

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 20.121, F.S.; revising powers
4 and duties of the Division of Investigative and
5 Forensic Services of the Department of Financial
6 Services; deleting provisions relating to
7 establishment of the department's Strategic Markets
8 Research and Assessment Unit; amending s. 112.215,
9 F.S.; redefining the term "employee" as "government
10 employee" and revising the definition of the term;
11 revising eligibility for plans of deferred
12 compensation established by the Chief Financial
13 Officer; revising the membership of the Deferred
14 Compensation Advisory Council; making technical
15 changes; amending s. 215.55952, F.S.; revising the
16 intervals in which the Chief Financial Officer must
17 provide the Governor and the Legislature with a report
18 on the economic impact of certain hurricanes; amending
19 s. 274.01, F.S.; revising the definition of the term
20 "governmental unit" for purposes of ch. 274, F.S.;
21 amending s. 440.13, F.S.; authorizing, rather than
22 requiring, a judge of compensation claims to order an
23 injured employee's evaluation by an expert medical
24 advisor under certain circumstances; revising the
25 schedules of maximum reimbursement allowances

26 | determined by the three-member panel under the
27 | Workers' Compensation Law; revising reimbursement
28 | requirements for certain providers; requiring the
29 | department to annually notify carriers and self-
30 | insurers of certain schedules; requiring the
31 | publication of such schedules in a certain manner;
32 | providing construction; revising factors the panel
33 | must consider in establishing the uniform schedule of
34 | maximum reimbursement allowances; deleting certain
35 | standards for practice parameters; amending s.
36 | 440.385, F.S.; revising eligibility requirements for
37 | the board of directors of the Florida Self-Insurers
38 | Guaranty Association, Incorporated; authorizing the
39 | Chief Financial Officer to remove a director under
40 | certain circumstances; specifying requirements for,
41 | and restrictions on, directors; prohibiting directors
42 | and employees of the association from knowingly
43 | accepting certain gifts or expenditures; providing
44 | penalties; amending s. 497.005, F.S.; adding and
45 | revising definitions for purposes of the Florida
46 | Funeral, Cemetery, and Consumer Services Act; amending
47 | s. 624.1265, F.S.; revising conditions for a nonprofit
48 | religious organization to be exempt from requirements
49 | of the Florida Insurance Code; amending s. 624.501,
50 | F.S.; deleting an application filing and license fee

51 for reinsurance intermediaries; amending s. 626.015,
52 F.S.; revising the definition of the term
53 "association" for purposes of part I of ch. 626, F.S.;
54 amending s. 626.171, F.S.; deleting the authority of
55 designated examination centers to take fingerprints of
56 applicants for a license as an agent, customer
57 representative, adjuster, service representative, or
58 reinsurance intermediary; amending s. 626.173, F.S.;
59 providing that a certain notice requirement for
60 certain licensed insurance agencies ceasing the
61 transacting of insurance does not apply to certain
62 kinds of insurance; amending s. 626.207, F.S.;
63 revising violations for which the department must
64 adopt rules establishing specific penalties; amending
65 s. 626.221, F.S.; adding a certification that exempts
66 an applicant for license as an all-lines adjuster from
67 an examination requirement; amending s. 626.2815,
68 F.S.; revising continuing education requirements for
69 certain insurance representatives; amending s.
70 626.321, F.S.; deleting certain requirements for, and
71 restrictions on, licensees of specified limited
72 licenses; adding a limited license for transacting
73 preneed funeral agreement insurance; specifying
74 conditions for issuing such license without an
75 examination; amending s. 626.611, F.S.; revising

76 specified grounds for compulsory disciplinary actions
77 taken by the department against insurance
78 representatives; amending s. 626.621, F.S.; adding
79 grounds for discretionary disciplinary actions taken
80 by the department against insurance representatives;
81 amending s. 626.7492, F.S.; revising definitions of
82 the terms "producer" and "reinsurance intermediary
83 manager"; revising licensure requirements for
84 reinsurance intermediary brokers and reinsurance
85 intermediary managers; deleting the authority of the
86 department to refuse to issue a reinsurance
87 intermediary license under certain circumstances;
88 amending s. 626.752, F.S.; requiring the department to
89 suspend the authority of an insurer or employer to
90 appoint licensees under certain circumstances relating
91 to the exchange of insurance business; amending s.
92 626.785, F.S.; authorizing certain persons to obtain a
93 limited license to sell only policies of life
94 insurance covering the expense of a prearrangement for
95 funeral services or merchandise; amending ss. 626.793
96 and 626.837, F.S.; requiring the department to suspend
97 the authority of an insurer or employer to appoint
98 licensees under certain circumstances relating to the
99 acceptance of excess or rejected insurance business;
100 amending s. 626.8411, F.S.; providing that certain

101 notice requirements do not apply to title insurance
102 agents or title insurance agencies; amending s.
103 626.8437, F.S.; adding grounds for compulsory
104 disciplinary actions taken by the department against a
105 title insurance agent or agency; amending s. 626.844,
106 F.S.; adding grounds for discretionary disciplinary
107 actions taken by the department against a title
108 insurance agent or agency; amending s. 626.8473, F.S.;
109 revising requirements for engaging in the business as
110 an escrow agent in connection with real estate closing
111 transactions; amending s. 626.854, F.S.; revising
112 applicability of a prohibited act relating to public
113 insurance adjusters; amending s. 626.874, F.S.;
114 revising eligibility requirements for the department's
115 issuance of licenses to catastrophe or emergency
116 adjusters; revising grounds on which the department
117 may deny such license; amending s. 626.9892, F.S.;
118 revising a condition and adding violations for which
119 the department may pay rewards under the Anti-Fraud
120 Reward Program; amending s. 626.9957, F.S.; providing
121 for the expiration of a health coverage navigator's
122 registration under certain circumstances; specifying a
123 restriction on expired registrations; amending s.
124 627.351, F.S.; revising requirements for membership of
125 the Florida Medical Malpractice Joint Underwriting

126 Association; specifying a requirement for filling
127 vacancies; authorizing the Chief Financial Officer to
128 remove board members under certain circumstances;
129 providing requirements for, and restrictions on, board
130 members; providing penalties; amending s. 627.7015,
131 F.S.; providing that a disputed property insurance
132 claim is not eligible for mediation until certain
133 conditions are met; providing construction; providing
134 that fees for a rescheduled mediation conference be
135 assessed by the department rather than the
136 administrator; authorizing the department to suspend
137 an insurer's authority to appoint licensees under
138 certain circumstances; amending s. 627.7074, F.S.;
139 authorizing the department to designate, by written
140 contract or agreement, an entity or a person to
141 administer the alternative dispute resolution process
142 for sinkhole insurance claims; amending s. 627.745,
143 F.S.; revising requirements and procedures for the
144 mediation of personal injury claims under a motor
145 vehicle insurance policy; requiring the department to
146 adopt specified rules relating to a motor vehicle
147 claims insurance mediation program; authorizing the
148 department to designate a person or entity to serve as
149 administrator; amending s. 631.141, F.S.; authorizing
150 the department in receivership proceedings to take

151 certain actions as a domiciliary receiver; amending s.
152 631.252, F.S.; revising conditions under which
153 policies and contracts of insolvent insurers are
154 canceled; amending ss. 631.56, 631.716, 631.816, and
155 631.912, F.S.; revising membership eligibility
156 requirements for the Florida Insurance Guaranty
157 Association, the Florida Life and Health Insurance
158 Guaranty Association, the Florida Health Maintenance
159 Organization Consumer Assistance Plan, and the Florida
160 Workers' Compensation Insurance Guaranty Association,
161 Incorporated, respectively; authorizing the Chief
162 Financial Officer to remove a board member under
163 certain circumstances; specifying requirements for, on
164 restrictions on, board members; providing penalties;
165 creating s. 633.1423, F.S.; defining the term
166 "organization"; authorizing the Division of State Fire
167 Marshal to establish a direct-support organization;
168 specifying the purpose of and requirements for the
169 organization; specifying requirements for the
170 organization's written contract and board of
171 directors; providing requirements for the use of
172 property, annual budgets and reports, an annual audit,
173 and the division's receipt of proceeds; authorizing
174 moneys received to be held in a depository account;
175 providing for future repeal; amending s. 634.181,

176 F.S.; adding grounds for compulsory disciplinary
 177 actions by the department against motor vehicle
 178 service agreement salespersons; requiring the
 179 department to immediately temporarily suspend a
 180 license or appointment under certain circumstances;
 181 prohibiting a person from transacting insurance
 182 business after such suspension; authorizing the
 183 department to adopt rules; amending s. 634.191, F.S.;
 184 revising grounds for discretionary disciplinary
 185 actions by the department against motor vehicle
 186 service agreement salespersons; requiring salespersons
 187 to submit certain documents to the department;
 188 authorizing the department to adopt rules; amending s.
 189 634.320, F.S.; revising grounds for compulsory
 190 disciplinary actions by the department against home
 191 warranty association sales representatives; requiring
 192 the department to immediately temporarily suspend a
 193 license or appointment under certain circumstances;
 194 prohibiting a person from transacting insurance
 195 business after such suspension; authorizing the
 196 department to adopt rules; amending s. 634.321, F.S.;
 197 revising grounds for discretionary disciplinary
 198 actions by the department against home warranty
 199 association sales representatives; authorizing the
 200 department to adopt rules; amending s. 634.419, F.S.;

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

226 conforming a provision to changes made by the act;
227 amending s. 648.30, F.S.; revising requirements and
228 conditions for the licensure and appointment as a bail
229 bond agent or bail bond agency; conforming a provision
230 to changes made by the act; amending s. 648.31, F.S.;
231 specifying that there is no fee for the issuance of
232 any appointment to a bail bond agency; conforming a
233 provision to changes made by the act; amending s.
234 648.34, F.S.; revising qualifications for a bail bond
235 agent license; conforming a provision to changes made
236 by the act; amending s. 648.355, F.S.; deleting
237 provisions relating to temporary licenses as a limited
238 surety agent or professional bail bond agent;
239 specifying requirements for an individual licensed as
240 a temporary bail bond agent to qualify for bail bond
241 agent license; prohibiting the department from issuing
242 a temporary bail bond agent license beginning on a
243 specified date; providing construction relating to
244 existing temporary licenses; amending s. 648.382,
245 F.S.; revising requirements for the appointment of
246 bail bond agents or bail bond agencies; conforming a
247 provision to changes made by the act; amending s.
248 648.386, F.S.; defining the term "classroom
249 instruction"; revising requirements for approval and
250 certification as an approved limited surety agent and

251 professional bail bond agent continuing education
252 school; amending s. 648.387, F.S.; renaming primary
253 bail bond agents as bail bond agents in charge;
254 revising the department's disciplinary authority;
255 revising prohibited actions and the applicability of
256 such prohibitions; providing for the automatic
257 expiration of a bail bond agency license under certain
258 circumstances; creating s. 648.3875, F.S.; providing
259 requirements for applying for designation as a bail
260 bond agent in charge; amending s. 648.39, F.S.;
261 revising applicability of provisions relating to
262 termination of appointments of certain agents and
263 agencies; repealing s. 648.41, F.S., relating to
264 termination of appointment of temporary bail bond
265 agents; amending s. 648.42, F.S.; conforming a
266 provision to changes made by the act; making a
267 technical change; amending s. 648.44, F.S.; revising
268 applicability of prohibited acts; revising and
269 specifying prohibited acts of bail bond agents and
270 bail bond agencies; conforming provisions to changes
271 made by the act; amending s. 648.441, F.S.; revising
272 applicability of a prohibition against furnishing
273 supplies to an unlicensed bail bond agent; amending s.
274 648.46, F.S.; authorizing certain actions by the
275 department or the office relating to certain

276 confidential records relating to bail bond agents;
 277 amending s. 648.50, F.S.; revising applicability of
 278 provisions relating to disciplinary actions taken by
 279 the department; conforming provisions to changes made
 280 by the act; amending s. 717.135, F.S.; revising a
 281 requirement for, and a prohibition on, claimants'
 282 representatives relating to unclaimed property
 283 recovery agreements and purchase agreements; providing
 284 construction; amending s. 843.021, F.S.; revising a
 285 defense to an unlawful possession of a concealed
 286 handcuff key; amending ss. 631.152, 631.398, and
 287 903.09, F.S.; conforming cross-references; ratifying a
 288 specified rule of the Florida Administrative Code
 289 relating to the Florida Workers' Compensation Health
 290 Care Provider Reimbursement Manual; providing
 291 construction; providing effective dates.

292

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

294

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

297 20.121 Department of Financial Services.—There is created
 298 a Department of Financial Services.

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

301 (e) The Division of Investigative and Forensic Services,
 302 which shall function as a criminal justice agency for purposes
 303 of ss. 943.045-943.08. The division may initiate and conduct
 304 investigations into any matter under the jurisdiction of the
 305 Chief Financial Officer and Fire Marshal within or outside of
 306 this state as it deems necessary. If, during an investigation,
 307 the division has reason to believe that any criminal law of this
 308 state or the United States has or may have been violated, it
 309 shall refer any records tending to show such violation to state
 310 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
 311 prosecutorial agencies and shall provide investigative
 312 assistance to those agencies as appropriate ~~required~~. The
 313 division shall include the following bureaus and office:
 314 1. The Bureau of Forensic Services;
 315 2. The Bureau of Fire, Arson, and Explosives
 316 Investigations;
 317 3. The Office of Fiscal Integrity, which shall have a
 318 separate budget;
 319 4. The Bureau of Insurance Fraud; and
 320 5. The Bureau of Workers' Compensation Fraud.
 321 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT.—The~~
 322 ~~Strategic Markets Research and Assessment Unit is established~~
 323 ~~within the Department of Financial Services. The Chief Financial~~
 324 ~~Officer or his or her designee shall report on September 1,~~
 325 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~

326 ~~the Senate, and the Speaker of the House of Representatives on~~
 327 ~~the status of the state's financial services markets. At a~~
 328 ~~minimum, the report must include a summary of issues, trends,~~
 329 ~~and threats that broadly impact the condition of the financial~~
 330 ~~services industries, along with the effect of such conditions on~~
 331 ~~financial institutions, the securities industries, other~~
 332 ~~financial entities, and the credit market. The Chief Financial~~
 333 ~~Officer shall also provide findings and recommendations~~
 334 ~~regarding regulatory and policy changes to the Cabinet, the~~
 335 ~~President of the Senate, and the Speaker of the House of~~
 336 ~~Representatives.~~

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

340 112.215 Government employees; deferred compensation
 341 program.—

342 (2) For the purposes of this section, the term "government
 343 employee" means any person employed, whether appointed, elected,
 344 or under contract, by providing services for the state or any
 345 governmental unit of the state, including, but not limited to,
 346 any state agency; any ~~or~~ county, municipality, or other
 347 political subdivision of the state; any special district or
 348 water management district, as the terms are defined in s.
 349 189.012 municipality; any state university or Florida College
 350 System institution, as the terms are defined in s. 1000.21(6)

351 and (3), respectively ~~board of trustees~~; or any constitutional
352 county officer under s. 1(d), Art. VIII of the State
353 Constitution for which compensation or statutory fees are paid.

