organization.

1945 (b) The reversion of moneys and property held by the
1946 organization for firefighter safety, training, and recognition
1947 to the division if the organization is no longer approved to
1948 operate by the division or if the organization ceases to exist,
1949 or to the state if the division ceases to exist.

1950 (4) BOARD OF DIRECTORS.—The organization shall be governed

1951 by a board of directors. The State Fire Marshal, or his or her
 1952 designee, shall appoint a president of the board. The board of
 1953 directors shall be appointed by the president of the board.

1954 (5) USE OF PROPERTY.—The division may authorize, without
 1955 charge, appropriate use of fixed property and facilities of the
 1956 division by the organization, subject to this subsection.

1957 (a) The department may prescribe any condition with which
 1958 the organization must comply in order to use the division's
 1959 property or facilities.

1960 (b) The department may not authorize the use of the
 1961 division's property or facilities if the organization does not
 1962 provide equal membership and employment opportunities to all
 1963 persons regardless of race, religion, sex, age, or national
 1964 origin.

1965 (c) The department shall adopt rules prescribing the
 1966 procedures by which the organization is governed and any
 1967 conditions with which the organization must comply to use the
 1968 division's property or facilities.

1969 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
 1970 organization may be held in a separate depository account in the
 1971 name of the organization and subject to the contract with the
 1972 division.

1973 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall
 1974 submit to the division its annual budget and financial reports,
 1975 its federal Internal Revenue Service Application for Recognition

1976 | of Exemption Form 1023, and its federal Internal Revenue Service
 1977 | Return of Organization Exempt from Income Tax Form 990.

1978 | (8) ANNUAL AUDIT.—The organization shall provide for an
 1979 | annual financial audit in accordance with s. 215.981.

1980 | (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
 1981 | the division from the organization shall be deposited into the
 1982 | Insurance Regulatory Trust Fund.

1983 | (10) REPEAL.—This section is repealed October 1, 2028,
 1984 | unless reviewed and saved from repeal by the Legislature.

1985 | Section 41. Section 634.181, Florida Statutes, is amended
 1986 | to read:

1987 | 634.181 Grounds for compulsory refusal, suspension, or
 1988 | revocation of license or appointment of salespersons.—

1989 | (1) The department shall deny, suspend, revoke, or refuse
 1990 | to renew or continue the license or appointment of any such
 1991 | salesperson if it finds that as to the salesperson any one or
 1992 | more of the following applicable grounds exist:

1993 | (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 1994 | in obtaining or attempting to obtain the license or appointment.

1995 | (b)~~(2)~~ If the license or appointment is willfully used, or
 1996 | to be used, to circumvent any of the requirements or
 1997 | prohibitions of this part, any applicable provision of the
 1998 | Florida Insurance Code, or rule of the department or commission.

1999 | (c)~~(3)~~ Willful misrepresentation of any service agreement
 2000 | or willful deception with regard to any agreement, done either

2001 in person or by any form of dissemination of information or
 2002 advertising.

2003 (d)~~(4)~~ If in the adjustment of claims arising out of
 2004 service agreements, she or he has materially misrepresented to a
 2005 service agreement holder or other interested party the terms and
 2006 coverage of a service agreement with intent and for the purpose
 2007 of effecting settlement of the claim on less favorable terms
 2008 than those provided in and contemplated by the service
 2009 agreement.

2010 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
 2011 to engage in the service agreement business.

2012 (f)~~(6)~~ For demonstrated lack of adequate knowledge and
 2013 technical competence to engage in the transactions authorized by
 2014 the license or appointment.

2015 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2016 business under the license or appointment.

2017 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2018 withholding of moneys belonging to a service agreement company,
 2019 insurer, or service agreement holder or to others and received
 2020 in the conduct of business under the license or appointment.

2021 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for
 2022 unlawfully dividing or offering to divide her or his commission
 2023 with another.

2024 (j)~~(10)~~ Willful failure to comply with, or willful
 2025 violation of any proper order of the department or office, or

2026 willful violation of any provision of this part, or of any
 2027 applicable provision of the insurance code, or applicable rule
 2028 of the department or commission.

2029 (k)~~(11)~~ Having been found guilty of, or having pleaded
 2030 guilty or nolo contendere to, a felony or a crime punishable by
 2031 imprisonment of 1 year or more under the law of the United
 2032 States of America or any state thereof or under the law of any
 2033 other country which involves moral turpitude, without regard to
 2034 whether a judgment of conviction has been entered by the court
 2035 having jurisdiction of the cases.

2036 (l)~~(12)~~ Failure to refund unearned pro rata commission to
 2037 the agreement holder or the service agreement company, if the
 2038 service agreement company is making a full unearned pro rata
 2039 refund to the agreement holder.

2040 (m) Having been the subject of, or having had a license,
 2041 permit, appointment, registration, or other authority to conduct
 2042 business subject to, any decision, finding, injunction,
 2043 suspension, prohibition, revocation, denial, judgment, final
 2044 agency action, or administrative order by any court of competent
 2045 jurisdiction, administrative law proceeding, state agency,
 2046 federal agency, national securities, commodities, or options
 2047 exchange, or national securities, commodities, or options
 2048 association involving a violation of any federal or state
 2049 securities or commodities law or any rule or regulation adopted
 2050 thereunder, or a violation of any rule or regulation of any

2051 national securities, commodities, or options exchange or
 2052 national securities, commodities, or options association.

2053 (2) When a licensee is charged with a felony enumerated in
 2054 s. 626.207(2), the department shall, immediately upon receipt of
 2055 information on or indictment for the felony, temporarily suspend
 2056 a license or appointment issued under this chapter. Such
 2057 suspension shall continue if the licensee is found guilty of, or
 2058 pleads guilty or nolo contendere to, the crime, regardless of
 2059 whether a judgment or conviction is entered, during a pending
 2060 appeal. A person may not transact insurance business after
 2061 suspension of his or her license or appointment.

2062 (3) The department may adopt rules to administer this
 2063 section.

2064 Section 42. Section 634.191, Florida Statutes, is amended
 2065 to read:

2066 634.191 Grounds for discretionary refusal, suspension, or
 2067 revocation of license or appointment of salespersons.—

2068 (1) The department may, in its discretion, deny, suspend,
 2069 revoke, or refuse to renew or continue the license or
 2070 appointment of any salesperson if it finds that as to the
 2071 salesperson any one or more of the following applicable grounds
 2072 exist under circumstances for which such denial, suspension,
 2073 revocation, or refusal is not mandatory under s. 634.181:

2074 (a)~~(1)~~ For any cause for which granting of the license or
 2075 appointment could have been refused had it then existed and been

2076 known to the department.

2077 (b)~~(2)~~ Violation of any provision of this part or of any
 2078 other law applicable to the business of service agreements in
 2079 the course of dealings under the license or appointment.

2080 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule
 2081 of the department or commission.

2082 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any
 2083 company or insurer the salesperson represents or has represented
 2084 any money coming into her or his hands belonging to the company
 2085 or insurer.

2086 (e)~~(5)~~ If, in the conduct of business under the license or
 2087 appointment, the salesperson has engaged in unfair methods of
 2088 competition or in unfair or deceptive acts or practices, as such
 2089 methods, acts, or practices are or may be defined under this
 2090 part, or has otherwise shown herself or himself to be a source
 2091 of injury or loss to the public or detrimental to the public
 2092 interest.

2093 (f)~~(6)~~ Failure to report to the department within 30 days
 2094 the final disposition of an administrative action taken against
 2095 a salesperson by a governmental agency or other regulatory
 2096 agency in this state or any other state or jurisdiction relating
 2097 to the business of insurance, the sale of securities, or an
 2098 activity involving fraud, dishonesty, trustworthiness, or breach
 2099 of a fiduciary duty. The salesperson must submit a copy of the
 2100 order, consent to order, or other relevant legal documents to

2101 the department ~~Having been found guilty of, or having pleaded~~
 2102 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
 2103 ~~imprisonment of 1 year or more under the law of the United~~
 2104 ~~States of America or any state thereof or under the law of any~~
 2105 ~~other country, without regard to whether a judgment of~~
 2106 ~~conviction has been entered by the court having jurisdiction of~~
 2107 ~~the cases.~~

2108 (2) The department may adopt rules to administer this
 2109 section.