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

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

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

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

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

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

400 (8) (a) There is created a Deferred Compensation Advisory

401 Council composed of eight ~~seven~~ members.

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

405 2. One member shall be appointed by the Chief Justice of
 406 the Supreme Court and shall be an employee of the judicial
 407 branch.

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

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

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

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

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

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

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

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

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

434 215.55952 Triennial ~~Annual~~ report on economic impact of a
 435 1-in-100-year hurricane.—The Chief Financial Officer shall
 436 provide a report on the economic impact on the state of a 1-in-
 437 100-year hurricane to the Governor, the President of the Senate,
 438 and the Speaker of the House of Representatives by March 1,
 439 2025, and of each triennial year thereafter. The report shall
 440 include an estimate of the short-term and long-term fiscal
 441 impacts of such a storm on Citizens Property Insurance
 442 Corporation, the Florida Hurricane Catastrophe Fund, the private
 443 insurance and reinsurance markets, the state economy, and the
 444 state debt. The report shall also include an analysis of the
 445 average premium increase to fund a 1-in-100-year hurricane event
 446 and list the average cost, in both a percentage and dollar
 447 amount, impact to consumers on a county-level basis. The report
 448 may also include recommendations by the Chief Financial Officer
 449 for preparing for such a hurricane and reducing the economic
 450 impact of such a hurricane on the state. In preparing the

451 analysis, the Chief Financial Officer shall coordinate with and
 452 obtain data from the Office of Insurance Regulation, Citizens
 453 Property Insurance Corporation, the Florida Hurricane
 454 Catastrophe Fund, the Florida Commission on Hurricane Loss
 455 Projection Methodology, the State Board of Administration, the
 456 Office of Economic and Demographic Research, and other state
 457 agencies.

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

460 274.01 Definitions.—The following words as used in this
 461 act have the meanings set forth in the below subsections, unless
 462 a different meaning is required by the context:

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

467 Section 5. Present subsections (15) and (16) of section
 468 440.13, Florida Statutes, are redesignated as subsections (14)
 469 and (15), respectively, and paragraph (c) of subsection (9),
 470 subsection (12), and present subsection (14) of that section are
 471 amended, to read:

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

474 (9) EXPERT MEDICAL ADVISORS.—

475 (c) If there is disagreement in the opinions of the health

476 care providers, if two health care providers disagree on medical
 477 evidence supporting the employee's complaints or the need for
 478 additional medical treatment, or if two health care providers
 479 disagree that the employee is able to return to work, the
 480 department may, and the judge of compensation claims may ~~shall~~,
 481 upon his or her own motion or within 15 days after receipt of a
 482 written request by either the injured employee, the employer, or
 483 the carrier, order the injured employee to be evaluated by an
 484 expert medical advisor. The injured employee and the employer or
 485 carrier may agree on the health care provider to serve as an
 486 expert medical advisor. If the parties do not agree, the judge
 487 of compensation claims shall select an expert medical advisor
 488 from the department's list of certified expert medical advisors.
 489 If a certified medical advisor within the relevant medical
 490 specialty is unavailable, the judge of compensation claims shall
 491 appoint any otherwise qualified health care provider to serve as
 492 an expert medical advisor without obtaining the department's
 493 certification. The opinion of the expert medical advisor is
 494 presumed to be correct unless there is clear and convincing
 495 evidence to the contrary as determined by the judge of
 496 compensation claims. The expert medical advisor appointed to
 497 conduct the evaluation shall have free and complete access to
 498 the medical records of the employee. An employee who fails to
 499 report to and cooperate with such evaluation forfeits
 500 entitlement to compensation during the period of failure to

501 report or cooperate.

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

504 (a) A three-member panel is created, consisting of the
505 Chief Financial Officer, or the Chief Financial Officer's
506 designee, and two members to be appointed by the Governor,
507 subject to confirmation by the Senate, one member who, on
508 account of present or previous vocation, employment, or
509 affiliation, shall be classified as a representative of
510 employers, the other member who, on account of previous
511 vocation, employment, or affiliation, shall be classified as a
512 representative of employees. The panel shall determine statewide
513 schedules of maximum reimbursement allowances for medically
514 necessary treatment, care, and attendance provided by
515 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
516 ~~hardening programs, pain programs, and durable medical~~
517 ~~equipment.~~ The maximum reimbursement allowances for inpatient
518 hospital care shall be based on a schedule of per diem rates, to
519 be approved by the three-member panel no later than March 1,
520 1994, to be used in conjunction with a precertification manual
521 as determined by the department, including maximum hours in
522 which an outpatient may remain in observation status, which
523 shall not exceed 23 hours. All compensable charges for hospital
524 outpatient care shall be reimbursed at 75 percent of usual and
525 customary charges, except as otherwise provided by this

526 subsection. Annually, the three-member panel shall adopt
527 schedules of maximum reimbursement allowances for ~~physicians,~~
528 hospital inpatient care, hospital outpatient care, and
529 ambulatory surgical centers, ~~work-hardening programs, and pain~~
530 ~~programs.~~ A ~~An individual physician,~~ hospital or an ambulatory
531 surgical center, ~~pain program, or work-hardening program~~ shall
532 be reimbursed either the agreed-upon contract price or the
533 maximum reimbursement allowance in the appropriate schedule.

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

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

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

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

551 charges.

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

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

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

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

572 (h)(e) As to reimbursement for a prescription medication,
573 the reimbursement amount for a prescription shall be the average
574 wholesale price plus \$4.18 for the dispensing fee. For
575 repackaged or relabeled prescription medications dispensed by a

576 dispensing practitioner as provided in s. 465.0276, the fee
577 schedule for reimbursement shall be 112.5 percent of the average
578 wholesale price, plus \$8.00 for the dispensing fee. For purposes
579 of this subsection, the average wholesale price shall be
580 calculated by multiplying the number of units dispensed times
581 the per-unit average wholesale price set by the original
582 manufacturer of the underlying drug dispensed by the
583 practitioner, based upon the published manufacturer's average
584 wholesale price published in the Medi-Span Master Drug Database
585 as of the date of dispensing. All pharmaceutical claims
586 submitted for repackaged or relabeled prescription medications
587 must include the National Drug Code of the original
588 manufacturer. Fees for pharmaceuticals and pharmaceutical
589 services shall be reimbursable at the applicable fee schedule
590 amount except where the employer or carrier, or a service
591 company, third party administrator, or any entity acting on
592 behalf of the employer or carrier directly contracts with the
593 provider seeking reimbursement for a lower amount.

594 (i)~~(d)~~ Reimbursement for all fees and other charges for
595 such treatment, care, and attendance, including treatment, care,
596 and attendance provided by any hospital or other health care
597 provider, ambulatory surgical center, work-hardening program, or
598 pain program, must not exceed the amounts provided by the
599 uniform schedule of maximum reimbursement allowances as
600 determined by the panel or as otherwise provided in this

601 section. This subsection also applies to independent medical
602 examinations performed by health care providers under this
603 chapter. In determining the uniform schedule, the panel shall
604 first approve the data which it finds representative of
605 prevailing charges in the state for similar treatment, care, and
606 attendance of injured persons. Each health care provider, health
607 care facility, ambulatory surgical center, work-hardening
608 program, or pain program receiving workers' compensation
609 payments shall maintain records verifying their usual charges.
610 In establishing the uniform schedule of maximum reimbursement
611 allowances, the panel must consider:

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

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

619 3. The financial impact of the reimbursement allowances
620 upon health care providers and health care facilities, including
621 trauma centers as defined in s. 395.4001, and its effect upon
622 their ability to make available to injured workers such
623 medically necessary remedial treatment, care, and attendance.
624 The uniform schedule of maximum reimbursement allowances must be
625 reasonable, must promote health care cost containment and

626 efficiency with respect to the workers' compensation health care
 627 delivery system, and must be sufficient to ensure availability
 628 of such medically necessary remedial treatment, care, and
 629 attendance to injured workers; ~~and~~

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

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

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

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

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

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

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

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

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

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

675 (2) BOARD OF DIRECTORS.—The board of directors of the

676 association shall consist of nine persons and shall be organized
677 as established in the plan of operation. Each director must ~~All~~
678 ~~board members shall~~ be experienced in self-insurance in this
679 state. Each director shall serve for a 4-year term and may be
680 reappointed. ~~Appointments After July~~ January 1, 2023 ~~2002, shall~~
681 ~~be made by~~ the department shall approve and appoint directors
682 upon recommendation of members of the association or shall
683 approve and appoint other persons with experience in self-
684 insurance as determined by the Chief Financial Officer. These
685 appointments are deemed to be within the scope of the exemption
686 provided in s. 112.313(7) (b). Any vacancy on the board shall be
687 filled for the remaining period of the term in the same manner
688 as appointments other than initial appointments are made. Each
689 director shall be reimbursed for expenses incurred in carrying
690 out the duties of the board on behalf of the association.

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

695 (b) Directors are subject to the code of ethics under part
696 III of chapter 112, including, but not limited to, the code of
697 ethics and public disclosure and reporting of financial
698 interests, pursuant to s. 112.3145. For purposes of applying
699 part III of chapter 112 to activities of members of the board of
700 directors, those persons are considered public officers and the

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

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

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

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

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

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

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

741 (62) "Preneed contract" means any arrangement or method
742 for which the provider of funeral merchandise or services
743 receives any payment in advance for funeral or burial
744 merchandise and services after the death of the contract
745 beneficiary. The term excludes a transportation protection
746 agreement and any payments received on a transportation
747 protection agreement. As used in this subsection, the term
748 "transportation protection agreement" means an agreement that
749 exclusively provides or arranges for services related to the
750 preparation for the purpose of transportation and subsequent

751 transportation of human remains or cremated remains. The Florida
752 Insurance Code, as defined in s. 624.01, does not apply to any
753 transportation protection agreement sold by any licensee under
754 this chapter.

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

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

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

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

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

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

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

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

- 776 1. Among the participants; or
- 777 2. By the nonprofit religious organization to the
- 778 participants;

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

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

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

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

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

797 (25) Reinsurance intermediary:

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

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

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

803 626.015 Definitions.—As used in this part:

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

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

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

818 (4) An applicant for a license issued by the department
 819 under this chapter must submit a set of the individual
 820 applicant's fingerprints, or, if the applicant is not an
 821 individual, a set of the fingerprints of the sole proprietor,
 822 majority owner, partners, officers, and directors, to the
 823 department and must pay the fingerprint processing fee set forth
 824 in s. 624.501. Fingerprints must be processed in accordance with
 825 s. 624.34 and used to investigate the applicant's qualifications

826 pursuant to s. 626.201. The fingerprints must be taken by a law
827 enforcement agency, ~~designated examination center,~~ or other
828 department-approved entity. ~~The department shall require all~~
829 ~~designated examination centers to have fingerprinting equipment~~
830 ~~and to take fingerprints from any applicant or prospective~~
831 ~~applicant who pays the applicable fee.~~ The department may not
832 approve an application for licensure as an agent, customer
833 service representative, adjuster, service representative, or
834 reinsurance intermediary if fingerprints have not been
835 submitted.

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

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

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

846 (c) Notify all policyholders currently insured by a policy
847 written, produced, or serviced by the agency of the agency's
848 cessation of operations; the date on which operations ceased;
849 and the identity of the agency or agent to which the agency's
850 current book of business has been transferred or, if no transfer

851 has occurred, a statement directing the policyholder to contact
 852 the insurance company for assistance in locating a licensed
 853 agent to service the policy. This paragraph does not apply to
 854 title insurance, life insurance, or annuity contracts.

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

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

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

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

876 626.221 Examination requirement; exemptions.—

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

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

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

901 626.2815 Continuing education requirements.—

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

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

926 (f) Elective continuing education courses for public
 927 adjusters may ~~must~~ be any course related to commercial and
 928 residential property coverages, claim adjusting practices, and
 929 any other adjuster elective courses specifically designed for
 930 ~~public adjusters and~~ approved by the department. Notwithstanding
 931 this subsection, public adjusters for workers' compensation
 932 insurance or health insurance are not required to take
 933 continuing education courses pursuant to this section.

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

937 626.321 Limited licenses and registration.—

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

942 (a) Motor vehicle physical damage and mechanical breakdown
 943 insurance.—License covering insurance against only the loss of
 944 or damage to a motor vehicle that is designed for use upon a
 945 highway, including trailers and semitrailers designed for use
 946 with such vehicles. Such license also covers insurance against
 947 the failure of an original or replacement part to perform any
 948 function for which it was designed. ~~A licensee under this~~
 949 ~~paragraph may not hold a license as an agent for any other or~~
 950 ~~additional kind or class of insurance coverage except a limited~~

951 ~~license for credit insurance as provided in paragraph (c).~~
 952 Effective October 1, 2012, all licensees holding such limited
 953 license and appointment may renew the license and appointment,
 954 but no new or additional licenses may be issued pursuant to this
 955 paragraph, and a licensee whose limited license under this
 956 paragraph has been terminated, suspended, or revoked may not
 957 have such license reinstated.

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

969 (e) Credit insurance.—License covering credit life, credit
 970 disability, credit property, credit unemployment, involuntary
 971 unemployment, mortgage life, mortgage guaranty, mortgage
 972 disability, guaranteed automobile protection (GAP) insurance,
 973 and any other form of insurance offered in connection with an
 974 extension of credit which is limited to partially or wholly
 975 extinguishing a credit obligation that the department determines

976 should be designated a form of limited line credit insurance.
977 Effective October 1, 2012, all valid licenses held by persons
978 for any of the lines of insurance listed in this paragraph shall
979 be converted to a credit insurance license. ~~Licenses who wish~~
980 ~~to obtain a new license reflecting such change must request a~~
981 ~~duplicate license and pay a \$5 fee as specified in s.~~
982 ~~624.501(15).~~ The license may be issued only to an individual
983 employed by a life or health insurer as an officer or other
984 salaried or commissioned representative, to an individual
985 employed by or associated with a lending or financial
986 institution or creditor, or to a lending or financial
987 institution or creditor, and may authorize the sale of such
988 insurance only with respect to borrowers or debtors of such
989 lending or financing institution or creditor. However, only the
990 individual or entity whose tax identification number is used in
991 receiving or is credited with receiving the commission from the
992 sale of such insurance shall be the licensed agent of the
993 insurer. ~~No individual while so licensed shall hold a license as~~
994 ~~an agent as to any other or additional kind or class of life or~~
995 ~~health insurance coverage.~~

996 (i) Preneed funeral agreement insurance.-Limited license
997 for insurance covering only prearranged funeral, cremation, or
998 cemetery agreements, or any combination thereof, funded by
999 insurance and offered in connection with an establishment that
1000 holds a preneed license pursuant to s. 497.452. Such license may

1001 be issued without examination only to an individual who has
 1002 filed with the department an application for a license in a form
 1003 and manner prescribed by the department, who currently holds a
 1004 valid preneed sales agent license pursuant to s. 497.466, who
 1005 paid the applicable fees for a license as prescribed in s.
 1006 624.501, who has been appointed under s. 626.112, and who paid
 1007 the prescribed appointment fee under s. 624.501.

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

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

1014 (1) The department shall deny an application for, suspend,
 1015 revoke, or refuse to renew or continue the license or
 1016 appointment of any applicant, agent, title agency, adjuster,
 1017 customer representative, service representative, or managing
 1018 general agent, and it shall suspend or revoke the eligibility to
 1019 hold a license or appointment of any such person, if it finds
 1020 that as to the applicant, licensee, or appointee any one or more
 1021 of the following applicable grounds exist:

1022 (n) Having been found guilty of or having pleaded guilty
 1023 or nolo contendere to a misdemeanor directly related to the
 1024 financial services business, any felony, or any a crime
 1025 punishable by imprisonment of 1 year or more under the law of

1026 | the United States of America or of any state thereof or under
 1027 | the law of any other country, without regard to whether a
 1028 | judgment of conviction has been entered by the court having
 1029 | jurisdiction of such cases.

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

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

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

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

1050 | 626.7492 Reinsurance intermediaries.—

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

1052 (d) "Producer" means a licensed ~~an~~ agent, broker, or

1053 insurance agency that is appointed as a reinsurance intermediary

1054 ~~licensed~~ pursuant to the applicable provision of the Florida

1055 Insurance Code.

1056 (g) "Reinsurance intermediary manager" means any person

1057 who has authority to bind, or manages all or part of, the

1058 assumed reinsurance business of a reinsurer, including the

1059 management of a separate division, department, or underwriting

1060 office, and acts as a representative ~~an agent~~ for the reinsurer

1061 whether known as a reinsurance intermediary manager, manager, or

1062 other similar term. Notwithstanding the above, none of the

1063 following persons is a reinsurance intermediary manager with

1064 respect to the reinsurer for the purposes of this section:

1065 1. An employee of the reinsurer;

1066 2. A manager of the United States branch of an alien

1067 reinsurer;

1068 3. An underwriting manager which, pursuant to contract,

1069 manages all the reinsurance operations of the reinsurer, is

1070 under common control with the reinsurer, subject to the holding

1071 company act, and whose compensation is not based on the volume

1072 of premiums written.

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

1074 organization of insurers which engage in joint underwriting or

1075 joint reinsurance and who are subject to examination by the

1076 insurance regulatory authority of the state in which the
 1077 manager's principal business office is located.

1078 (3) LICENSURE.—

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

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

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

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

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

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

1101 intermediary manager is a licensed producer in this state;

1102 3. In another state for a nondomestic insurer, unless the
 1103 reinsurance intermediary manager is a licensed producer in this
 1104 state or another state having a law substantially similar to
 1105 this section, or the person is licensed in this state as a
 1106 producer ~~nonresident reinsurance intermediary~~.

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

1121 (f) ~~The department may refuse to issue a reinsurance~~
 1122 ~~intermediary license if, in its judgment, the applicant, anyone~~
 1123 ~~named on the application, or any member, principal, officer, or~~
 1124 ~~director of the applicant, has demonstrated a lack of fitness~~
 1125 ~~and trustworthiness, or that any controlling person of the~~

1126 ~~applicant is not fit or trustworthy to act as a reinsurance~~
 1127 ~~intermediary, or that any of the foregoing has given cause for~~
 1128 ~~revocation or suspension of the license, or has failed to comply~~
 1129 ~~with any prerequisite for the issuance of the license.~~

1130 ~~(g)~~ Reinsurance intermediaries shall be ~~licensed,~~
 1131 appointed, renewed, continued, reinstated, or terminated as
 1132 prescribed in this chapter for insurance representatives in
 1133 general, ~~except that they shall be exempt from the photo,~~
 1134 ~~education, and examination provisions.~~ License, Appointment, and
 1135 other fees shall be those prescribed in s. 624.501.

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

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

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

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

1147 626.752 Exchange of business.—

1148 (5) Within 15 days after the last day of each month, any
 1149 insurer accepting business under this section shall report to
 1150 the department the name, address, telephone number, and social

1151 security number of each agent from which the insurer received
 1152 more than four personal lines risks during the calendar year,
 1153 except for risks being removed from the Citizens Property
 1154 Insurance Corporation and placed with that insurer by a
 1155 brokering agent. Once the insurer has reported pursuant to this
 1156 subsection an agent's name to the department, additional reports
 1157 on the same agent shall not be required. However, the fee set
 1158 forth in s. 624.501 must be paid for the agent by the insurer
 1159 for each year until the insurer notifies the department that the
 1160 insurer is no longer accepting business from the agent pursuant
 1161 to this section. The insurer may require that the agent
 1162 reimburse the insurer for the fee. If the insurer or employer
 1163 does not pay the fees and taxes due under this subsection within
 1164 21 days after notice by the department, the department must
 1165 suspend the insurer's or employer's authority to appoint
 1166 licensees until all outstanding fees and taxes have been paid.

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

1169 626.785 Qualifications for license.—

1170 (3) Notwithstanding any other provisions of this chapter,
 1171 a funeral director, a direct disposer, or an employee of a
 1172 funeral establishment that holds a preneed license pursuant to
 1173 s. 497.452 may obtain an agent's license or a limited license to
 1174 sell only policies of life insurance covering the expense of a
 1175 prearrangement for funeral services or merchandise so as to

1176 provide funds at the time the services and merchandise are
 1177 needed. The face amount of insurance covered by any such policy
 1178 shall not exceed \$21,000, plus an annual percentage increase
 1179 based on the Annual Consumer Price Index compiled by the United
 1180 States Department of Labor, beginning with the Annual Consumer
 1181 Price Index announced by the United States Department of Labor
 1182 for 2016.

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

1185 626.793 Excess or rejected business.—

1186 (4) Within 15 days after the last day of each month, any
 1187 insurer accepting business under this section shall report to
 1188 the department the name, address, telephone number, and social
 1189 security number of each agent from which the insurer received
 1190 more than four risks during the calendar year. Once the insurer
 1191 has reported an agent's name to the department pursuant to this
 1192 subsection, additional reports on the same agent shall not be
 1193 required. However, the fee set forth in s. 624.501 must be paid
 1194 for the agent by the insurer for each year until the insurer
 1195 notifies the department that the insurer is no longer accepting
 1196 business from the agent pursuant to this section. The insurer
 1197 may require that the agent reimburse the insurer for the fee. If
 1198 the insurer or employer does not pay the fees and taxes due
 1199 under this subsection within 21 days after notice by the
 1200 department, the department must suspend the insurer's or

1201 employer's authority to appoint licensees until all outstanding
 1202 fees and taxes have been paid.

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

1205 626.837 Excess or rejected business.—

1206 (5) Within 15 days after the last day of each month, any
 1207 insurer accepting business under this section shall report to
 1208 the department the name, address, telephone number, and social
 1209 security number of each agent from which the insurer received
 1210 more than four risks during the calendar year. Once the insurer
 1211 has reported pursuant to this subsection an agent's name to the
 1212 department, additional reports on the same agent shall not be
 1213 required. However, the fee set forth in s. 624.501 must be paid
 1214 for the agent by the insurer for each year until the insurer
 1215 notifies the department that the insurer is no longer accepting
 1216 business from the agent pursuant to this section. The insurer
 1217 may require that the agent reimburse the insurer for the fee. If
 1218 the insurer or employer does not pay the fees and taxes due
 1219 under this subsection within 21 days after notice by the
 1220 department, the department must suspend the insurer's or
 1221 employer's authority to appoint licensees until all outstanding
 1222 fees and taxes have been paid.

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

1225 626.8411 Application of Florida Insurance Code provisions

1226 | to title insurance agents or agencies.—

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

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

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

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

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

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

1250 | Section 26. Subsections (7) and (8) are added to section

1251 626.844, Florida Statutes, to read:

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

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

1276 (8) Revocation or cancellation of a licensee's resident
 1277 license in a jurisdiction other than this state.

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

1280 626.8473 Escrow; trust fund.—

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

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

1295 (3) All funds received by a title insurance agency agent
 1296 to be held in trust shall be immediately placed in a financial
 1297 institution that is located within this state and is a member of
 1298 the Federal Deposit Insurance Corporation or the National Credit
 1299 Union Share Insurance Fund. These funds shall be invested in an
 1300 escrow account in accordance with the investment requirements

1301 and standards established for deposits and investments of state
1302 funds in s. 17.57, where the funds shall be kept until
1303 disbursement thereof is properly authorized.

1304 (4) Funds required to be maintained in escrow trust
1305 accounts pursuant to this section shall not be subject to any
1306 debts of the title insurance agency ~~agent~~ and shall be used only
1307 in accordance with the terms of the individual, escrow,
1308 settlement, or closing instructions under which the funds were
1309 accepted.

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

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

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

1326 ~~agent~~, or any person who knowingly receives or conspires to
1327 receive such funds, commits:

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

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

1334 (c) If the funds converted or misappropriated are \$20,000
1335 or more, but less than \$100,000, a felony of the second degree,
1336 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

1350 626.854 "Public adjuster" defined; prohibitions.—The

1351 Legislature finds that it is necessary for the protection of the
 1352 public to regulate public insurance adjusters and to prevent the
 1353 unauthorized practice of law.

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

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

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

1363 (c) Offer to initiate or negotiate a claim on behalf of an
 1364 insured;

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

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

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

1371 626.874 Catastrophe or emergency adjusters.—

1372 (1) In the event of a catastrophe or emergency, the
 1373 department may issue a license, for the purposes and under the
 1374 conditions and for the period of emergency as it shall
 1375 determine, to persons who are residents or nonresidents of this

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

1387 (2) If any person not a licensed adjuster who has been
 1388 permitted to adjust such losses, claims, or damages under the
 1389 conditions and circumstances set forth in subsection (1),
 1390 engages in any of the misconduct described in or contemplated by
 1391 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without
 1392 notice and hearing, shall be authorized to issue its order
 1393 denying such person the privileges granted under this section;
 1394 and thereafter it shall be unlawful for any such person to
 1395 adjust any such losses, claims, or damages in this state.

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

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

1400 (2) The department may pay rewards of up to \$25,000 to

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

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

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

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

1422 Section 32. Paragraph (c) of subsection (4) of section
 1423 627.351, Florida Statutes, is amended to read:

1424 627.351 Insurance risk apportionment plans.—

1425 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1426 (c) The Joint Underwriting Association shall operate
1427 subject to the supervision and approval of a board of governors
1428 consisting of representatives of five of the insurers
1429 participating in the Joint Underwriting Association, an attorney
1430 named by The Florida Bar, a physician named by the Florida
1431 Medical Association, a dentist named by the Florida Dental
1432 Association, and a hospital representative named by the Florida
1433 Hospital Association; or consisting of other persons approved
1434 and appointed by the Chief Financial Officer. The Chief
1435 Financial Officer shall select the representatives of the five
1436 insurers or shall approve and appoint other persons with
1437 experience in medical malpractice insurance as determined by the
1438 Chief Financial Officer. These appointments are deemed to be
1439 within the scope of the exemption provided in s. 112.313(7)(b).
1440 One insurer representative shall be selected from
1441 recommendations of the American Insurance Association. One
1442 insurer representative shall be selected from recommendations of
1443 the Property Casualty Insurers Association of America. One
1444 insurer representative shall be selected from recommendations of
1445 the Florida Insurance Council. Two insurer representatives shall
1446 be selected to represent insurers that are not affiliated with
1447 these associations. Vacancies on the board shall be filled for
1448 the remaining period of the term in the same manner as the
1449 initial appointments. During the first meeting of the board
1450 after June 30 of each year, the board shall choose one of its

1451 members to serve as chair of the board and another member to
1452 serve as vice chair of the board. There is no liability on the
1453 part of, and no cause of action shall arise against, any member
1454 insurer, self-insurer, or its agents or employees, the Joint
1455 Underwriting Association or its agents or employees, members of
1456 the board of governors, or the office or its representatives for
1457 any action taken by them in the performance of their powers and
1458 duties under this subsection.

1459 1. The Chief Financial Officer may remove a board member
1460 from office for misconduct, malfeasance, misfeasance, or neglect
1461 of duty. Any vacancy so created shall be filled as provided in
1462 this paragraph.

1463 2. Board members are subject to the code of ethics under
1464 part III of chapter 112, including, but not limited to, the code
1465 of ethics and public disclosure and reporting of financial
1466 interests, pursuant to s. 112.3145. For purposes of applying
1467 part III of chapter 112 to activities of members of the board of
1468 governors, those persons are considered public officers and the
1469 Joint Underwriting Association is considered their agency.
1470 Notwithstanding s. 112.3143(2), a board member may not vote on
1471 any measure that he or she knows would inure to his or her
1472 special private gain or loss; that he or she knows would inure
1473 to the special private gain or loss of any principal by which he
1474 or she is retained, other than an agency as defined in s.
1475 112.312; or that he or she knows would inure to the special

1476 private gain or loss of a relative or business associate of the
1477 public officer. Before the vote is taken, such board member
1478 shall publicly state to the board the nature of his or her
1479 interest in the matter from which he or she is abstaining from
1480 voting and, within 15 days after the vote occurs, disclose the
1481 nature of his or her interest as a public record in a memorandum
1482 filed with the person responsible for recording the minutes of
1483 the meeting, who shall incorporate the memorandum in the
1484 minutes.