2110 Section 43. Section 634.320, Florida Statutes, is amended
 2111 to read:

2112 634.320 Grounds for compulsory refusal, suspension, or
 2113 revocation of license or appointment of sales representatives.—

2114 (1) The department shall deny, suspend, revoke, or refuse
 2115 to renew or continue the license or appointment of any sales
 2116 representative if it is found that any one or more of the
 2117 following grounds applicable to the sales representative exist:

2118 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2119 in obtaining or attempting to obtain a license or appointment.

2120 (b)~~(2)~~ The license or appointment is willfully used, or to
 2121 be used, to circumvent any of the requirements or prohibitions
 2122 of this part.

2123 (c)~~(3)~~ Willful misrepresentation of any warranty contract
 2124 or willful deception with regard to any such contract, done
 2125 either in person or by any form of dissemination of information

2126 or advertising.

2127 (d)~~(4)~~ In the adjustment of claims arising out of
2128 warranties, material misrepresentation to a warranty holder or
2129 other interested party of the terms and coverage of a contract,
2130 with the intent and for the purpose of effecting settlement of
2131 such claim on less favorable terms than those provided in and
2132 contemplated by the contract.

2133 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2134 engage in the business of home warranty.

2135 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
2136 technical competence to engage in the transactions authorized by
2137 the license or appointment.

2138 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2139 business under the license or appointment.

2140 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2141 withholding of moneys belonging to an association, insurer, or
2142 warranty holder, or to others, and received in the conduct of
2143 business under the license or appointment.

2144 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
2145 rebate, or unlawfully dividing, or offering to divide, her or
2146 his commission with another.

2147 (j)~~(10)~~ Willful failure to comply with, or willful
2148 violation of, any proper order or rule of the department or
2149 commission or willful violation of any provision of this part.

2150 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo

2151 | contendere to a felony or a crime punishable by imprisonment of
2152 | 1 year or more under the law of the United States of America or
2153 | any state thereof or under the law of any other country
2154 | ~~involving moral turpitude,~~ without regard to whether judgment of
2155 | conviction has been entered by the court.

2156 | (1) Having been the subject of, or having had a license,
2157 | permit, appointment, registration, or other authority to conduct
2158 | business subject to, any decision, finding, injunction,
2159 | suspension, prohibition, revocation, denial, judgment, final
2160 | agency action, or administrative order by any court of competent
2161 | jurisdiction, administrative law proceeding, state agency,
2162 | federal agency, national securities, commodities, or options
2163 | exchange, or national securities, commodities, or options
2164 | association involving a violation of any federal or state
2165 | securities or commodities law or any rule or regulation adopted
2166 | thereunder, or a violation of any rule or regulation of any
2167 | national securities, commodities, or options exchange or
2168 | national securities, commodities, or options association.

2169 | (2) When a licensee is charged with a felony enumerated in
2170 | s. 626.207(2), the department shall, immediately upon receipt of
2171 | information on or indictment for the felony, temporarily suspend
2172 | a license or appointment issued under this chapter. Such
2173 | suspension shall continue if the licensee is found guilty of, or
2174 | pleads guilty or nolo contendere to, the crime, regardless of
2175 | whether a judgment or conviction is entered, during a pending

2176 | appeal. A person may not transact insurance business after
 2177 | suspension of his or her license or appointment.

2178 | (3) The department may adopt rules to administer this
 2179 | section.

2180 | Section 44. Section 634.321, Florida Statutes, is amended
 2181 | to read:

2182 | 634.321 Grounds for discretionary refusal, suspension, or
 2183 | revocation of license or appointment of sales representatives.—

2184 | (1) The department may, in its discretion, deny, suspend,
 2185 | revoke, or refuse to renew or continue the license or
 2186 | appointment of any sales representative if it is found that any
 2187 | one or more of the following grounds applicable to the sales
 2188 | representative exist under circumstances for which such denial,
 2189 | suspension, revocation, or refusal is not mandatory under s.
 2190 | 634.320:

2191 | (a)~~(1)~~ Any cause for which granting of the license or
 2192 | appointment could have been refused had it then existed and been
 2193 | known to the department.

2194 | (b)~~(2)~~ Violation of any provision of this part, or of any
 2195 | other law applicable to the business of warranties, in the
 2196 | course of dealings under the license or appointment.

2197 | (c)~~(3)~~ Violation of any lawful order or rule of the
 2198 | department or commission.

2199 | (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
 2200 | home warranty association or insurer the sales representative

2201 represents or has represented any money coming into her or his
 2202 hands which belongs to the association or insurer.

2203 (e)-(5) In the conduct of business under the license or
 2204 appointment, engaging in unfair methods of competition or in
 2205 unfair or deceptive acts or practices, as such methods, acts, or
 2206 practices are or may be defined under this part, or otherwise
 2207 showing herself or himself to be a source of injury or loss to
 2208 the public or detriment to the public interest.

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

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

2225 Section 45. Section 634.419, Florida Statutes, is amended

2226 to read:

2227 634.419 License and appointment required.—No person or
 2228 entity shall solicit, negotiate, advertise, or effectuate
 2229 service warranty contracts in this state unless such person or
 2230 entity is licensed and appointed as a sales representative.
 2231 Sales representatives shall be responsible for the actions of
 2232 persons under their supervision. However, a service warranty
 2233 association licensed as such under this part shall not be
 2234 required to be licensed and appointed as a sales representative
 2235 to solicit, negotiate, advertise, or effectuate its products.
 2236 Sections 501.021-501.055 do not apply to persons or entities
 2237 licensed and appointed under this section, or their affiliates,
 2238 which solicit the sale of a service warranty or related service
 2239 or product in connection with a prearranged appointment at the
 2240 request of the consumer.

2241 Section 46. Section 634.422, Florida Statutes, is amended
 2242 to read:

2243 634.422 Grounds for compulsory refusal, suspension, or
 2244 revocation of license or appointment of sales representatives.—

2245 (1) The department shall deny, suspend, revoke, or refuse
 2246 to renew or continue the license or appointment of any sales
 2247 representative if it is found that any one or more of the
 2248 following grounds applicable to the sales representative exist:

2249 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2250 in obtaining or attempting to obtain a license or appointment.

2251 (b)~~(2)~~ The license or appointment is willfully used, or to
 2252 be used, to circumvent any of the requirements or prohibitions
 2253 of this part.

2254 (c)~~(3)~~ Willful misrepresentation of any service warranty
 2255 contract or willful deception with regard to any such contract,
 2256 done either in person or by any form of dissemination of
 2257 information or advertising.

2258 (d)~~(4)~~ In the adjustment of claims arising out of
 2259 warranties, material misrepresentation to a service warranty
 2260 holder or other interested party of the terms and coverage of a
 2261 contract with the intent and for the purpose of effecting
 2262 settlement of the claim on less favorable terms than those
 2263 provided in and contemplated by the contract.

2264 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
 2265 engage in the business of service warranty.

2266 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
 2267 technical competence to engage in the transactions authorized by
 2268 the license or appointment.

2269 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2270 business under the license or appointment.

2271 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2272 withholding of moneys belonging to an association, insurer, or
 2273 warranty holder, or to others, and received in the conduct of
 2274 business under the license or appointment.

2275 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully

2276 rebate, or unlawfully dividing, or offering to divide, her or
 2277 his commission with another.

2278 ~~(j)-(10)~~ Willful failure to comply with, or willful
 2279 violation of, any proper order or rule of the department or
 2280 commission, or willful violation of any provision of this part.

2281 ~~(k)-(11)~~ Being found guilty of or pleading nolo contendere
 2282 to a felony or a crime punishable by imprisonment of 1 year or
 2283 more under the law of the United States of America or any state
 2284 thereof or under the law of any other country ~~involving moral~~
 2285 ~~turpitude~~, without regard to whether judgment of conviction has
 2286 been entered by the court having jurisdiction of the case.

2287 (l) Having been the subject of, or having had a license,
 2288 permit, appointment, registration, or other authority to conduct
 2289 business subject to, any decision, finding, injunction,
 2290 suspension, prohibition, revocation, denial, judgment, final
 2291 agency action, or administrative order by any court of competent
 2292 jurisdiction, administrative law proceeding, state agency,
 2293 federal agency, national securities, commodities, or options
 2294 exchange, or national securities, commodities, or options
 2295 association involving a violation of any federal or state
 2296 securities or commodities law or any rule or regulation adopted
 2297 thereunder, or a violation of any rule or regulation of any
 2298 national securities, commodities, or options exchange or
 2299 national securities, commodities, or options association.