1485 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
1486 law, a board member may not knowingly accept, directly or
1487 indirectly, any gift or expenditure from a person or entity, or
1488 an employee or representative of such person or entity, which
1489 has a contractual relationship with the Joint Underwriting
1490 Association or which is under consideration for a contract.

1491 4. A board member who fails to comply with subparagraph 2.
1492 or subparagraph 3. is subject to the penalties provided under
1493 ss. 112.317 and 112.3173.

1494 Section 33. Subsections (2) and (3) of section 627.7015,
1495 Florida Statutes, are amended to read:

1496 627.7015 Alternative procedure for resolution of disputed
1497 property insurance claims.—

1498 (2) At the time of issuance and renewal of a policy or at
1499 the time a first-party claim within the scope of this section is
1500 filed by the policyholder, the insurer shall notify the

1501 policyholder of its right to participate in the mediation
 1502 program under this section. A claim becomes eligible for
 1503 mediation after the insurer complies with s. 627.70131(7) or
 1504 elects to reinspect pursuant to s. 627.70152(4) (a)3. If the
 1505 insurer has not complied with s. 627.70131(7) or elected to
 1506 reinspect pursuant to s. 627.70152(4) (a)3. within 90 days after
 1507 notice of the loss, the insurer may not require mediation under
 1508 this section. This subsection does not impair the right of an
 1509 insurance company to request mediation after a determination of
 1510 coverage pursuant to this section or require appraisal or
 1511 another method of alternative dispute resolution pursuant to s.
 1512 627.70152(4) (b). The department shall prepare a consumer
 1513 information pamphlet for distribution to persons participating
 1514 in mediation.

1515 (3) The costs of mediation must be reasonable, and the
 1516 insurer must bear all of the cost of conducting mediation
 1517 conferences, except as otherwise provided in this section. If a
 1518 policyholder fails to appear at the conference, the conference
 1519 must be rescheduled upon the policyholder's payment of the costs
 1520 of a rescheduled conference. If the insurer fails to appear at
 1521 the conference, the insurer must pay the policyholder's actual
 1522 cash expenses incurred in attending the conference if the
 1523 insurer's failure to attend was not due to a good cause
 1524 acceptable to the department. An insurer will be deemed to have
 1525 failed to appear if the insurer's representative lacks authority

1526 to settle the full value of the claim. The insurer shall incur
 1527 an additional fee for a rescheduled conference necessitated by
 1528 the insurer's failure to appear at a scheduled conference. The
 1529 fees assessed by the department administrator must include a
 1530 charge necessary to defray the expenses of the department
 1531 related to its duties under this section and must be deposited
 1532 in the Insurance Regulatory Trust Fund. The department may
 1533 suspend the insurer's authority to appoint licensees if the
 1534 insurer does not timely pay the required fees.

1535 Section 34. Subsection (18) is added to section 627.7074,
 1536 Florida Statutes, to read:

1537 627.7074 Alternative procedure for resolution of disputed
 1538 sinkhole insurance claims.—

1539 (18) The department may designate, by means of a written
 1540 contract or agreement, an entity or a person to serve as
 1541 administrator to carry out any of the provisions of this
 1542 section.

1543 Section 35. Section 627.745, Florida Statutes, is amended
 1544 to read:

1545 627.745 Mediation of claims.—

1546 (1)(a) In any claim filed with an insurer for personal
 1547 injury in an amount of \$10,000 or less or any claim for property
 1548 damage in any amount, arising out of the ownership, operation,
 1549 use, or maintenance of a motor vehicle, either party may demand
 1550 mediation of the claim prior to the institution of litigation.

1551 (b) The costs of mediation must be reasonable, and the
1552 insurer must bear all of the cost of conducting mediation
1553 conferences, except as otherwise provided in this section. If a
1554 policyholder fails to appear at the conference, the conference
1555 must be rescheduled upon the policyholder's payment of the costs
1556 of a rescheduled conference. If the insurer fails to appear at
1557 the conference, the insurer must pay the policyholder's actual
1558 cash expenses incurred in attending the conference if the
1559 insurer's failure to attend was not due to a good cause
1560 acceptable to the department. An insurer is deemed to have
1561 failed to appear if the insurer's representative lacks authority
1562 to settle the full value of the claim. The insurer shall incur
1563 an additional fee, paid to the mediator, for a rescheduled
1564 conference necessitated by the insurer's failure to appear at a
1565 scheduled conference. The fees assessed by the department or
1566 administrator must include a charge necessary to defray the
1567 expenses of the department related to its duties under this
1568 section and must be deposited in the Insurance Regulatory Trust
1569 Fund. The department or administrator may request that the
1570 department suspend the insurer's authority to appoint licensees
1571 if the insurer does not timely pay the per-mediation-event
1572 administrative fee. Mediation under this section is also
1573 available to litigants referred to the department by a county
1574 court or circuit court.

1575 ~~(b) A request for mediation shall be filed with the~~

1576 ~~department on a form approved by the department. The request for~~
1577 ~~mediation shall state the reason for the request for mediation~~
1578 ~~and the issues in dispute which are to be mediated. The filing~~
1579 ~~of a request for mediation tolls the applicable time~~
1580 ~~requirements for filing suit for a period of 60 days following~~
1581 ~~the conclusion of the mediation process or the time prescribed~~
1582 ~~in s. 95.11, whichever is later.~~

1583 ~~(c) The insurance policy must specify in detail the terms~~
1584 ~~and conditions for mediation of a first-party claim.~~

1585 ~~(d) The mediation shall be conducted as an informal~~
1586 ~~process in which formal rules of evidence and procedure need not~~
1587 ~~be observed. Any party participating in a mediation must have~~
1588 ~~the authority to make a binding decision. All parties must~~
1589 ~~mediate in good faith.~~

1590 ~~(e) The department shall randomly select mediators. Each~~
1591 ~~party may once reject the mediator selected, either originally~~
1592 ~~or after the opposing side has exercised its option to reject a~~
1593 ~~mediator.~~

1594 ~~(f) Costs of mediation shall be borne equally by both~~
1595 ~~parties unless the mediator determines that one party has not~~
1596 ~~mediated in good faith.~~

1597 ~~(g) Only one mediation may be requested for each claim,~~
1598 ~~unless all parties agree to further mediation.~~

1599 ~~(2) Upon receipt of a request for mediation, the~~
1600 ~~department shall refer the request to a mediator. The mediator~~

1601 ~~shall notify the applicant and all interested parties, as~~
1602 ~~identified by the applicant, and any other parties the mediator~~
1603 ~~believes may have an interest in the mediation, of the date,~~
1604 ~~time, and place of the mediation conference. The conference may~~
1605 ~~be held by telephone, if feasible. The mediation conference~~
1606 ~~shall be held within 45 days after the request for mediation.~~

1607 ~~(2)(a)-(3)(a)~~ The department shall approve mediators to
1608 conduct mediations pursuant to this section. All mediators must
1609 file an application under oath for approval as a mediator.

1610 (b) To qualify for approval as a mediator, an individual
1611 must meet one of the following qualifications:

1612 1. Possess an active certification as a Florida Supreme
1613 Court certified circuit court mediator. A Florida Supreme Court
1614 certified circuit court mediator in a lapsed, suspended,
1615 sanctioned, or decertified status is not eligible to participate
1616 in the mediation program.

1617 2. Be an approved department mediator as of July 1, 2014,
1618 and have conducted at least one mediation on behalf of the
1619 department within 4 years immediately preceding that date.

1620 ~~(3)-(4)~~ The department shall deny an application, or
1621 suspend or revoke its approval, of a mediator to serve in such
1622 capacity if the department finds that one or more of the
1623 following grounds exist:

1624 (a) Lack of one or more of the qualifications specified in
1625 this section for approval.

1626 (b) Material misstatement, misrepresentation, or fraud in
 1627 obtaining or attempting to obtain the approval.

1628 (c) Demonstrated lack of fitness or trustworthiness to act
 1629 as a mediator.

1630 (d) Fraudulent or dishonest practices in the conduct of
 1631 mediation or in the conduct of business in the financial
 1632 services industry.

1633 (e) Violation of any provision of this code or of a lawful
 1634 order or rule of the department, violation of the Florida Rules
 1635 for Certified and Court-Appointed Mediators, or aiding,
 1636 instructing, or encouraging another party in committing such a
 1637 violation.

1638
 1639 The department may adopt rules to administer this subsection.

1640 (4) The department shall adopt by rule a motor vehicle
 1641 claims insurance mediation program to be administered by the
 1642 department or its designee. The department may also adopt
 1643 special rules that are applicable in cases of an emergency
 1644 within the state. The rules shall be modeled after practices and
 1645 procedures set forth in mediation rules of procedure adopted by
 1646 the Supreme Court. The rules must include:

1647 (a) Reasonable requirements for processing and scheduling
 1648 of requests for mediation.

1649 (b) Provisions governing who may attend mediation
 1650 conferences.

1651 (c) Selection of mediators.
 1652 (d) Criteria for the conduct of mediation conferences.
 1653 (e) Right to legal counsel.
 1654 ~~(5) The department must adopt rules of procedure for~~
 1655 ~~claims mediation, taking into consideration a system which:~~
 1656 ~~(a) Is fair.~~
 1657 ~~(b) Promotes settlement.~~
 1658 ~~(c) Avoids delay.~~
 1659 ~~(d) Is nonadversarial.~~
 1660 ~~(e) Uses a framework for modern mediating technique.~~
 1661 (f) Controls of costs and expenses of mediation.
 1662 (5) The department may designate an entity or person to
 1663 serve as an administrator to carry out any of the provisions of
 1664 this section and may take this action by means of a written
 1665 contract or agreement.
 1666 (6) Disclosures and information divulged in the mediation
 1667 process are not admissible in any subsequent action or
 1668 proceeding relating to the claim or to the cause of action
 1669 giving rise to the claim. A person demanding mediation under
 1670 this section may not demand or request mediation after a suit is
 1671 filed relating to the same facts already mediated.
 1672 Section 36. Present subsections (7) through (12) of
 1673 section 631.141, Florida Statutes, are redesignated as
 1674 subsections (8) through (13), respectively, and a new subsection
 1675 (7) is added to that section, to read:

1676 631.141 Conduct of delinquency proceeding; domestic and
 1677 alien insurers.—

1678 (7) In order to preserve as much as possible the right and
 1679 interest of the policyholders whose insurance policies or
 1680 similar contracts are affected by the receivership proceedings,
 1681 the department as a domiciliary receiver may:

1682 (a) Use the property of the estate of the insurer to
 1683 transfer the insurer's book of business, policies, or similar
 1684 contracts of coverage, in whole or in part, to a solvent
 1685 assuming insurer or insurers.

1686 (b) Notwithstanding s. 631.195, share records of the
 1687 insurer with the prospective solvent assuming insurer or
 1688 insurers, but only to the extent necessary to undertake due
 1689 diligence for a transfer contemplated under this section.

1690 Section 37. Subsections (1) and (3) of section 631.252,
 1691 Florida Statutes, are amended to read:

1692 631.252 Continuation of coverage.—

1693 (1) Unless another insurer, with approval of the
 1694 receivership court, assumes or otherwise provides coverage for
 1695 the policies of the insolvent insurer, all insurance policies or
 1696 similar contracts of coverage, other than coverages defined in
 1697 s. 631.713 or health maintenance organization coverage under
 1698 part IV, issued by the insurer shall be canceled upon the
 1699 earlier ~~earliest to occur~~ of the following:

1700 (a) The date of entry of the liquidation or, if the court

1701 so provides in its order, the expiration of 30 days from the
 1702 date of entry of the liquidation order;

1703 (b) The normal expiration of the policy or contract
 1704 coverage;

1705 (c) The replacement of the coverage by the insured, or the
 1706 replacement of the policy or contract of coverage, with a policy
 1707 or contract acceptable to the insured by the receiver with
 1708 another insurer; ~~or~~

1709 (d) The date proposed by the receiver and approved by the
 1710 receivership court to cancel coverage; or

1711 (e)-(d) The termination of the coverage by the insured.

1712 (3) The 30-day coverage continuation period provided in
 1713 paragraph (1)(a) and s. 631.57(1)(a)1. may not be extended
 1714 unless the Chief Financial Officer ~~office~~ determines, based on a
 1715 reasonable belief, that market conditions are such that policies
 1716 of residential property insurance coverage cannot be placed with
 1717 an authorized insurer within 30 days and that an additional 15
 1718 days is needed to place such coverage. ~~;~~ ~~and~~ Failure of actual
 1719 notice to the policyholder of the insolvency of the insurer, of
 1720 commencement of a delinquency proceeding, or of expiration of
 1721 the extension period does not affect such expiration.

1722 Section 38. Subsection (1) of section 631.56, Florida
 1723 Statutes, is amended, and subsections (5) through (8) are added
 1724 to that section, to read:

1725 631.56 Board of directors.—

1726 (1) The board of directors of the association shall
1727 consist of not less than five or more than nine persons serving
1728 terms as established in the plan of operation. Three members of
1729 the board must be representatives from domestic insurers
1730 appointed by the Chief Financial Officer. The department shall
1731 approve and appoint to the board persons recommended by the
1732 member insurers or shall approve and appoint other persons with
1733 experience in property and casualty insurance or motor vehicle
1734 insurance as determined by the Chief Financial Officer. These
1735 appointments are deemed to be within the scope of the exemption
1736 provided in s. 112.313(7)(b). ~~In the event the department finds~~
1737 ~~that any recommended person does not meet the qualifications for~~
1738 ~~service on the board, the department shall request the member~~
1739 ~~insurers to recommend another person.~~ Each member shall serve
1740 for a 4-year term and may be reappointed. Vacancies on the board
1741 shall be filled for the remaining period of the term in the same
1742 manner as initial appointments.

1743 (5) The Chief Financial Officer may remove a board member
1744 from office for misconduct, malfeasance, misfeasance, or neglect
1745 of duty. Any vacancy so created shall be filled as provided in
1746 subsection (1).