2300 (2) When a licensee is charged with a felony enumerated in

2301 s. 626.207(2), the department shall, immediately upon receipt of
2302 information on or indictment for the felony, temporarily suspend
2303 a license or appointment issued under this chapter. Such
2304 suspension shall continue if the licensee is found guilty of, or
2305 pleads guilty or nolo contendere to, the crime, regardless of
2306 whether a judgment or conviction is entered, during a pending
2307 appeal. A person may not transact insurance business after
2308 suspension of his or her license or appointment.

2309 (3) The department may adopt rules to administer this
2310 section.

2311 Section 47. Section 634.423, Florida Statutes, is amended
2312 to read:

2313 634.423 Grounds for discretionary refusal, suspension, or
2314 revocation of license or appointment of sales representatives.—

2315 (1) The department may deny, suspend, revoke, or refuse to
2316 renew or continue the license or appointment of any sales
2317 representative if it is found that any one or more of the
2318 following grounds applicable to the sales representative exist
2319 under circumstances for which such denial, suspension,
2320 revocation, or refusal is not mandatory under s. 634.422:

2321 (a)~~(1)~~ Any cause for which granting of the license or
2322 appointment could have been refused had it then existed and been
2323 known to the department.

2324 (b)~~(2)~~ Violation of any provision of this part, or of any
2325 other law applicable to the business of service warranties, in

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2326 the course of dealings under the license or appointment.

2327 ~~(c)(3)~~ Violation of any lawful order or rule of the
2328 department or commission.

2329 ~~(d)(4)~~ Failure or refusal to pay over, upon demand, to any
2330 service warranty association or insurer the sales representative
2331 represents or has represented any money coming into her or his
2332 hands which belongs to the association or insurer.

2333 ~~(e)(5)~~ In the conduct of business under the license or
2334 appointment, engaging in unfair methods of competition or in
2335 unfair or deceptive acts or practices, as such methods, acts, or
2336 practices are or may be defined under this part, or otherwise
2337 showing herself or himself to be a source of injury or loss to
2338 the public or detriment to the public interest.

2339 ~~(f)(6)~~ Failure to report to the department within 30 days
2340 the final disposition of an administrative action taken against
2341 a sales representative by a governmental agency or other
2342 regulatory agency in this state or any other state or
2343 jurisdiction relating to the business of insurance, the sale of
2344 securities, or an activity involving fraud, dishonesty,
2345 trustworthiness, or breach of a fiduciary duty. The sales
2346 representative must submit a copy of the order, consent to
2347 order, or other relevant legal documents to the department Being
2348 ~~found guilty of or pleading guilty or nolo contendere to a~~
2349 ~~felony or a crime punishable by imprisonment of 1 year or more~~
2350 ~~under the law of the United States of America or any state~~

2351 ~~thereof or under the law of any other country, without regard to~~
 2352 ~~whether judgment of conviction has been entered by the court~~
 2353 ~~having jurisdiction of such case.~~

2354 (2) The department may adopt rules to administer this
 2355 section.

2356 Section 48. Section 648.25, Florida Statutes, is reordered
 2357 and amended to read:

2358 648.25 Definitions.—As used in this chapter, the term:

2359 (1) "Appointment" means the authority given by an insurer
 2360 or the managing general agent of an insurer through the
 2361 department to a licensee to transact insurance or adjust claims
 2362 on behalf of the insurer or managing general agent.

2363 (2)-(1) "Bail bond agency" means:

2364 (a) The building where a licensee maintains an office and
 2365 where all records required by ss. 648.34 and 648.36 are
 2366 maintained; or

2367 (b) An entity that:

2368 1. Charges a fee or premium to release an accused
 2369 defendant or detainee from jail; or

2370 2. Engages in or employs others to engage in any activity
 2371 that may be performed only by a licensed and appointed bail bond
 2372 agent.

2373 (3)-(2) "Bail bond agent" means a limited surety agent or a
 2374 professional bail bond agent as hereafter defined.

2375 (7)-(3) "Managing general agent" means any individual,

2376 partnership, association, or corporation appointed or employed
2377 by an insurer to supervise or manage the bail bond business
2378 written in this state by limited surety agents appointed by the
2379 insurer.

2380 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien
2381 surety company which has been authorized to transact surety
2382 business in this state.

2383 (6)~~(5)~~ "Limited surety agent" means any individual
2384 appointed by an insurer by power of attorney to execute or
2385 countersign bail bonds in connection with judicial proceedings
2386 who receives or is promised money or other things of value
2387 therefor.

2388 (4)~~(6)~~ "~~Primary~~ Bail bond agent in charge" means a
2389 licensed bail bond agent who is responsible for the overall
2390 operation and management of a bail bond agency location and
2391 whose responsibilities include hiring and supervising all
2392 individuals within that location. A bail bond agent may be
2393 designated as the primary bail bond agent in charge for only one
2394 bail bond agency location.

2395 (8)~~(7)~~ "Professional bail bond agent" means any person who
2396 pledges United States currency, United States postal money
2397 orders, or cashier's checks as security for a bail bond in
2398 connection with a judicial proceeding and receives or is
2399 promised therefor money or other things of value.

2400 (9)~~(8)~~ "Temporary bail bond agent" means a person licensed

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2401 before January 1, 2024, who is employed by a bail bond agent or
2402 agency, insurer, or managing general agent, and such licensee
2403 has the same authority as a licensed bail bond agent, including
2404 presenting defendants in court; apprehending, arresting, and
2405 surrendering defendants to the proper authorities, while
2406 accompanied by a supervising bail bond agent or an agent from
2407 the same agency; and keeping defendants under necessary
2408 surveillance. However, a temporary licensee may not execute or
2409 sign bonds, handle collateral receipts, or deliver bonds to
2410 appropriate authorities. A temporary licensee may not operate an
2411 agency or branch agency separate from the location of the
2412 supervising bail bond agent, managing general agent, or insurer
2413 by whom the licensee is employed. This does not affect the right
2414 of a bail bond agent or insurer to hire counsel or to obtain the
2415 assistance of law enforcement officers. A temporary bail bond
2416 agent license expires 18 months after issuance and is no longer
2417 valid on or after June 30, 2025.

2418 Section 49. Subsection (3) of section 648.26, Florida
2419 Statutes, is amended to read:

2420 648.26 Department of Financial Services; administration.—

2421 (3) The papers, documents, reports, or any other
2422 investigatory records of the department are confidential and
2423 exempt from ~~the provisions of~~ s. 119.07(1) until such
2424 investigation is completed or ceases to be active. For the
2425 purpose of this section, an investigation is considered active

2426 ~~"active"~~ while the investigation is being conducted by the
 2427 department with a reasonable, good faith belief that it may lead
 2428 to the filing of administrative, civil, or criminal proceedings.
 2429 An investigation does not cease to be active if the department
 2430 is proceeding with reasonable dispatch and there is good faith
 2431 belief that action may be initiated by the department or other
 2432 administrative or law enforcement agency. This subsection does
 2433 not prevent the department or office from disclosing the content
 2434 of a complaint or such information as it deems necessary to
 2435 conduct the investigation, to update the complainant as to the
 2436 status and outcome of the complaint, or to share such
 2437 information with any law enforcement agency or other regulatory
 2438 body.

2439 Section 50. Subsection (5) of section 648.27, Florida
 2440 Statutes, is amended to read:

2441 648.27 Licenses and appointments; general.—

2442 (5)~~(a)~~ The license of a bail bond agent shall continue in
 2443 force, without further examination unless deemed necessary by
 2444 the department, until suspended, revoked, or otherwise
 2445 terminated.

2446 ~~(b) The license of a temporary bail bond agent shall~~
 2447 ~~continue in force until suspended, revoked, or otherwise~~
 2448 ~~terminated.~~

2449 Section 51. Section 648.285, Florida Statutes, is amended
 2450 to read:

2451 648.285 Bond agency; ownership requirements; applications
 2452 for bail bond agency licenses.—

2453 (1) A person may not own, control, manage, or otherwise
 2454 have a pecuniary interest in a bail bond agency unless such
 2455 individual is ~~a~~ licensed pursuant to s. 648.27, ~~and~~ appointed
 2456 through the department, and actively engaged as a bail bond
 2457 agent for at least the preceding 24 months. Any agency that is
 2458 not in compliance with this subsection ~~is shall be~~ subject to
 2459 the issuance of an immediate final order of suspension of its
 2460 license and all operations until the agency achieves compliance.