1747 (6) Board members are subject to the code of ethics under
1748 part III of chapter 112, including, but not limited to, the code
1749 of ethics and public disclosure and reporting of financial
1750 interests, pursuant to s. 112.3145. For purposes of applying

1751 part III of chapter 112 to activities of members of the board of
1752 directors, those persons are considered public officers and the
1753 association is considered their agency. Notwithstanding s.
1754 112.3143(2), a board member may not vote on any measure that he
1755 or she knows would inure to his or her special private gain or
1756 loss; that he or she knows would inure to the special private
1757 gain or loss of any principal by which he or she is retained,
1758 other than an agency as defined in s. 112.312; or that he or she
1759 knows would inure to the special private gain or loss of a
1760 relative or business associate of the public officer. Before the
1761 vote is taken, such member shall publicly state to the board the
1762 nature of his or her interest in the matter from which he or she
1763 is abstaining from voting and, within 15 days after the vote
1764 occurs, disclose the nature of his or her interest as a public
1765 record in a memorandum filed with the person responsible for
1766 recording the minutes of the meeting, who shall incorporate the
1767 memorandum in the minutes.

1768 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
1769 law, a board member may not knowingly accept, directly or
1770 indirectly, any gift or expenditure from a person or entity, or
1771 an employee or representative of such person or entity, which
1772 has a contractual relationship with the association or which is
1773 under consideration for a contract.

1774 (8) A board member who fails to comply with subsection (6)
1775 or subsection (7) is subject to the penalties provided under ss.

1776 112.317 and 112.3173.

1777 Section 39. Paragraph (a) of subsection (1) of section
 1778 631.716, Florida Statutes, is amended, and subsections (4)
 1779 through (7) are added to that section, to read:

1780 631.716 Board of directors.—

1781 (1)(a) The board of directors of the association shall
 1782 have at least 9, but no more than 11, members. The members shall
 1783 consist ~~be comprised~~ of member insurers serving terms as
 1784 established in the plan of operation and 1 Florida Health
 1785 Maintenance Organization Consumer Assistance Plan director
 1786 confirmed pursuant to paragraph (b) or shall consist of other
 1787 persons, appointed by the department, who have experience in
 1788 life and annuity or accident and health insurance as determined
 1789 by the Chief Financial Officer. These directors are deemed to be
 1790 within the scope of the exemption provided in s. 112.313(7)(b).

1791 At all times, at least 1 ~~member of the board~~ member must be a
 1792 domestic insurer as defined in s. 624.06(1). The ~~members of the~~
 1793 board members who are member insurers shall be elected by member
 1794 insurers, subject to the approval of the department. Each board
 1795 member shall serve for a 4-year term and may be reappointed.

1796 (4) The Chief Financial Officer may remove a board member
 1797 from office for misconduct, malfeasance, misfeasance, or neglect
 1798 of duty. Any vacancy so created shall be filled as provided in
 1799 subsection (1).

1800 (5) Board members are subject to the code of ethics under

1801 part III of chapter 112, including, but not limited to, the code
1802 of ethics and public disclosure and reporting of financial
1803 interests, pursuant to s. 112.3145. For purposes of applying
1804 part III of chapter 112 to activities of members of the board of
1805 directors, those persons are considered public officers and the
1806 association is considered their agency. Notwithstanding s.
1807 112.3143(2), a board member may not vote on any measure that he
1808 or she knows would inure to his or her special private gain or
1809 loss; that he or she knows would inure to the special private
1810 gain or loss of any principal by which he or she is retained,
1811 other than an agency as defined in s. 112.312; or that he or she
1812 knows would inure to the special private gain or loss of a
1813 relative or business associate of the public officer. Before the
1814 vote is taken, such member shall publicly state to the board the
1815 nature of his or her interest in the matter from which he or she
1816 is abstaining from voting and, within 15 days after the vote
1817 occurs, disclose the nature of his or her interest as a public
1818 record in a memorandum filed with the person responsible for
1819 recording the minutes of the meeting, who shall incorporate the
1820 memorandum in the minutes.

1821 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
1822 law, a board member may not knowingly accept, directly or
1823 indirectly, any gift or expenditure from a person or entity, or
1824 an employee or representative of such person or entity, which
1825 has a contractual relationship with the association or which is

1826 | under consideration for a contract.

1827 | (7) A board member who fails to comply with subsection (5)
 1828 | or subsection (6) is subject to the penalties provided under ss.
 1829 | 112.317 and 112.3173.

1830 | Section 40. Subsection (1) of section 631.816, Florida
 1831 | Statutes, is amended, and subsections (8) through (11) are added
 1832 | to that section, to read:

1833 | 631.816 Board of directors.—

1834 | (1) The board of directors of the plan shall consist of
 1835 | not less than five or more than nine persons serving terms as
 1836 | established in the plan of operation. The department shall
 1837 | approve and appoint to the board persons recommended by the
 1838 | member HMOs or shall approve and appoint other persons with
 1839 | experience in health insurance as determined by the Chief
 1840 | Financial Officer. These appointments are deemed to be within
 1841 | the scope of the exemption provided in s. 112.313(7)(b). ~~In the~~
 1842 | ~~event the department finds that any recommended person does not~~
 1843 | ~~meet the qualifications for service on the board, the department~~
 1844 | ~~shall request the member HMOs to recommend another person.~~ Each
 1845 | member shall serve for a 4-year term and may be reappointed,
 1846 | except that terms may be staggered as defined in the plan of
 1847 | operation. Vacancies on the board shall be filled for the
 1848 | remaining period of the term in the same manner as initial
 1849 | appointments. In determining voting rights, each HMO is entitled
 1850 | to vote on the basis of cumulative weighted voting based on the

1851 net written premium for non-Medicare and non-Medicaid policies.

1852 (8) The Chief Financial Officer may remove a board member
 1853 from office for misconduct, malfeasance, misfeasance, or neglect
 1854 of duty. Any vacancy so created shall be filled as provided in
 1855 subsection (1).

1856 (9) Board members are subject to the code of ethics under
 1857 part III of chapter 112, including, but not limited to, the code
 1858 of ethics and public disclosure and reporting of financial
 1859 interests, pursuant to s. 112.3145. For purposes of applying
 1860 part III of chapter 112 to activities of members of the board of
 1861 directors, those persons are considered public officers and the
 1862 plan is considered their agency. Notwithstanding s. 112.3143(2),
 1863 a board member may not vote on any measure that he or she knows
 1864 would inure to his or her special private gain or loss; that he
 1865 or she knows would inure to the special private gain or loss of
 1866 any principal by which he or she is retained, other than an
 1867 agency as defined in s. 112.312; or that he or she knows would
 1868 inure to the special private gain or loss of a relative or
 1869 business associate of the public officer. Before the vote is
 1870 taken, such member shall publicly state to the board the nature
 1871 of his or her interest in the matter from which he or she is
 1872 abstaining from voting and, within 15 days after the vote
 1873 occurs, disclose the nature of his or her interest as a public
 1874 record in a memorandum filed with the person responsible for
 1875 recording the minutes of the meeting, who shall incorporate the

1876 memorandum in the minutes.

1877 (10) Notwithstanding s. 112.3148, s. 112.3149, or any
 1878 other law, a board member may not knowingly accept, directly or
 1879 indirectly, any gift or expenditure from a person or entity, or
 1880 an employee or representative of such person or entity, which
 1881 has a contractual relationship with the plan or which is under
 1882 consideration for a contract.

1883 (11) A board member who fails to comply with subsection
 1884 (9) or subsection (10) is subject to the penalties provided
 1885 under ss. 112.317 and 112.3173.

1886 Section 41. Subsection (1) of section 631.912, Florida
 1887 Statutes, is amended, and subsections (4), (5), and (6) are
 1888 added to that section, to read:

1889 631.912 Board of directors.—

1890 (1) The board of directors of the corporation shall
 1891 consist of 11 persons, 1 of whom is the insurance consumer
 1892 advocate appointed under s. 627.0613 or designee and 1 of whom
 1893 is designated by the Chief Financial Officer. The department
 1894 shall appoint to the board 6 persons selected by private
 1895 carriers from among the 20 workers' compensation insurers with
 1896 the largest amount of direct written premium as determined by
 1897 the department, and 2 persons selected by the self-insurance
 1898 funds or other persons with experience in workers' compensation
 1899 insurance as determined by the Chief Financial Officer. These
 1900 appointments are deemed to be within the scope of the exemption

1901 provided in s. 112.313(7)(b). The Governor shall appoint one
1902 person who has commercial insurance experience. At least two of
1903 the private carriers shall be foreign carriers authorized to do
1904 business in this state. The board shall elect a chairperson from
1905 among its members. The Chief Financial Officer may remove any
1906 board member for cause. Each board member shall be appointed to
1907 serve a 4-year term and may be reappointed. A vacancy on the
1908 board shall be filled for the remaining period of the term in
1909 the same manner by which the original appointment was made.

1910 (4) Board members are subject to the code of ethics under
1911 part III of chapter 112, including, but not limited to, the code
1912 of ethics and public disclosure and reporting of financial
1913 interests, pursuant to s. 112.3145. For purposes of applying
1914 part III of chapter 112 to activities of members of the board of
1915 directors, those persons are considered public officers and the
1916 corporation is considered their agency. Notwithstanding s.
1917 112.3143(2), a board member may not vote on any measure that he
1918 or she knows would inure to his or her special private gain or
1919 loss; that he or she knows would inure to the special private
1920 gain or loss of any principal by which he or she is retained,
1921 other than an agency as defined in s. 112.312; or that he or she
1922 knows would inure to the special private gain or loss of a
1923 relative or business associate of the public officer. Before the
1924 vote is taken, such member shall publicly state to the board the
1925 nature of his or her interest in the matter from which he or she

1926 is abstaining from voting and, within 15 days after the vote
1927 occurs, disclose the nature of his or her interest as a public
1928 record in a memorandum filed with the person responsible for
1929 recording the minutes of the meeting, who shall incorporate the
1930 memorandum in the minutes.

1931 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
1932 law, a board member may not knowingly accept, directly or
1933 indirectly, any gift or expenditure from a person or entity, or
1934 an employee or representative of such person or entity, which
1935 has a contractual relationship with the corporation or which is
1936 under consideration for a contract.

1937 (6) A board member who fails to comply with subsection (4)
1938 or subsection (5) is subject to the penalties provided under ss.
1939 112.317 and 112.3173.

1940 Section 42. Section 633.1423, Florida Statutes, is created
1941 to read:

1942 633.1423 State Fire Marshal direct-support organization.-

1943 (1) DEFINITION.-As used in this section, the term
1944 "organization" means the direct-support organization established
1945 under this section.

1946 (2) ORGANIZATION ESTABLISHED.-The division may establish a
1947 direct-support organization, to be known as the "State Fire
1948 Marshal Safety and Training Force," whose sole purpose is to
1949 support the safety and training of firefighters and to recognize
1950 exemplary service. The organization must:

- 1951 (a) Be a not-for-profit corporation incorporated under
 1952 chapter 617 and approved by the Department of State.
- 1953 (b) Be organized and operated to raise funds; request and
 1954 receive grants, gifts, and bequests of money; conduct programs
 1955 and activities; acquire, receive, hold, invest, and administer,
 1956 in its own name, securities, funds, or property; and make grants
 1957 and expenditures to or for the direct or indirect benefit of the
 1958 division. Grants and expenditures may include the cost of
 1959 education or training of firefighters, or the recognition of
 1960 exemplary service of firefighters.
- 1961 (c) Be determined by the division to operate in a manner
 1962 that is:
- 1963 1. Consistent with the goals of the division and laws
 1964 relating to the safety and training of firefighters.
- 1965 2. In the best interest of the state.
- 1966 3. In accordance with the adopted goals and mission of the
 1967 division.
- 1968 (d) Use all of its grants and expenditures solely for the
 1969 purpose of educating, training, and recognizing firefighters,
 1970 and not for advertising using the likeness or name of any
 1971 elected official nor for the purpose of lobbying as defined in
 1972 s. 11.045(1).
- 1973 (e) Be subject to an annual financial audit in accordance
 1974 with s. 215.981.
- 1975 (3) CONTRACT.—The organization shall operate under written

1976 contract with the division. The contract must provide for:
 1977 (a) Certification by the division that the organization is
 1978 complying with the terms of the contract and in a manner
 1979 consistent with the goals and purposes of the department and in
 1980 the best interest of the state. Such certification must be made
 1981 annually and reported in the official minutes of a meeting of
 1982 the organization.
 1983 (b) The reversion of moneys and property held by the
 1984 organization for firefighter safety, training, and recognition
 1985 to the division if the organization is no longer approved to
 1986 operate by the division or if the organization ceases to exist,
 1987 or to the state if the division ceases to exist.
 1988 (4) BOARD OF DIRECTORS.—The organization shall be governed
 1989 by a board of directors. The State Fire Marshal, or his or her
 1990 designee, shall appoint a president of the board. The board of
 1991 directors shall be appointed by the president of the board.
 1992 (5) USE OF PROPERTY.—The division may authorize, without
 1993 charge, appropriate use of fixed property and facilities of the
 1994 division by the organization, subject to this subsection.
 1995 (a) The department may prescribe any condition with which
 1996 the organization must comply in order to use the division's
 1997 property or facilities.
 1998 (b) The department may not authorize the use of the
 1999 division's property or facilities if the organization does not
 2000 provide equal membership and employment opportunities to all

2001 persons regardless of race, religion, sex, age, or national
 2002 origin.

2003 (c) The department shall adopt rules prescribing the
 2004 procedures by which the organization is governed and any
 2005 conditions with which the organization must comply to use the
 2006 division's property or facilities.

2007 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
 2008 organization may be held in a separate depository account in the
 2009 name of the organization and subject to the contract with the
 2010 division.

2011 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall
 2012 submit to the division its annual budget and financial reports,
 2013 its federal Internal Revenue Service Application for Recognition
 2014 of Exemption Form 1023, and its federal Internal Revenue Service
 2015 Return of Organization Exempt from Income Tax Form 990.

2016 (8) ANNUAL AUDIT.—The organization shall provide for an
 2017 annual financial audit in accordance with s. 215.981.

2018 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
 2019 the division from the organization shall be deposited into the
 2020 Insurance Regulatory Trust Fund.

2021 (10) REPEAL.—This section is repealed October 1, 2028,
 2022 unless reviewed and saved from repeal by the Legislature.

2023 Section 43. Section 634.181, Florida Statutes, is amended
 2024 to read:

2025 634.181 Grounds for compulsory refusal, suspension, or

2026 | revocation of license or appointment of salespersons.—

2027 | (1) The department shall deny, suspend, revoke, or refuse
 2028 | to renew or continue the license or appointment of any such
 2029 | salesperson if it finds that as to the salesperson any one or
 2030 | more of the following applicable grounds exist:

2031 | (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2032 | in obtaining or attempting to obtain the license or appointment.

2033 | (b)~~(2)~~ If the license or appointment is willfully used, or
 2034 | to be used, to circumvent any of the requirements or
 2035 | prohibitions of this part, any applicable provision of the
 2036 | Florida Insurance Code, or rule of the department or commission.

2037 | (c)~~(3)~~ Willful misrepresentation of any service agreement
 2038 | or willful deception with regard to any agreement, done either
 2039 | in person or by any form of dissemination of information or
 2040 | advertising.

2041 | (d)~~(4)~~ If in the adjustment of claims arising out of
 2042 | service agreements, she or he has materially misrepresented to a
 2043 | service agreement holder or other interested party the terms and
 2044 | coverage of a service agreement with intent and for the purpose
 2045 | of effecting settlement of the claim on less favorable terms
 2046 | than those provided in and contemplated by the service
 2047 | agreement.

2048 | (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
 2049 | to engage in the service agreement business.

2050 | (f)~~(6)~~ For demonstrated lack of adequate knowledge and

2051 technical competence to engage in the transactions authorized by
2052 the license or appointment.

2053 ~~(g)-(7)~~ Fraudulent or dishonest practices in the conduct of
2054 business under the license or appointment.

2055 ~~(h)-(8)~~ Misappropriation, conversion, or unlawful
2056 withholding of moneys belonging to a service agreement company,
2057 insurer, or service agreement holder or to others and received
2058 in the conduct of business under the license or appointment.

2059 ~~(i)-(9)~~ For unlawfully rebating, or attempt thereat, or for
2060 unlawfully dividing or offering to divide her or his commission
2061 with another.

2062 ~~(j)-(10)~~ Willful failure to comply with, or willful
2063 violation of any proper order of the department or office, or
2064 willful violation of any provision of this part, or of any
2065 applicable provision of the insurance code, or applicable rule
2066 of the department or commission.

2067 ~~(k)-(11)~~ Having been found guilty of, or having pleaded
2068 guilty or nolo contendere to, a felony or a crime punishable by
2069 imprisonment of 1 year or more under the law of the United
2070 States of America or any state thereof or under the law of any
2071 other country which involves moral turpitude, without regard to
2072 whether a judgment of conviction has been entered by the court
2073 having jurisdiction of the cases.

2074 ~~(l)-(12)~~ Failure to refund unearned pro rata commission to
2075 the agreement holder or the service agreement company, if the

2076 service agreement company is making a full unearned pro rata
2077 refund to the agreement holder.

2078 (m) Having been the subject of, or having had a license,
2079 permit, appointment, registration, or other authority to conduct
2080 business subject to, any decision, finding, injunction,
2081 suspension, prohibition, revocation, denial, judgment, final
2082 agency action, or administrative order by any court of competent
2083 jurisdiction, administrative law proceeding, state agency,
2084 federal agency, national securities, commodities, or options
2085 exchange, or national securities, commodities, or options
2086 association involving a violation of any federal or state
2087 securities or commodities law or any rule or regulation adopted
2088 thereunder, or a violation of any rule or regulation of any
2089 national securities, commodities, or options exchange or
2090 national securities, commodities, or options association.

2091 (2) When a licensee is charged with a felony enumerated in
2092 s. 626.207(2), the department shall, immediately upon receipt of
2093 information on or indictment for the felony, temporarily suspend
2094 a license or appointment issued under this chapter. Such
2095 suspension shall continue if the licensee is found guilty of, or
2096 pleads guilty or nolo contendere to, the crime, regardless of
2097 whether a judgment or conviction is entered, during a pending
2098 appeal. A person may not transact insurance business after
2099 suspension of his or her license or appointment.

2100 (3) The department may adopt rules to administer this

2101 section.

2102 Section 44. Section 634.191, Florida Statutes, is amended
2103 to read:

2104 634.191 Grounds for discretionary refusal, suspension, or
2105 revocation of license or appointment of salespersons.—

2106 (1) The department may, in its discretion, deny, suspend,
2107 revoke, or refuse to renew or continue the license or
2108 appointment of any salesperson if it finds that as to the
2109 salesperson any one or more of the following applicable grounds
2110 exist under circumstances for which such denial, suspension,
2111 revocation, or refusal is not mandatory under s. 634.181:

2112 (a)~~(1)~~ For any cause for which granting of the license or
2113 appointment could have been refused had it then existed and been
2114 known to the department.

2115 (b)~~(2)~~ Violation of any provision of this part or of any
2116 other law applicable to the business of service agreements in
2117 the course of dealings under the license or appointment.

2118 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule
2119 of the department or commission.

2120 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any
2121 company or insurer the salesperson represents or has represented
2122 any money coming into her or his hands belonging to the company
2123 or insurer.

2124 (e)~~(5)~~ If, in the conduct of business under the license or
2125 appointment, the salesperson has engaged in unfair methods of

2126 competition or in unfair or deceptive acts or practices, as such
 2127 methods, acts, or practices are or may be defined under this
 2128 part, or has otherwise shown herself or himself to be a source
 2129 of injury or loss to the public or detrimental to the public
 2130 interest.

2131 (f)(6) Failure to report to the department within 30 days
 2132 the final disposition of an administrative action taken against
 2133 a salesperson by a governmental agency or other regulatory
 2134 agency in this state or any other state or jurisdiction relating
 2135 to the business of insurance, the sale of securities, or an
 2136 activity involving fraud, dishonesty, trustworthiness, or breach
 2137 of a fiduciary duty. The salesperson must submit a copy of the
 2138 order, consent to order, or other relevant legal documents to
 2139 the department ~~Having been found guilty of, or having pleaded~~
 2140 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
 2141 ~~imprisonment of 1 year or more under the law of the United~~
 2142 ~~States of America or any state thereof or under the law of any~~
 2143 ~~other country, without regard to whether a judgment of~~
 2144 ~~conviction has been entered by the court having jurisdiction of~~
 2145 ~~the cases.~~

2146 (2) The department may adopt rules to administer this
 2147 section.

2148 Section 45. Section 634.320, Florida Statutes, is amended
 2149 to read:

2150 634.320 Grounds for compulsory refusal, suspension, or

2151 revocation of license or appointment of sales representatives.—

2152 (1) The department shall deny, suspend, revoke, or refuse
2153 to renew or continue the license or appointment of any sales
2154 representative if it is found that any one or more of the
2155 following grounds applicable to the sales representative exist:

2156 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2157 in obtaining or attempting to obtain a license or appointment.

2158 (b)~~(2)~~ The license or appointment is willfully used, or to
2159 be used, to circumvent any of the requirements or prohibitions
2160 of this part.

2161 (c)~~(3)~~ Willful misrepresentation of any warranty contract
2162 or willful deception with regard to any such contract, done
2163 either in person or by any form of dissemination of information
2164 or advertising.

2165 (d)~~(4)~~ In the adjustment of claims arising out of
2166 warranties, material misrepresentation to a warranty holder or
2167 other interested party of the terms and coverage of a contract,
2168 with the intent and for the purpose of effecting settlement of
2169 such claim on less favorable terms than those provided in and
2170 contemplated by the contract.

2171 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2172 engage in the business of home warranty.

2173 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
2174 technical competence to engage in the transactions authorized by
2175 the license or appointment.

2176 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2177 business under the license or appointment.

2178 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2179 withholding of moneys belonging to an association, insurer, or
 2180 warranty holder, or to others, and received in the conduct of
 2181 business under the license or appointment.

2182 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
 2183 rebate, or unlawfully dividing, or offering to divide, her or
 2184 his commission with another.

2185 (j)~~(10)~~ Willful failure to comply with, or willful
 2186 violation of, any proper order or rule of the department or
 2187 commission or willful violation of any provision of this part.

2188 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo
 2189 contendere to a felony or a crime punishable by imprisonment of
 2190 1 year or more under the law of the United States of America or
 2191 any state thereof or under the law of any other country
 2192 ~~involving moral turpitude~~, without regard to whether judgment of
 2193 conviction has been entered by the court.

2194 (l) Having been the subject of, or having had a license,
 2195 permit, appointment, registration, or other authority to conduct
 2196 business subject to, any decision, finding, injunction,
 2197 suspension, prohibition, revocation, denial, judgment, final
 2198 agency action, or administrative order by any court of competent
 2199 jurisdiction, administrative law proceeding, state agency,
 2200 federal agency, national securities, commodities, or options

2201 exchange, or national securities, commodities, or options
 2202 association involving a violation of any federal or state
 2203 securities or commodities law or any rule or regulation adopted
 2204 thereunder, or a violation of any rule or regulation of any
 2205 national securities, commodities, or options exchange or
 2206 national securities, commodities, or options association.

2207 (2) When a licensee is charged with a felony enumerated in
 2208 s. 626.207(2), the department shall, immediately upon receipt of
 2209 information on or indictment for the felony, temporarily suspend
 2210 a license or appointment issued under this chapter. Such
 2211 suspension shall continue if the licensee is found guilty of, or
 2212 pleads guilty or nolo contendere to, the crime, regardless of
 2213 whether a judgment or conviction is entered, during a pending
 2214 appeal. A person may not transact insurance business after
 2215 suspension of his or her license or appointment.

2216 (3) The department may adopt rules to administer this
 2217 section.

2218 Section 46. Section 634.321, Florida Statutes, is amended
 2219 to read:

2220 634.321 Grounds for discretionary refusal, suspension, or
 2221 revocation of license or appointment of sales representatives.—

2222 (1) The department may, in its discretion, deny, suspend,
 2223 revoke, or refuse to renew or continue the license or
 2224 appointment of any sales representative if it is found that any
 2225 one or more of the following grounds applicable to the sales

2226 representative exist under circumstances for which such denial,
 2227 suspension, revocation, or refusal is not mandatory under s.
 2228 634.320:

2229 (a)~~(1)~~ Any cause for which granting of the license or
 2230 appointment could have been refused had it then existed and been
 2231 known to the department.

2232 (b)~~(2)~~ Violation of any provision of this part, or of any
 2233 other law applicable to the business of warranties, in the
 2234 course of dealings under the license or appointment.

2235 (c)~~(3)~~ Violation of any lawful order or rule of the
 2236 department or commission.

2237 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
 2238 home warranty association or insurer the sales representative
 2239 represents or has represented any money coming into her or his
 2240 hands which belongs to the association or insurer.

2241 (e)~~(5)~~ In the conduct of business under the license or
 2242 appointment, engaging in unfair methods of competition or in
 2243 unfair or deceptive acts or practices, as such methods, acts, or
 2244 practices are or may be defined under this part, or otherwise
 2245 showing herself or himself to be a source of injury or loss to
 2246 the public or detriment to the public interest.

2247 (f)~~(6)~~ Failure to report to the department within 30 days
 2248 the final disposition of an administrative action taken against
 2249 a sales representative by a governmental agency or other
 2250 regulatory agency in this state or any other state or

2251 jurisdiction relating to the business of insurance, the sale of
 2252 securities, or an activity involving fraud, dishonesty,
 2253 trustworthiness, or breach of a fiduciary duty. The sales
 2254 representative must submit a copy of the order, consent to
 2255 order, or other relevant legal documents to the department ~~Being~~
 2256 ~~found guilty of or pleading guilty or nolo contendere to a~~
 2257 ~~felony or a crime punishable by imprisonment of 1 year or more~~
 2258 ~~under the law of the United States of America or any state~~
 2259 ~~thereof or under the law of any other country, without regard to~~
 2260 ~~whether a judgment of conviction has been entered by the court.~~

2261 (2) The department may adopt rules to administer this
 2262 section.

2263 Section 47. Section 634.419, Florida Statutes, is amended
 2264 to read:

2265 634.419 License and appointment required.—No person or
 2266 entity shall solicit, negotiate, advertise, or effectuate
 2267 service warranty contracts in this state unless such person or
 2268 entity is licensed and appointed as a sales representative.
 2269 Sales representatives shall be responsible for the actions of
 2270 persons under their supervision. However, a service warranty
 2271 association licensed as such under this part shall not be
 2272 required to be licensed and appointed as a sales representative
 2273 to solicit, negotiate, advertise, or effectuate its products.
 2274 Sections 501.021-501.055 do not apply to persons or entities
 2275 licensed and appointed under this section, or their affiliates,

2276 which solicit the sale of a service warranty or related service
 2277 or product in connection with a prearranged appointment at the
 2278 request of the consumer.

2279 Section 48. Section 634.422, Florida Statutes, is amended
 2280 to read:

2281 634.422 Grounds for compulsory refusal, suspension, or
 2282 revocation of license or appointment of sales representatives.—

2283 (1) The department shall deny, suspend, revoke, or refuse
 2284 to renew or continue the license or appointment of any sales
 2285 representative if it is found that any one or more of the
 2286 following grounds applicable to the sales representative exist:

2287 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2288 in obtaining or attempting to obtain a license or appointment.

2289 (b)~~(2)~~ The license or appointment is willfully used, or to
 2290 be used, to circumvent any of the requirements or prohibitions
 2291 of this part.

2292 (c)~~(3)~~ Willful misrepresentation of any service warranty
 2293 contract or willful deception with regard to any such contract,
 2294 done either in person or by any form of dissemination of
 2295 information or advertising.

2296 (d)~~(4)~~ In the adjustment of claims arising out of
 2297 warranties, material misrepresentation to a service warranty
 2298 holder or other interested party of the terms and coverage of a
 2299 contract with the intent and for the purpose of effecting
 2300 settlement of the claim on less favorable terms than those

2301 provided in and contemplated by the contract.

2302 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
 2303 engage in the business of service warranty.

2304 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
 2305 technical competence to engage in the transactions authorized by
 2306 the license or appointment.

2307 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2308 business under the license or appointment.