2461 (2) Effective January 1, 2024, the department may issue a
 2462 bail bond agency license to any person only after such person
 2463 files a written application with the department and qualifies
 2464 for such license.

2465 (3) An application for a bail bond agency license must be
 2466 signed by an individual required to be listed in the application
 2467 under paragraph (a). A bail bond agency license may permit a
 2468 third party to complete, submit, and sign an application on the
 2469 bail bond agency's behalf; however, the bail bond agency is
 2470 responsible for ensuring that the information on the application
 2471 is true and correct, and the bail bond agency is accountable for
 2472 any misstatements or misrepresentations. The application for a
 2473 bail bond agency license must include:

2474 (a) The name and license number of each owner, partner,
 2475 officer, director, president, senior vice president, secretary,

2476 treasurer, and limited liability company member who directs or
2477 participates in the management or control of the bail bond
2478 agency, whether through ownership of voting securities, by
2479 contract, by ownership of any agency bank account, or otherwise.

2480 (b) The residence address of each person required to be
2481 listed in the application under paragraph (a).

2482 (c) The name, principal business street address, and valid
2483 e-mail address of the bail bond agency and the name, address,
2484 and e-mail address of the agency's registered agent or person or
2485 company authorized to accept service on behalf of the bail bond
2486 agency.

2487 (d) The physical address of each branch bail bond agency,
2488 including its name, e-mail address, and telephone number, and
2489 the date that the branch location began transacting bail bond
2490 business.

2491 (e) The name of the full-time bail bond agent in charge of
2492 the agency office, including branch locations, and his or her
2493 corresponding location.

2494 (f) Such additional information as the department requires
2495 by rule to ascertain the trustworthiness and competence of
2496 persons required to be listed on the application and to
2497 ascertain that such persons meet the requirements of this code.
2498 However, the department may not require that credit or character
2499 reports be submitted for persons required to be listed on the
2500 application.

2501 (4) The department must issue a license to each agency
2502 upon approval of the application, and each agency location must
2503 display the license prominently in a manner that makes it
2504 clearly visible to any customer or potential customer who enters
2505 the agency location.

2506 (5) A bail bond agency that holds a current and valid
2507 registration number with the department shall have its
2508 registration automatically converted to a license on July 1,
2509 2024.

2510 (6) Section 112.011 does not apply to bail bond agencies
2511 or to applicants for licensure as owners of bail bond agencies.

2512 (7)~~(2)~~ If the owner of a bail bond agency dies or becomes
2513 mentally incapacitated, a personal representative or legal
2514 guardian may be issued a temporary permit to manage the affairs
2515 of the bail bond agency. Such person must appoint or maintain
2516 the appointment of a ~~primary~~ bail bond agent in charge, as
2517 provided in s. 648.387, and may not engage in any activities as
2518 a licensed bail bond agent but must comply with s. 648.387
2519 during the administration of the estate or guardianship. A
2520 temporary permit is valid for a maximum of 24 months.

2521 (8)~~(3)~~ Application for a temporary permit must be made by
2522 the personal representative or legal guardian upon statements
2523 and affidavits filed with the department on forms prescribed and
2524 furnished by it. The applicant must meet the qualifications for
2525 licensure as a bail bond agent, except for the residency,

2526 examination, education, and experience requirements.

2527 Section 52. Subsection (1) of section 648.30, Florida
 2528 Statutes, is amended to read:

2529 648.30 Licensure and appointment required; prohibited
 2530 acts; penalties.—

2531 (1) (a) A person or entity may not act in the capacity of a
 2532 bail bond agent or ~~temporary~~ bail bond agency agent or perform
 2533 any of the functions, duties, or powers prescribed for bail bond
 2534 agents or ~~temporary~~ bail bond agencies agents under this chapter
 2535 unless that person or entity is qualified, licensed, and
 2536 appointed as provided in this chapter and employed by a bail
 2537 bond agency.

2538 (b) A bail bond agent may not sell a bail bond issued by
 2539 an insurer for which the agent and the agent's bail bond agency
 2540 do not hold a current appointment.

2541 (c) Except as otherwise provided in this part, a person or
 2542 entity, other than a bail bond agency or an employee of a bail
 2543 bond agency, may not perform any of the functions of a bail bond
 2544 agency without a bail bond agency license.

2545 Section 53. Section 648.31, Florida Statutes, is amended
 2546 to read:

2547 648.31 Appointment taxes and fees.—The department shall
 2548 collect in advance all appointment taxes and fees for the
 2549 issuance of any appointment to a bail bond agent ~~or temporary~~
 2550 ~~bail bond agent~~, as provided in s. 624.501.

2551 Section 54. Subsection (2) of section 648.34, Florida
 2552 Statutes, is amended to read:

2553 648.34 Bail bond agents; qualifications.—

2554 (2) To qualify as a bail bond agent, it must affirmatively
 2555 appear at the time of application and throughout the period of
 2556 licensure that the applicant ~~has complied with the provisions of~~
 2557 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
 2558 ~~section and:~~

2559 (a) ~~The applicant~~ Is a natural person who has reached the
 2560 age of 18 years and holds a high school diploma or its
 2561 equivalent.

2562 (b) ~~The applicant~~ Is a United States citizen or legal
 2563 alien who possesses work authorization from the United States
 2564 Bureau of Citizenship and Immigration Services and is a resident
 2565 of this state. An individual who is a resident of this state
 2566 shall be deemed to meet the residence requirement of this
 2567 paragraph, notwithstanding the existence, at the time of
 2568 application for license, of a license in the applicant's name on
 2569 the records of another state as a resident licensee of such
 2570 other state, if the applicant furnishes a letter of clearance
 2571 satisfactory to the department that his or her resident licenses
 2572 have been canceled or changed to a nonresident basis and that he
 2573 or she is in good standing.

2574 (c) Will maintain his or her ~~The place of business of the~~
 2575 ~~applicant will be located~~ in this state and in the county where

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2576 the applicant will maintain his or her records and be actively
2577 engaged in the bail bond business and work with a licensed
2578 ~~maintain an~~ agency accessible to the public which is open for
2579 reasonable business hours.

2580 (d) ~~The applicant~~ Is vouched for and recommended upon
2581 sworn statements filed with the department by at least three
2582 reputable citizens who are residents of the same counties in
2583 which the applicant proposes to engage in the bail bond
2584 business.

2585 (e) ~~The applicant~~ Is a person of high character and
2586 approved integrity and has not been convicted of or pleaded
2587 guilty or no contest to a felony, a crime involving moral
2588 turpitude, or a crime punishable by imprisonment of 1 year or
2589 more under the law of any state, territory, or country, whether
2590 or not a judgment or conviction has been entered.

2591 (f) Within 2 years immediately before applying for the
2592 license, has successfully completed a basic certification course
2593 in the criminal justice system which consists of at least 120
2594 hours of classroom instruction with a passing grade of 80
2595 percent or higher and has successfully completed a
2596 correspondence course for bail bond agents approved by the
2597 department.

2598 (g) ~~(f)~~ ~~The applicant~~ Has passed any required examination.

2599 Section 55. Section 648.355, Florida Statutes, is amended
2600 to read:

2601 648.355 ~~Temporary limited license as~~ Limited surety agents
 2602 and agent ~~or professional bail bond agents agent;~~ qualifications
 2603 pending examination.—

2604 (1) ~~The department may, in its discretion, issue a~~
 2605 ~~temporary license as a limited surety agent or professional bail~~
 2606 ~~bond agent, subject to the following conditions:~~

2607 ~~(a) The applicant is a natural person at least 18 years of~~
 2608 ~~age and holds a high school diploma or its equivalent.~~

2609 ~~(b) The applicant is a United States citizen or legal~~
 2610 ~~alien who possesses work authorization from the United States~~
 2611 ~~Bureau of Citizenship and Immigration Services and is a resident~~
 2612 ~~of this state. An individual who is a resident of this state~~
 2613 ~~shall be deemed to meet the residence requirement of this~~
 2614 ~~paragraph, notwithstanding the existence, at the time of~~
 2615 ~~application for temporary license, of a license in the~~
 2616 ~~individual's name on the records of another state as a resident~~
 2617 ~~licensee of such other state, if the applicant furnishes a~~
 2618 ~~letter of clearance satisfactory to the department that the~~
 2619 ~~individual's resident licenses have been canceled or changed to~~
 2620 ~~a nonresident basis and that the individual is in good standing.~~

2621 ~~(c) The applicant is a person of high character and~~
 2622 ~~approved integrity and has never been convicted of or pleaded~~
 2623 ~~guilty or no contest to a felony, a crime involving moral~~
 2624 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
 2625 ~~more under the law of any state, territory, or country, whether~~

2626 ~~or not a judgment or conviction is entered.~~

2627 ~~(d) Within 4 years prior to the date of application for a~~
2628 ~~temporary license, the applicant has successfully completed a~~
2629 ~~basic certification course in the criminal justice system,~~
2630 ~~consisting of not less than 120 hours of classroom instruction~~
2631 ~~with a passing grade of 80 percent or higher, and has~~
2632 ~~successfully completed a correspondence course for bail bond~~
2633 ~~agents approved by the department.~~

2634 ~~(e) The applicant must be employed full time at the time~~
2635 ~~of licensure, and at all times throughout the existence of the~~
2636 ~~temporary license, by only one licensed and appointed~~
2637 ~~supervising bail bond agent, who supervises the work of the~~
2638 ~~applicant and is responsible for the licensee's conduct in the~~
2639 ~~bail bond business. The applicant must be appointed by the same~~
2640 ~~insurers as the supervising bail bond agent. The supervising~~
2641 ~~bail bond agent shall certify monthly to the department under~~
2642 ~~oath, on a form prescribed by the department, the names and~~
2643 ~~hours worked each week of all temporary bail bond agents. Filing~~
2644 ~~a false certification is grounds for the immediate suspension of~~
2645 ~~the license and imposition of a \$5,000 administrative fine. The~~
2646 ~~department may adopt rules that establish standards for the~~
2647 ~~employment requirements.~~

2648 ~~(f) The application must be accompanied by an affidavit~~
2649 ~~verifying proposed employment and a report as to the applicant's~~
2650 ~~integrity and moral character on a form prescribed by the~~

2651 ~~department and executed by the proposed employer.~~

2652 ~~(g) The applicant must file with the department statements~~
2653 ~~by at least three reputable citizens who are residents of the~~
2654 ~~same counties in which the applicant proposes to engage as a~~
2655 ~~temporary licensee.~~

2656 ~~(h) The applicant's employer is responsible for the bail~~
2657 ~~bonding acts of any licensee under this section.~~

2658 ~~(2) All applicable license fees, as prescribed in s.~~
2659 ~~624.501, must be paid before issuance of the temporary license.~~

2660 ~~(3) The temporary license shall be effective for 18~~
2661 ~~months, subject to earlier termination at the request of the~~
2662 ~~employer or if suspended or revoked by the department.~~

2663 ~~(4)~~ The applicant shall furnish, with the application for
2664 ~~temporary~~ license, a complete set of the applicant's
2665 fingerprints in accordance with s. 626.171(4) and a recent
2666 credential-sized, fullface photograph of the applicant. The
2667 department may ~~shall~~ not issue a ~~temporary~~ license under this
2668 section until the department has received a report from the
2669 Department of Law Enforcement and the Federal Bureau of
2670 Investigation relative to the existence or nonexistence of a
2671 criminal history report based on the applicant's fingerprints.

2672 ~~(2)(5)~~ The department may collect a fee necessary to cover
2673 the cost of a character and credit report made by an established
2674 and reputable independent reporting service. The fee shall be
2675 deposited to the credit of the Insurance Regulatory Trust Fund.

2676 (3)(6) Effective July 1, 2023, any individual licensed by
2677 the department as a temporary bail bond agent may take the
2678 required bail bond agent's licensure examination and may file an
2679 application for a bail bond agent's license if otherwise
2680 qualified for licensure ~~After licensure as a temporary licensee~~
2681 ~~for at least 12 months, such licensee may file an application~~
2682 ~~for and become eligible for a regular bail bond agent's license~~
2683 ~~based on the licensee's experience in the bail bond business and~~
2684 ~~education pursuant to paragraph (1) (d) and, if otherwise~~
2685 ~~qualified, take the required bail bond agent's licensure~~
2686 ~~examination. The applicant and supervising bail bond agent must~~
2687 ~~each file an affidavit under oath, on a form prescribed by the~~
2688 ~~department, verifying the required employment of the temporary~~
2689 ~~agent before issuance of the license.~~

2690 ~~(7)~~ ~~In no event shall a temporary licensee licensed under~~
2691 ~~this section perform any of the functions for which a bail bond~~
2692 ~~agent's license is required after expiration of the temporary~~
2693 ~~license without having passed the written examination as for a~~
2694 ~~regular bail bond agent's license.~~

2695 ~~(8) (a)~~ ~~A temporary licensee has the same authority as a~~
2696 ~~licensed bail bond agent, including presenting defendants in~~
2697 ~~court; apprehending, arresting, and surrendering defendants to~~
2698 ~~the proper authorities; and keeping defendants under necessary~~
2699 ~~surveillance. However, a temporary licensee must be accompanied~~
2700 ~~by a supervising bail bond agent or an agent from the same~~

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2701 ~~agency when apprehending, arresting, or surrendering defendants~~
2702 ~~to authorities.~~

2703 ~~(b) A temporary licensee may not execute or sign bonds,~~
2704 ~~handle collateral receipts, deliver bonds to appropriate~~
2705 ~~authorities, or operate an agency or branch agency separate from~~
2706 ~~the location of the supervising bail bond agent, managing~~
2707 ~~general agent, or insurer by whom the licensee is employed.~~

2708 (4)(9) Effective July 1, 2023, the department may not
2709 issue a temporary bail bond agent's license. An individual
2710 currently licensed as a temporary bail bond agent may continue
2711 to be licensed in accordance with this chapter. A temporary bail
2712 bond agent's license may not be reinstated if the license
2713 expires or is terminated, suspended, or revoked ~~The department~~
2714 ~~shall not issue a temporary bail bond agent's license to any~~
2715 ~~individual who has held such a temporary license in this state~~
2716 ~~within 2 years after the expiration of such temporary bail bond~~
2717 ~~agent's license.~~

2718 Section 56. Subsections (1) through (4) of section
2719 648.382, Florida Statutes, are amended to read:

2720 648.382 Appointment of bail bond agents and ~~temporary~~ bail
2721 bond agencies ~~agents~~; effective date of appointment.-

2722 (1)(a) Each insurer or ~~appointing a bail bond agent and~~
2723 ~~each insurer,~~ managing general agent, ~~or bail bond agent~~
2724 appointing a ~~temporary~~ bail bond agent or bail bond agency in
2725 this state must file the appointment with the department and, at

2726 the same time, pay the applicable appointment fees and taxes. A
2727 person appointed under this section must hold a valid bail bond
2728 agent's or ~~temporary~~ bail bond agency's ~~agent's~~ license.

2729 (b) Effective July 1, 2025, each insurer or managing
2730 general agent appointing a bail bond agency in this state must
2731 file the appointment with the department. A bail bond agency
2732 appointed under this section must hold a valid bail bond
2733 agency's license.