2309 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2310 withholding of moneys belonging to an association, insurer, or
 2311 warranty holder, or to others, and received in the conduct of
 2312 business under the license or appointment.

2313 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
 2314 rebate, or unlawfully dividing, or offering to divide, her or
 2315 his commission with another.

2316 (j)~~(10)~~ Willful failure to comply with, or willful
 2317 violation of, any proper order or rule of the department or
 2318 commission, or willful violation of any provision of this part.

2319 (k)~~(11)~~ Being found guilty of or pleading nolo contendere
 2320 to a felony or a crime punishable by imprisonment of 1 year or
 2321 more under the law of the United States of America or any state
 2322 thereof or under the law of any other country ~~involving moral~~
 2323 ~~turpitude~~, without regard to whether judgment of conviction has
 2324 been entered by the court having jurisdiction of the case.

2325 (l) Having been the subject of, or having had a license,

2326 permit, appointment, registration, or other authority to conduct
 2327 business subject to, any decision, finding, injunction,
 2328 suspension, prohibition, revocation, denial, judgment, final
 2329 agency action, or administrative order by any court of competent
 2330 jurisdiction, administrative law proceeding, state agency,
 2331 federal agency, national securities, commodities, or options
 2332 exchange, or national securities, commodities, or options
 2333 association involving a violation of any federal or state
 2334 securities or commodities law or any rule or regulation adopted
 2335 thereunder, or a violation of any rule or regulation of any
 2336 national securities, commodities, or options exchange or
 2337 national securities, commodities, or options association.

2338 (2) When a licensee is charged with a felony enumerated in
 2339 s. 626.207(2), the department shall, immediately upon receipt of
 2340 information on or indictment for the felony, temporarily suspend
 2341 a license or appointment issued under this chapter. Such
 2342 suspension shall continue if the licensee is found guilty of, or
 2343 pleads guilty or nolo contendere to, the crime, regardless of
 2344 whether a judgment or conviction is entered, during a pending
 2345 appeal. A person may not transact insurance business after
 2346 suspension of his or her license or appointment.

2347 (3) The department may adopt rules to administer this
 2348 section.

2349 Section 49. Section 634.423, Florida Statutes, is amended
 2350 to read:

2351 634.423 Grounds for discretionary refusal, suspension, or
 2352 revocation of license or appointment of sales representatives.—

2353 (1) The department may deny, suspend, revoke, or refuse to
 2354 renew or continue the license or appointment of any sales
 2355 representative if it is found that any one or more of the
 2356 following grounds applicable to the sales representative exist
 2357 under circumstances for which such denial, suspension,
 2358 revocation, or refusal is not mandatory under s. 634.422:

2359 (a)~~(1)~~ Any cause for which granting of the license or
 2360 appointment could have been refused had it then existed and been
 2361 known to the department.

2362 (b)~~(2)~~ Violation of any provision of this part, or of any
 2363 other law applicable to the business of service warranties, in
 2364 the course of dealings under the license or appointment.

2365 (c)~~(3)~~ Violation of any lawful order or rule of the
 2366 department or commission.

2367 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
 2368 service warranty association or insurer the sales representative
 2369 represents or has represented any money coming into her or his
 2370 hands which belongs to the association or insurer.

2371 (e)~~(5)~~ In the conduct of business under the license or
 2372 appointment, engaging in unfair methods of competition or in
 2373 unfair or deceptive acts or practices, as such methods, acts, or
 2374 practices are or may be defined under this part, or otherwise
 2375 showing herself or himself to be a source of injury or loss to

2376 the public or detriment to the public interest.

2377 (f)(6) Failure to report to the department within 30 days

2378 the final disposition of an administrative action taken against

2379 a sales representative by a governmental agency or other

2380 regulatory agency in this state or any other state or

2381 jurisdiction relating to the business of insurance, the sale of

2382 securities, or an activity involving fraud, dishonesty,

2383 trustworthiness, or breach of a fiduciary duty. The sales

2384 representative must submit a copy of the order, consent to

2385 order, or other relevant legal documents to the department ~~Being~~

2386 ~~found guilty of or pleading guilty or nolo contendere to a~~

2387 ~~felony or a crime punishable by imprisonment of 1 year or more~~

2388 ~~under the law of the United States of America or any state~~

2389 ~~thereof or under the law of any other country, without regard to~~

2390 ~~whether judgment of conviction has been entered by the court~~

2391 ~~having jurisdiction of such case.~~

2392 (2) The department may adopt rules to administer this

2393 section.

2394 Section 50. Section 648.25, Florida Statutes, is reordered

2395 and amended to read:

2396 648.25 Definitions.—As used in this chapter, the term:

2397 (1) "Appointment" means the authority given by an insurer

2398 or the managing general agent of an insurer through the

2399 department to a licensee to transact insurance or adjust claims

2400 on behalf of the insurer or managing general agent.

2401 (2)~~(1)~~ "Bail bond agency" means:

2402 (a) The building where a licensee maintains an office and

2403 where all records required by ss. 648.34 and 648.36 are

2404 maintained; or

2405 (b) An entity that:

2406 1. Charges a fee or premium to release an accused

2407 defendant or detainee from jail; or

2408 2. Engages in or employs others to engage in any activity

2409 that may be performed only by a licensed and appointed bail bond

2410 agent.

2411 (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a

2412 professional bail bond agent as hereafter defined.

2413 (7)~~(3)~~ "Managing general agent" means any individual,

2414 partnership, association, or corporation appointed or employed

2415 by an insurer to supervise or manage the bail bond business

2416 written in this state by limited surety agents appointed by the

2417 insurer.

2418 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien

2419 surety company which has been authorized to transact surety

2420 business in this state.

2421 (6)~~(5)~~ "Limited surety agent" means any individual

2422 appointed by an insurer by power of attorney to execute or

2423 countersign bail bonds in connection with judicial proceedings

2424 who receives or is promised money or other things of value

2425 therefor.

2426 ~~(4)-(6)~~ "Primary Bail bond agent in charge" means a
2427 licensed bail bond agent who is responsible for the overall
2428 operation and management of a bail bond agency location and
2429 whose responsibilities include hiring and supervising all
2430 individuals within that location. A bail bond agent may be
2431 designated as ~~the primary~~ bail bond agent in charge for only one
2432 bail bond agency location.

2433 ~~(8)-(7)~~ "Professional bail bond agent" means any person who
2434 pledges United States currency, United States postal money
2435 orders, or cashier's checks as security for a bail bond in
2436 connection with a judicial proceeding and receives or is
2437 promised therefor money or other things of value.

2438 ~~(9)-(8)~~ "Temporary bail bond agent" means a person licensed
2439 before January 1, 2024, who is employed by a bail bond agent or
2440 agency, insurer, or managing general agent, and such licensee
2441 has the same authority as a licensed bail bond agent, including
2442 presenting defendants in court; apprehending, arresting, and
2443 surrendering defendants to the proper authorities, while
2444 accompanied by a supervising bail bond agent or an agent from
2445 the same agency; and keeping defendants under necessary
2446 surveillance. However, a temporary licensee may not execute or
2447 sign bonds, handle collateral receipts, or deliver bonds to
2448 appropriate authorities. A temporary licensee may not operate an
2449 agency or branch agency separate from the location of the
2450 supervising bail bond agent, managing general agent, or insurer

2451 by whom the licensee is employed. This does not affect the right
2452 of a bail bond agent or insurer to hire counsel or to obtain the
2453 assistance of law enforcement officers. A temporary bail bond
2454 agent license expires 18 months after issuance and is no longer
2455 valid on or after June 30, 2025.

2456 Section 51. Subsection (3) of section 648.26, Florida
2457 Statutes, is amended to read:

2458 648.26 Department of Financial Services; administration.—

2459 (3) The papers, documents, reports, or any other
2460 investigatory records of the department are confidential and
2461 exempt from ~~the provisions of~~ s. 119.07(1) until such
2462 investigation is completed or ceases to be active. For the
2463 purpose of this section, an investigation is considered active
2464 ~~"active"~~ while the investigation is being conducted by the
2465 department with a reasonable, good faith belief that it may lead
2466 to the filing of administrative, civil, or criminal proceedings.
2467 An investigation does not cease to be active if the department
2468 is proceeding with reasonable dispatch and there is good faith
2469 belief that action may be initiated by the department or other
2470 administrative or law enforcement agency. This subsection does
2471 not prevent the department or office from disclosing the content
2472 of a complaint or such information as it deems necessary to
2473 conduct the investigation, to update the complainant as to the
2474 status and outcome of the complaint, or to share such
2475 information with any law enforcement agency or other regulatory

2476 body.

2477 Section 52. Subsection (5) of section 648.27, Florida
 2478 Statutes, is amended to read:

2479 648.27 Licenses and appointments; general.—

2480 (5)~~(a)~~ The license of a bail bond agent shall continue in
 2481 force, without further examination unless deemed necessary by
 2482 the department, until suspended, revoked, or otherwise
 2483 terminated.

2484 ~~(b) The license of a temporary bail bond agent shall~~
 2485 ~~continue in force until suspended, revoked, or otherwise~~
 2486 ~~terminated.~~

2487 Section 53. Section 648.285, Florida Statutes, is amended
 2488 to read:

2489 648.285 Bond agency; ownership requirements; applications
 2490 for bail bond agency licenses.—

2491 (1) A person may not own, control, manage, or otherwise
 2492 have a pecuniary interest in a bail bond agency unless such
 2493 individual is ~~a~~ licensed pursuant to s. 648.27, and appointed
 2494 through the department, and actively engaged as a bail bond
 2495 agent for at least the preceding 24 months. Any agency that is
 2496 not in compliance with this subsection is ~~shall be~~ subject to
 2497 the issuance of an immediate final order of suspension of its
 2498 license and all operations until the agency achieves compliance.

2499 (2) Effective January 1, 2024, the department may issue a
 2500 bail bond agency license to any person only after such person

2501 files a written application with the department and qualifies
2502 for such license.

2503 (3) An application for a bail bond agency license must be
2504 signed by an individual required to be listed in the application
2505 under paragraph (a). A bail bond agency license may permit a
2506 third party to complete, submit, and sign an application on the
2507 bail bond agency's behalf; however, the bail bond agency is
2508 responsible for ensuring that the information on the application
2509 is true and correct, and the bail bond agency is accountable for
2510 any misstatements or misrepresentations. The application for a
2511 bail bond agency license must include:

2512 (a) The name and license number of each owner, partner,
2513 officer, director, president, senior vice president, secretary,
2514 treasurer, and limited liability company member who directs or
2515 participates in the management or control of the bail bond
2516 agency, whether through ownership of voting securities, by
2517 contract, by ownership of any agency bank account, or otherwise.

2518 (b) The residence address of each person required to be
2519 listed in the application under paragraph (a).

2520 (c) The name, principal business street address, and valid
2521 e-mail address of the bail bond agency and the name, address,
2522 and e-mail address of the agency's registered agent or person or
2523 company authorized to accept service on behalf of the bail bond
2524 agency.

2525 (d) The physical address of each branch bail bond agency,

2526 including its name, e-mail address, and telephone number, and
2527 the date that the branch location began transacting bail bond
2528 business.

2529 (e) The name of the full-time bail bond agent in charge of
2530 the agency office, including branch locations, and his or her
2531 corresponding location.

2532 (f) Such additional information as the department requires
2533 by rule to ascertain the trustworthiness and competence of
2534 persons required to be listed on the application and to
2535 ascertain that such persons meet the requirements of this code.
2536 However, the department may not require that credit or character
2537 reports be submitted for persons required to be listed on the
2538 application.

2539 (4) The department must issue a license to each agency
2540 upon approval of the application, and each agency location must
2541 display the license prominently in a manner that makes it
2542 clearly visible to any customer or potential customer who enters
2543 the agency location.

2544 (5) A bail bond agency that holds a current and valid
2545 registration number with the department shall have its
2546 registration automatically converted to a license on July 1,
2547 2024.

2548 (6) Section 112.011 does not apply to bail bond agencies
2549 or to applicants for licensure as owners of bail bond agencies.

2550 (7)-(2) If the owner of a bail bond agency dies or becomes

2551 | mentally incapacitated, a personal representative or legal
 2552 | guardian may be issued a temporary permit to manage the affairs
 2553 | of the bail bond agency. Such person must appoint or maintain
 2554 | the appointment of a ~~primary~~ bail bond agent in charge, as
 2555 | provided in s. 648.387, and may not engage in any activities as
 2556 | a licensed bail bond agent but must comply with s. 648.387
 2557 | during the administration of the estate or guardianship. A
 2558 | temporary permit is valid for a maximum of 24 months.

2559 | ~~(8)(3)~~ Application for a temporary permit must be made by
 2560 | the personal representative or legal guardian upon statements
 2561 | and affidavits filed with the department on forms prescribed and
 2562 | furnished by it. The applicant must meet the qualifications for
 2563 | licensure as a bail bond agent, except for the residency,
 2564 | examination, education, and experience requirements.

2565 | Section 54. Subsection (1) of section 648.30, Florida
 2566 | Statutes, is amended to read:

2567 | 648.30 Licensure and appointment required; prohibited
 2568 | acts; penalties.—

2569 | (1)(a) A person or entity may not act in the capacity of a
 2570 | bail bond agent or ~~temporary~~ bail bond agency ~~agent~~ or perform
 2571 | any of the functions, duties, or powers prescribed for bail bond
 2572 | agents or ~~temporary~~ bail bond agencies ~~agents~~ under this chapter
 2573 | unless that person or entity is qualified, licensed, and
 2574 | appointed as provided in this chapter and employed by a bail
 2575 | bond agency.

2576 (b) A bail bond agent may not sell a bail bond issued by
 2577 an insurer for which the agent and the agent's bail bond agency
 2578 do not hold a current appointment.

2579 (c) Except as otherwise provided in this part, a person or
 2580 entity, other than a bail bond agency or an employee of a bail
 2581 bond agency, may not perform any of the functions of a bail bond
 2582 agency without a bail bond agency license.

2583 Section 55. Section 648.31, Florida Statutes, is amended
 2584 to read:

2585 648.31 Appointment taxes and fees.—The department shall
 2586 collect in advance all appointment taxes and fees for the
 2587 issuance of any appointment to a bail bond agent ~~or temporary~~
 2588 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for
 2589 the issuance of any appointment to a bail bond agency.