2734 (2) Before ~~Prior to~~ any appointment, an appropriate
2735 officer or official of the appointing insurer ~~in the case of a~~
2736 ~~bail bond agent or an insurer, managing general agent, or bail~~
2737 ~~bond agent in the case of a temporary bail bond agent~~ must
2738 submit:

2739 (a) A certified statement or affidavit to the department
2740 stating what investigation has been made concerning the proposed
2741 appointee and the proposed appointee's background and the
2742 appointing person's opinion to the best of his or her knowledge
2743 and belief as to the moral character and reputation of the
2744 proposed appointee. In lieu of such certified statement or
2745 affidavit, by authorizing the effectuation of an appointment for
2746 a licensee, the appointing entity certifies to the department
2747 that such investigation has been made and that the results of
2748 the investigation and the appointing person's opinion is that
2749 the proposed appointee is a person of good moral character and
2750 reputation and is fit to engage in the bail bond business;

2751 (b) An affidavit under oath on a form prescribed by the
 2752 department, signed by the proposed appointee, stating that
 2753 premiums are not owed to any insurer and that the appointee will
 2754 discharge all outstanding forfeitures and judgments on bonds
 2755 previously written. If the appointee does not satisfy or
 2756 discharge such forfeitures or judgments, the former insurer
 2757 shall file a notice, with supporting documents, with the
 2758 appointing insurer, the former agent or agency, and the
 2759 department, stating under oath that the licensee has failed to
 2760 timely satisfy forfeitures and judgments on bonds written and
 2761 that the insurer has satisfied the forfeiture or judgment from
 2762 its own funds. Upon receipt of such notification and supporting
 2763 documents, the appointing insurer shall immediately cancel the
 2764 licensee's appointment. The licensee may be reappointed only
 2765 upon certification by the former insurer that all forfeitures
 2766 and judgments on bonds written by the licensee have been
 2767 discharged. The appointing insurer or former agent or agency
 2768 may, within 10 days, file a petition with the department seeking
 2769 relief from this paragraph. Filing of the petition stays the
 2770 duty of the appointing insurer to cancel the appointment until
 2771 the department grants or denies the petition; ~~and~~

2772 (c) Any other information that the department reasonably
 2773 requires concerning the proposed appointee; and

2774 (d) Effective January 1, 2025, a certification that the
 2775 appointing entity has obtained from each appointee the following

2776 sworn statement:

2777
 2778 Pursuant to section 648.382(2)(b), Florida Statutes, I
 2779 do solemnly swear that I owe no premium to any insurer
 2780 and that I will discharge all outstanding forfeitures
 2781 and judgments on bonds that have been previously
 2782 written. I acknowledge that failure to do this will
 2783 result in my active appointments being canceled.

2784
 2785 An appointed bail bond agency must have the attestation under
 2786 this paragraph signed by its owner.

2787 (3) By authorizing the effectuation of an appointment for
 2788 a licensee, the appointing insurer certifies to the department
 2789 that the insurer will be bound by the acts of the bail bond
 2790 agent or bail bond agency acting within the scope of the agent's
 2791 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
 2792 ~~temporary bail bond agent, the appointing insurer, managing~~
 2793 ~~general agent, or bail bond agent, as the case may be, must~~
 2794 ~~certify to the department that he or she will supervise the~~
 2795 ~~temporary bail bond agent's activities.~~

2796 (4) Each appointing insurer or, ~~managing general agent, or~~
 2797 ~~bail bond agent~~ must advise the department in writing within 5
 2798 days after receiving notice or learning that an appointee has
 2799 been arrested for, pled guilty or nolo contendere to, or been
 2800 found guilty of, a felony or other offense punishable by

2801 imprisonment of 1 year or more under the law of any
 2802 jurisdiction, whether judgment was entered or withheld by the
 2803 court.

2804 Section 57. Present subsections (1) through (4) of section
 2805 648.386, Florida Statutes, are redesignated as subsections (2)
 2806 through (5), respectively, present subsection (2) of that
 2807 section is amended, and a new subsection (1) is added to that
 2808 section, to read:

2809 648.386 Qualifications for prelicensing and continuing
 2810 education schools and instructors.—

2811 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
 2812 section, the term "classroom instruction" means a course
 2813 designed to be presented to a group of students by a live
 2814 instructor using lecture, video, webcast, or virtual or other
 2815 audio-video presentation.

2816 (3)~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
 2817 SCHOOLS.—In order to be considered for approval and
 2818 certification as an approved limited surety agent and
 2819 professional bail bond agent continuing education school, such
 2820 entity must:

2821 (a) Provide a minimum of three classroom-instruction
 2822 continuing education classes per calendar year.

2823 (b) Submit a course curriculum to the department for
 2824 approval.

2825 (c) Offer continuing education classes that comprise ~~which~~

2826 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
2827 instruction coursework and are taught by an approved supervising
2828 instructor or guest lecturer approved by the entity or the
2829 supervising instructor.

2830 Section 58. Section 648.387, Florida Statutes, is amended
2831 to read:

2832 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2833 (1) The owner or operator of a bail bond agency shall
2834 designate a ~~primary~~ bail bond agent in charge for each location,
2835 and shall file with the department the name and license number
2836 of the person and the address of the location on a form approved
2837 by the department. The designation of the ~~primary~~ bail bond
2838 agent in charge may be changed if the department is notified
2839 immediately. Failure to notify the department within 10 working
2840 days after such change is grounds for disciplinary action
2841 pursuant to s. 648.45.

2842 (2) The ~~primary~~ bail bond agent in charge is responsible
2843 for the overall operation and management of a bail bond agency
2844 location, whose responsibilities may include, without
2845 limitations, hiring and supervising of all individuals within
2846 the location, whether they deal with the public in the
2847 solicitation or negotiation of bail bond contracts or in the
2848 collection or accounting of moneys. A person may be designated
2849 as the primary bail bond agent in charge for only one agency and
2850 location.

2851 (3) The department may suspend or revoke the license of
2852 the owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail
2853 bond ~~agency agent~~ if the ~~a~~ bail bond agency employs, contracts
2854 with, or uses the services of a person who has had a license
2855 denied or whose license is currently suspended or revoked.

2856 However, a person who has been denied a license for failure to
2857 pass a required examination may be employed to perform clerical
2858 or administrative functions for which licensure is not required.

2859 (4) An owner, a bail bond agent in charge ~~operator~~, or a
2860 bail bond agency ~~primary agent~~ may not employ, contract with, or
2861 use the services of any person in a bail bond agency who has
2862 been charged with, found guilty of, or pled guilty or nolo
2863 contendere to a felony or a crime punishable by imprisonment of
2864 1 year or more under the law of any jurisdiction, without regard
2865 to whether judgment was entered or withheld by the court.

2866 (5) A bail bond agency location may not conduct surety
2867 business unless a ~~primary~~ bail bond agent in charge is
2868 designated by, and provides services to, the bail bond agency at
2869 all times. If the bail bond agent in charge designated with the
2870 department ends his or her affiliation with the bail bond agency
2871 for any reason and if the bail bond agency fails to designate
2872 another bail bond agent in charge within the 10-day period under
2873 subsection (1) and such failure continues for 90 days, the bail
2874 bond agency's license automatically expires on the 91st day
2875 after the date the designated bail bond agent in charge ended

2876 his or her affiliation with the agency ~~The failure to designate~~
 2877 ~~a primary agent on a form prescribed by the department, within~~
 2878 ~~10 working days after an agency's inception or a change of~~
 2879 ~~primary agent, is a violation of this chapter, punishable as~~
 2880 ~~provided in s. 648.45.~~

2881 Section 59. Section 648.3875, Florida Statutes, is created
 2882 to read:

2883 648.3875 Bail bond agent in charge; qualifications.—

2884 (1) An application for designation as a bail bond agent in
 2885 charge must be submitted on forms prescribed by the department.
 2886 The application must include the applicant's full name and the
 2887 applicant's license number issued pursuant to s. 648.27.

2888 (2) To qualify as a bail bond agent in charge, it must
 2889 affirmatively appear that, at the time of application and
 2890 throughout the period of licensure, the applicant has complied
 2891 with s. 648.285 and that the applicant has been licensed as a
 2892 bail bond agent for the 24 months immediately preceding the
 2893 appointment as the bail bond agent in charge.

2894 Section 60. Section 648.39, Florida Statutes, is amended
 2895 to read:

2896 648.39 Termination of appointment of managing general
 2897 agents, bail bond agents, and ~~temporary~~ bail bond agencies
 2898 ~~agents.—~~

2899 (1) An insurer that ~~who~~ terminates the appointment of a
 2900 managing general agent, bail bond agent, or ~~temporary~~ bail bond

2901 agency agent shall, within 10 days after such termination, file
 2902 written notice thereof with the department together with a
 2903 statement that it has given or mailed notice to the terminated
 2904 agent or agency. Such notice filed with the department must
 2905 state the reasons, if any, for such termination. Information so
 2906 furnished to the department is confidential and exempt from ~~the~~
 2907 ~~provisions of s. 119.07(1)~~.

2908 (2) Each insurer shall, within 5 days after terminating
 2909 the appointment of any managing general agent, bail bond agent,
 2910 or ~~temporary~~ bail bond agency agent, give written notice thereof
 2911 to each clerk of the circuit court and sheriff with whom such
 2912 person is registered.

2913 (3) An insurer that terminates the appointment of a
 2914 managing general agent or, bail bond agent, ~~or temporary bail~~
 2915 ~~bond agent~~ may authorize such person to continue to attempt the
 2916 arrest and surrender of a defendant for whom a surety bond had
 2917 been written by the bail bond agent before ~~prior to~~ termination
 2918 and to seek discharge of forfeitures and judgments as provided
 2919 in chapter 903.

2920 Section 61. Section 648.41, Florida Statutes, is repealed.

2921 Section 62. Section 648.42, Florida Statutes, is amended
 2922 to read:

2923 648.42 Registration of bail bond agents.—A bail bond agent
 2924 may not become a surety on an undertaking unless he or she has
 2925 registered in the office of the sheriff and with the clerk of

2926 the circuit court in the county in which the bail bond agent
 2927 resides. The bail bond agent may register in a like manner in
 2928 any other county, and any bail bond agent shall file a certified
 2929 copy of his or her appointment by power of attorney from each
 2930 insurer which he or she represents as a bail bond agent with
 2931 each of such officers. Registration and filing of a certified
 2932 copy of renewed power of attorney shall be performed by April 1
 2933 of each odd-numbered year. The clerk of the circuit court and
 2934 the sheriff may ~~shall~~ not permit the registration of a bail bond
 2935 agent unless such bail bond agent is currently licensed by the
 2936 department and appointed by an insurer ~~the department~~. ~~Nothing~~
 2937 ~~in this section shall prevent the registration of a temporary~~
 2938 ~~licensee at the jail for the purposes of enabling the licensee~~
 2939 ~~to perform the duties under such license as set forth in this~~
 2940 ~~chapter.~~

2941 Section 63. Subsections (1) and (2) and paragraphs (c) and
 2942 (d) of subsection (8) of section 648.44, Florida Statutes, are
 2943 amended to read:

2944 648.44 Prohibitions; penalty.—

2945 (1) A bail bond agent or ~~temporary~~ bail bond agency ~~agent~~
 2946 may not:

2947 (a) Suggest or advise the employment of, or name for
 2948 employment, any particular attorney or attorneys to represent
 2949 his or her principal.

2950 (b) Directly or indirectly solicit business in or on the

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2951 property or grounds of a jail, prison, or other place where
2952 prisoners are confined or in or on the property or grounds of
2953 any court. The term "solicitation" includes the distribution of
2954 business cards, print advertising, or other written or oral
2955 information directed to prisoners or potential indemnitors,
2956 unless a request is initiated by the prisoner or a potential
2957 indemnitor. Permissible print advertising in the jail is
2958 strictly limited to a listing in a telephone directory and the
2959 posting of the bail bond agent's or agency's name, address, e-
2960 mail address, web address, and telephone number in a designated
2961 location within the jail.

2962 (c) Initiate in-person or telephone solicitation after
2963 9:00 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
2964 ~~cases,~~ at the residence of the detainee or the detainee's
2965 family. Any solicitation ~~not prohibited by this chapter~~ must
2966 comply with the telephone solicitation requirements in ss.
2967 501.059(2) and (4), 501.613, and 501.616(6).

2968 (d) Wear or display any identification other than the
2969 department issued or approved license or approved department
2970 identification, which includes a citation of the licensee's
2971 arrest powers, in or on the property or grounds of a jail,
2972 prison, or other place where prisoners are confined or in or on
2973 the property or grounds of any court.

2974 (e) Pay a fee or rebate or give or promise anything of
2975 value to a jailer, police officer, peace officer, or committing

2976 trial court judge or any other person who has power to arrest or
 2977 to hold in custody or to any public official or public employee
 2978 in order to secure a settlement, compromise, remission, or
 2979 reduction of the amount of any bail bond or estreatment thereof.

2980 (f) Pay a fee or rebate or give anything of value to an
 2981 attorney in a bail bond matter, except in defense of any action
 2982 on a bond.

2983 (g) Pay a fee or rebate or give or promise anything of
 2984 value to the principal or anyone in his or her behalf.

2985 (h) Participate in the capacity of an attorney at a trial
 2986 or hearing of one on whose bond he or she is surety.

2987 (i) Loiter in or about a jail, courthouse, or where
 2988 prisoners are confined.

2989 (j) Accept anything of value from a principal for
 2990 providing a bail bond except the premium and transfer fee
 2991 authorized by the office, except that the bail bond agent or
 2992 bail bond agency may accept collateral security or other
 2993 indemnity from the principal or another person in accordance
 2994 with ~~the provisions of~~ s. 648.442, together with documentary
 2995 stamp taxes, if applicable. No fees, expenses, or charges of any
 2996 kind shall be permitted to be deducted from the collateral held
 2997 or any return premium due, except as authorized by this chapter
 2998 or rule of the department or commission. A bail bond agent or
 2999 bail bond agency may, upon written agreement with another party,
 3000 receive a fee or compensation for returning to custody an

3001 individual who has fled the jurisdiction of the court or caused
 3002 the forfeiture of a bond.

3003 (k) Write more than one power of attorney per charge on a
 3004 bond, except in the case of a cosurety, unless the power of
 3005 attorney prohibits a cosurety.

3006 (l) Execute a bond in this state on his or her own behalf.

3007 (m) Execute a bond in this state if a judgment has been
 3008 entered on a bond executed by the bail bond agent or the bail
 3009 bond agency is a named party on the judgment, which has remained
 3010 unpaid for 35 days, unless the full amount of the judgment is
 3011 deposited with the clerk in accordance with s. 903.27(5).

3012 (n) Make a statement or representation to a court, unless
 3013 such statement or representation is under oath. Such statement
 3014 or representation may not be false, misleading, or deceptive.

3015 (o) Attempt to collect, through threat or coercion,
 3016 amounts due for the payment of any indebtedness related to the
 3017 issuance of a bail bond in violation of s. 559.72.

3018 (p) Conduct bail bond business with any person, other than
 3019 the defendant, on the grounds of the jail or courthouse for the
 3020 purpose of executing a bond.

3021 (2) The following persons or classes may ~~shall~~ not be bail
 3022 bond agents, ~~temporary bail bond agents,~~ or employees of a bail
 3023 bond agent or a bail bond agency ~~business~~ and may ~~shall~~ not
 3024 directly or indirectly receive any benefits from the execution
 3025 of any bail bond:

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3026 (a) Jailers or persons employed in any jail.

3027 (b) Police officers or employees of any police department
 3028 or law enforcement agency.

3029 (c) Committing trial court judges, employees of a court,
 3030 or employees of the clerk of any court.

3031 (d) Sheriffs and deputy sheriffs or employees of any
 3032 sheriff's department.

3033 (e) Attorneys.

3034 (f) Persons having the power to arrest or persons who have
 3035 authority over or control of federal, state, county, or
 3036 municipal prisoners.

3037 (8)

3038 (c) Any law enforcement agency, state attorney's office,
 3039 court clerk, or insurer that is aware that a bail bond agent ~~or~~
 3040 ~~temporary bail bond agent~~ has been convicted of or who has
 3041 pleaded guilty or no contest to a crime as described in
 3042 paragraph (a) shall notify the department of this fact.

3043 (d) Upon the filing of an information or indictment
 3044 against a bail bond agent ~~or temporary bail bond agent~~, the
 3045 state attorney or clerk of the circuit court shall immediately
 3046 furnish the department a certified copy of the information or
 3047 indictment.

3048 Section 64. Subsection (1) of section 648.441, Florida
 3049 Statutes, is amended to read:

3050 648.441 Furnishing supplies to unlicensed bail bond agent

3051 prohibited; civil liability and penalty.—

3052 (1) An insurer, managing general agent, bail bond agent,
 3053 or ~~temporary~~ bail bond agency agent appointed under this chapter
 3054 may not furnish to any person any blank forms, applications,
 3055 stationery, business card, or other supplies to be used in
 3056 soliciting, negotiating, or effecting bail bonds until such
 3057 person has received from the department a license to act as a
 3058 bail bond agent and is appointed by the insurer. This section
 3059 does not prohibit an unlicensed employee, under the direct
 3060 supervision and control of a licensed and appointed bail bond
 3061 agent, from possessing or executing in the bail bond agency, any
 3062 forms, except for powers of attorney, bond forms, and collateral
 3063 receipts, while acting within the scope of his or her
 3064 employment.

3065 Section 65. Subsection (3) of section 648.46, Florida
 3066 Statutes, is amended to read:

3067 648.46 Procedure for disciplinary action against
 3068 licensees.—

3069 (3) The complaint and all information obtained pursuant to
 3070 the investigation of the department are confidential and exempt
 3071 from the provisions of s. 119.07(1) until such investigation is
 3072 completed or ceases to be active. For the purpose of this
 3073 section, an investigation is considered "active" while the
 3074 investigation is being conducted by the department with a
 3075 reasonable, good faith belief that it may lead to the filing of

3076 administrative, civil, or criminal proceedings. An investigation
 3077 does not cease to be active if the department is proceeding with
 3078 reasonable dispatch and there is good faith belief that action
 3079 may be initiated by the department or other administrative or
 3080 law enforcement agency. This subsection does not prevent the
 3081 department or office from disclosing the complaint or such
 3082 information as it deems necessary to conduct the investigation,
 3083 to update the complainant as to the status and outcome of the
 3084 complaint, or to share such information with any law enforcement
 3085 agency or other regulatory body.

3086 Section 66. Section 648.50, Florida Statutes, is amended
 3087 to read:

3088 648.50 Effect of suspension, revocation upon associated
 3089 licenses and licensees.—

3090 (1) Upon the suspension, revocation, or refusal to renew
 3091 or continue any license or appointment or the eligibility to
 3092 hold a license or appointment of a bail bond agent or ~~temporary~~
 3093 bail bond agency agent, the department shall at the same time
 3094 likewise suspend or revoke all other licenses or appointments
 3095 and the eligibility to hold any other such licenses or
 3096 appointments which may be held by the licensee under the Florida
 3097 Insurance Code.

3098 (2) In case of the suspension or revocation of the license
 3099 or appointment, or the eligibility to hold a license or
 3100 appointment, of any bail bond agent, the license, appointment,

3101 or eligibility of any and all bail bond agents who are members
 3102 of a bail bond agency, whether incorporated or unincorporated,
 3103 ~~and any and all temporary bail bond agents employed by such bail~~
 3104 ~~bond agency,~~ who knowingly are parties to the act which formed
 3105 the ground for the suspension or revocation may likewise be
 3106 suspended or revoked.

3107 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
 3108 ~~temporary bail bond agent~~ has been revoked or suspended may not
 3109 ~~shall~~ be employed by any bail bond agent, have any ownership
 3110 interest in any business involving bail bonds, or have any
 3111 financial interest of any type in any bail bond business during
 3112 the period of revocation or suspension.

3113 Section 67. Subsections (4) and (6) of section 717.135,
 3114 Florida Statutes, are amended to read:

3115 717.135 Recovery agreements and purchase agreements for
 3116 claims filed by a claimant's representative; fees and costs.—

3117 (4) A claimant's representative must use the Unclaimed
 3118 Property Recovery Agreement or the Unclaimed Property Purchase
 3119 Agreement as the exclusive means of engaging into an agreement
 3120 or contract with a claimant or seller to file a claim with the
 3121 department.

3122 (6) A claimant's representative may not use or distribute
 3123 any other agreement of any type, conveyed by any method, form,
 3124 ~~or other media~~ with respect to the claimant or seller which
 3125 relates, directly or indirectly, to unclaimed property accounts

3126 held by the department or the Chief Financial Officer other than
 3127 the agreements authorized by this section. Any engagement,
 3128 authorization, recovery, or fee agreement that is not authorized
 3129 by this section is void. A claimant's representative is subject
 3130 to administrative and civil enforcement under s. 717.1322 if he
 3131 or she uses an agreement that is not authorized by this section.
 3132 Nothing in this subsection is intended to inhibit lawful
 3133 nonagreement or noncontractual or advertising communications
 3134 between or among the parties.

3135 Section 68. Paragraph (a) of subsection (4) of section
 3136 843.021, Florida Statutes, is amended to read:

3137 843.021 Unlawful possession of a concealed handcuff key.—

3138 (4) (a) It is a defense to a charge of violating this
 3139 section that the person in custody and in possession of a
 3140 concealed handcuff key is:

3141 1. A federal, state, or local law enforcement officer,
 3142 including a reserve or auxiliary officer, a licensed security
 3143 officer, or a private investigator as defined in s. 493.6101; or

3144 2. A professional bail bond agent, ~~temporary bail bond~~
 3145 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3146 Section 69. Subsection (4) of section 631.152, Florida
 3147 Statutes, is amended to read:

3148 631.152 Conduct of delinquency proceeding; foreign
 3149 insurers.—

3150 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to

3151 ancillary delinquency proceedings opened for the purpose of
 3152 obtaining records necessary to adjudicate the covered claims of
 3153 Florida policyholders.

3154 Section 70. Paragraph (b) of subsection (3) of section
 3155 631.398, Florida Statutes, is amended to read:

3156 631.398 Prevention of insolvencies.—To aid in the
 3157 detection and prevention of insurer insolvencies or impairments:

3158 (3)

3159 (b) For an insolvency involving a domestic property
 3160 insurer, the department shall:

3161 1. Begin an analysis of the history and causes of the
 3162 insolvency once the department is appointed by the court as
 3163 receiver.

3164 2. Submit an initial report analyzing the history and
 3165 causes of the insolvency to the Governor, the President of the
 3166 Senate, the Speaker of the House of Representatives, and the
 3167 office. The initial report must be submitted no later than 4
 3168 months after the department is appointed as receiver. The
 3169 initial report shall be updated at least annually until the
 3170 submission of the final report. The report may not be used as
 3171 evidence in any proceeding brought by the department or others
 3172 to recover assets on behalf of the receivership estate as part
 3173 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
 3174 of a report under this subparagraph shall not be considered a
 3175 waiver of any evidentiary privilege the department may assert

3176 | under state or federal law.

3177 | 3. Provide a special report to the Governor, the President
 3178 | of the Senate, the Speaker of the House of Representatives, and
 3179 | the office, within 10 days upon identifying any condition or
 3180 | practice that may lead to insolvency in the property insurance
 3181 | marketplace.

3182 | 4. Submit a final report analyzing the history and causes
 3183 | of the insolvency and the review of the Office of Insurance
 3184 | Regulation's regulatory oversight of the insurer to the
 3185 | Governor, the President of the Senate, the Speaker of the House
 3186 | of Representatives, and the office within 30 days of the
 3187 | conclusion of the insolvency proceeding.

3188 | 5. Review the Office of Insurance Regulation's regulatory
 3189 | oversight of the insurer.

3190 | Section 71. Subsection (2) of section 903.09, Florida
 3191 | Statutes, is amended to read:

3192 | 903.09 Justification of sureties.—

3193 | (2) A bond agent, as defined in s. 648.25(3) ~~s. 648.25(2)~~,
 3194 | shall justify her or his suretyship by attaching a copy of the
 3195 | power of attorney issued by the company to the bond or by
 3196 | attaching to the bond United States currency, a United States
 3197 | postal money order, or a cashier's check in the amount of the
 3198 | bond; but the United States currency, United States postal money
 3199 | order, or cashier's check cannot be used to secure more than one
 3200 | bond. Nothing herein shall prohibit two or more qualified

3201 sureties from each posting any portion of a bond amount, and
3202 being liable for only that amount, so long as the total posted
3203 by all cosureties is equal to the amount of bond required.

3204 Section 72. (1) The following rule is ratified for the
3205 sole and exclusive purpose of satisfying any condition on the
3206 effectiveness imposed under s. 120.541(3), Florida Statutes:
3207 Rule 69L-7.020, Florida Administrative Code, titled "Florida
3208 Workers' Compensation Health Care Provider Reimbursement Manual"
3209 as filed for adoption with the Department of State pursuant to
3210 the certification package dated October 22, 2021.

3211 (2) This section serves no other purpose and may not be
3212 codified in the Florida Statutes. After this section becomes
3213 law, its enactment and effective dates shall be noted in the
3214 Florida Administrative Code, the Florida Administrative
3215 Register, or both, as appropriate. This section does not alter
3216 rulemaking additions delegated by prior law, does not constitute
3217 legislative preemption of or exception to any provision of law
3218 governing adoption or enforcement of the rule cited, and is
3219 intended to preserve the status of any cited rule as a rule
3220 under chapter 120, Florida Statutes. This section does not cure
3221 any rulemaking defect or preempt any challenge based on a lack
3222 of authority or a violation of the legal requirements governing
3223 the adoption of any rule cited.

3224 (3) This section takes effect July 1, 2023.

3225 Section 73. Except as otherwise expressly provided in this

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3226 | act, this act shall take effect upon becoming a law. |