2590 Section 56. Subsection (2) of section 648.34, Florida
 2591 Statutes, is amended to read:

2592 648.34 Bail bond agents; qualifications.—

2593 (2) To qualify as a bail bond agent, it must affirmatively
 2594 appear at the time of application and throughout the period of
 2595 licensure that the applicant ~~has complied with the provisions of~~
 2596 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
 2597 ~~section and:~~

2598 (a) ~~The applicant~~ Is a natural person who has reached the
 2599 age of 18 years and holds a high school diploma or its
 2600 equivalent.

2601 (b) ~~The applicant~~ Is a United States citizen or legal
2602 alien who possesses work authorization from the United States
2603 Bureau of Citizenship and Immigration Services and is a resident
2604 of this state. An individual who is a resident of this state
2605 shall be deemed to meet the residence requirement of this
2606 paragraph, notwithstanding the existence, at the time of
2607 application for license, of a license in the applicant's name on
2608 the records of another state as a resident licensee of such
2609 other state, if the applicant furnishes a letter of clearance
2610 satisfactory to the department that his or her resident licenses
2611 have been canceled or changed to a nonresident basis and that he
2612 or she is in good standing.

2613 (c) Will maintain his or her ~~The place of business of the~~
2614 ~~applicant will be located~~ in this state and in the county where
2615 the applicant will maintain his or her records and be actively
2616 engaged in the bail bond business and work with a licensed
2617 ~~maintain an~~ agency accessible to the public which is open for
2618 reasonable business hours.

2619 (d) ~~The applicant~~ Is vouched for and recommended upon
2620 sworn statements filed with the department by at least three
2621 reputable citizens who are residents of the same counties in
2622 which the applicant proposes to engage in the bail bond
2623 business.

2624 (e) ~~The applicant~~ Is a person of high character and
2625 approved integrity and has not been convicted of or pleaded

2626 guilty or no contest to a felony, a crime involving moral
2627 turpitude, or a crime punishable by imprisonment of 1 year or
2628 more under the law of any state, territory, or country, whether
2629 or not a judgment or conviction has been entered.

2630 (f) Within 2 years immediately before applying for the
2631 license, has successfully completed a basic certification course
2632 in the criminal justice system which consists of at least 120
2633 hours of classroom instruction with a passing grade of 80
2634 percent or higher and has successfully completed a
2635 correspondence course for bail bond agents approved by the
2636 department.

2637 ~~(g)-(f)~~ The applicant Has passed any required examination.
2638 Section 57. Section 648.355, Florida Statutes, is amended
2639 to read:

2640 648.355 ~~Temporary limited license as~~ Limited surety agents
2641 and agent or professional bail bond agents agent; qualifications
2642 pending examination.-

2643 ~~(1) The department may, in its discretion, issue a~~
2644 ~~temporary license as a limited surety agent or professional bail~~
2645 ~~bond agent, subject to the following conditions:-~~

2646 ~~(a) The applicant is a natural person at least 18 years of~~
2647 ~~age and holds a high school diploma or its equivalent.~~

2648 ~~(b) The applicant is a United States citizen or legal~~
2649 ~~alien who possesses work authorization from the United States~~
2650 ~~Bureau of Citizenship and Immigration Services and is a resident~~

2651 ~~of this state. An individual who is a resident of this state~~
2652 ~~shall be deemed to meet the residence requirement of this~~
2653 ~~paragraph, notwithstanding the existence, at the time of~~
2654 ~~application for temporary license, of a license in the~~
2655 ~~individual's name on the records of another state as a resident-~~
2656 ~~licensee of such other state, if the applicant furnishes a~~
2657 ~~letter of clearance satisfactory to the department that the~~
2658 ~~individual's resident licenses have been canceled or changed to~~
2659 ~~a nonresident basis and that the individual is in good standing.~~

2660 ~~(c) The applicant is a person of high character and~~
2661 ~~approved integrity and has never been convicted of or pleaded~~
2662 ~~guilty or no contest to a felony, a crime involving moral~~
2663 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
2664 ~~more under the law of any state, territory, or country, whether~~
2665 ~~or not a judgment or conviction is entered.~~

2666 ~~(d) Within 4 years prior to the date of application for a~~
2667 ~~temporary license, the applicant has successfully completed a~~
2668 ~~basic certification course in the criminal justice system,~~
2669 ~~consisting of not less than 120 hours of classroom instruction~~
2670 ~~with a passing grade of 80 percent or higher and has~~
2671 ~~successfully completed a correspondence course for bail bond~~
2672 ~~agents approved by the department.~~

2673 ~~(e) The applicant must be employed full time at the time~~
2674 ~~of licensure, and at all times throughout the existence of the~~
2675 ~~temporary license, by only one licensed and appointed~~

2676 ~~supervising bail bond agent, who supervises the work of the~~
2677 ~~applicant and is responsible for the licensee's conduct in the~~
2678 ~~bail bond business. The applicant must be appointed by the same~~
2679 ~~insurers as the supervising bail bond agent. The supervising~~
2680 ~~bail bond agent shall certify monthly to the department under~~
2681 ~~oath, on a form prescribed by the department, the names and~~
2682 ~~hours worked each week of all temporary bail bond agents. Filing~~
2683 ~~a false certification is grounds for the immediate suspension of~~
2684 ~~the license and imposition of a \$5,000 administrative fine. The~~
2685 ~~department may adopt rules that establish standards for the~~
2686 ~~employment requirements.~~

2687 ~~(f) The application must be accompanied by an affidavit~~
2688 ~~verifying proposed employment and a report as to the applicant's~~
2689 ~~integrity and moral character on a form prescribed by the~~
2690 ~~department and executed by the proposed employer.~~

2691 ~~(g) The applicant must file with the department statements~~
2692 ~~by at least three reputable citizens who are residents of the~~
2693 ~~same counties in which the applicant proposes to engage as a~~
2694 ~~temporary licensee.~~

2695 ~~(h) The applicant's employer is responsible for the bail~~
2696 ~~bonding acts of any licensee under this section.~~

2697 ~~(2) All applicable license fees, as prescribed in s.~~
2698 ~~624.501, must be paid before issuance of the temporary license.~~

2699 ~~(3) The temporary license shall be effective for 18~~
2700 ~~months, subject to earlier termination at the request of the~~

2701 ~~employer or if suspended or revoked by the department.~~

2702 ~~(4)~~ The applicant shall furnish, with the application for
2703 ~~temporary~~ license, a complete set of the applicant's
2704 fingerprints in accordance with s. 626.171(4) and a recent
2705 credential-sized, fullface photograph of the applicant. The
2706 department may ~~shall~~ not issue a ~~temporary~~ license under this
2707 section until the department has received a report from the
2708 Department of Law Enforcement and the Federal Bureau of
2709 Investigation relative to the existence or nonexistence of a
2710 criminal history report based on the applicant's fingerprints.

2711 ~~(2)-(5)~~ The department may collect a fee necessary to cover
2712 the cost of a character and credit report made by an established
2713 and reputable independent reporting service. The fee shall be
2714 deposited to the credit of the Insurance Regulatory Trust Fund.

2715 ~~(3)-(6)~~ Effective July 1, 2023, any individual licensed by
2716 the department as a temporary bail bond agent may take the
2717 required bail bond agent licensure examination and may file an
2718 application for a bail bond agent license if otherwise qualified
2719 for licensure ~~After licensure as a temporary licensee for at~~
2720 ~~least 12 months, such licensee may file an application for and~~
2721 ~~become eligible for a regular bail bond agent's license based on~~
2722 ~~the licensee's experience in the bail bond business and~~
2723 ~~education pursuant to paragraph (1) (d) and, if otherwise~~
2724 ~~qualified, take the required bail bond agent's licensure~~
2725 ~~examination. The applicant and supervising bail bond agent must~~

2726 ~~each file an affidavit under oath, on a form prescribed by the~~
2727 ~~department, verifying the required employment of the temporary~~
2728 ~~agent before issuance of the license.~~

2729 ~~(7) In no event shall a temporary licensee licensed under~~
2730 ~~this section perform any of the functions for which a bail bond~~
2731 ~~agent's license is required after expiration of the temporary~~
2732 ~~license without having passed the written examination as for a~~
2733 ~~regular bail bond agent's license.~~

2734 ~~(8)(a) A temporary licensee has the same authority as a~~
2735 ~~licensed bail bond agent, including presenting defendants in~~
2736 ~~court; apprehending, arresting, and surrendering defendants to~~
2737 ~~the proper authorities; and keeping defendants under necessary~~
2738 ~~surveillance. However, a temporary licensee must be accompanied~~
2739 ~~by a supervising bail bond agent or an agent from the same~~
2740 ~~agency when apprehending, arresting, or surrendering defendants~~
2741 ~~to authorities.~~

2742 ~~(b) A temporary licensee may not execute or sign bonds,~~
2743 ~~handle collateral receipts, deliver bonds to appropriate~~
2744 ~~authorities, or operate an agency or branch agency separate from~~
2745 ~~the location of the supervising bail bond agent, managing~~
2746 ~~general agent, or insurer by whom the licensee is employed.~~

2747 (4)(9) Effective July 1, 2023, the department may not
2748 issue a temporary bail bond agent license. An individual
2749 currently licensed as a temporary bail bond agent may continue
2750 to be licensed in accordance with this chapter. A temporary bail

2751 bond agent license may not be reinstated if the license expires
 2752 or is terminated, suspended, or revoked ~~The department shall not~~
 2753 ~~issue a temporary bail bond agent's license to any individual~~
 2754 ~~who has held such a temporary license in this state within 2~~
 2755 ~~years after the expiration of such temporary bail bond agent's~~
 2756 ~~license.~~

2757 Section 58. Subsections (1) through (4) of section
 2758 648.382, Florida Statutes, are amended to read:

2759 648.382 Appointment of bail bond agents and bail bond
 2760 agencies ~~temporary bail bond agents~~; effective date of
 2761 appointment.-

2762 (1)(a) Each insurer or ~~appointing a bail bond agent and~~
 2763 ~~each insurer,~~ managing general agent, ~~or bail bond agent~~
 2764 appointing a ~~temporary~~ bail bond agent or bail bond agency in
 2765 this state must file the appointment with the department and, at
 2766 the same time, pay the applicable appointment fees and taxes. A
 2767 person appointed under this section must hold a valid bail bond
 2768 agent agent's or ~~temporary~~ bail bond agency agent's license.
 2769 There is no fee for the issuance of any appointment of a bail
 2770 bond agency.

2771 (b) Effective July 1, 2025, each insurer or managing
 2772 general agent appointing a bail bond agency in this state must
 2773 file the appointment with the department. An entity appointed
 2774 under this section must hold a valid bail bond agency license.

2775 (2) Before ~~Prior to~~ any appointment, an appropriate

2776 officer or official of the appointing insurer ~~in the case of a~~
2777 ~~bail bond agent or an insurer, managing general agent, or bail~~
2778 ~~bond agent in the case of a temporary bail bond agent~~ must
2779 submit:

2780 (a) A certified statement or affidavit to the department
2781 stating what investigation has been made concerning the proposed
2782 appointee and the proposed appointee's background and the
2783 appointing person's opinion to the best of his or her knowledge
2784 and belief as to the moral character and reputation of the
2785 proposed appointee. In lieu of such certified statement or
2786 affidavit, by authorizing the effectuation of an appointment for
2787 a licensee, the appointing entity certifies to the department
2788 that such investigation has been made and that the results of
2789 the investigation and the appointing person's opinion is that
2790 the proposed appointee is a person of good moral character and
2791 reputation and is fit to engage in the bail bond business;

2792 (b) An affidavit under oath on a form prescribed by the
2793 department, signed by the proposed appointee, stating that
2794 premiums are not owed to any insurer and that the appointee will
2795 discharge all outstanding forfeitures and judgments on bonds
2796 previously written. If the appointee does not satisfy or
2797 discharge such forfeitures or judgments, the former insurer
2798 shall file a notice, with supporting documents, with the
2799 appointing insurer, the former agent or agency, and the
2800 department, stating under oath that the licensee has failed to

2801 | timely satisfy forfeitures and judgments on bonds written and
 2802 | that the insurer has satisfied the forfeiture or judgment from
 2803 | its own funds. Upon receipt of such notification and supporting
 2804 | documents, the appointing insurer shall immediately cancel the
 2805 | licensee's appointment. The licensee may be reappointed only
 2806 | upon certification by the former insurer that all forfeitures
 2807 | and judgments on bonds written by the licensee have been
 2808 | discharged. The appointing insurer or former agent or agency
 2809 | may, within 10 days, file a petition with the department seeking
 2810 | relief from this paragraph. Filing of the petition stays the
 2811 | duty of the appointing insurer to cancel the appointment until
 2812 | the department grants or denies the petition; ~~and~~

2813 | (c) Any other information that the department reasonably
 2814 | requires concerning the proposed appointee; and

2815 | (d) Effective January 1, 2025, a certification that the
 2816 | appointing entity obtained from each appointee the following
 2817 | sworn statement:

2818 |
 2819 | Pursuant to section 648.382(2)(b), Florida Statutes, I
 2820 | do solemnly swear that I owe no premium to any insurer
 2821 | or agency and that I will discharge all outstanding
 2822 | forfeitures and judgments on bonds that have been
 2823 | previously written. I acknowledge that failure to do
 2824 | this will result in my active appointments being
 2825 | canceled.

2826
 2827 An appointed bail bond agency must have the attestation under
 2828 this paragraph signed by its owner.

2829 (3) By authorizing the effectuation of an appointment for
 2830 a licensee, the appointing insurer certifies to the department
 2831 that the insurer will be bound by the acts of the bail bond
 2832 agent or bail bond agency acting within the scope of the agent's
 2833 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
 2834 ~~temporary bail bond agent, the appointing insurer, managing~~
 2835 ~~general agent, or bail bond agent, as the case may be, must~~
 2836 ~~certify to the department that he or she will supervise the~~
 2837 ~~temporary bail bond agent's activities.~~

2838 (4) Each appointing insurer or, ~~managing general agent, or~~
 2839 ~~bail bond agent~~ must advise the department in writing within 5
 2840 days after receiving notice or learning that an appointee has
 2841 been arrested for, pled guilty or nolo contendere to, or been
 2842 found guilty of, a felony or other offense punishable by
 2843 imprisonment of 1 year or more under the law of any
 2844 jurisdiction, whether judgment was entered or withheld by the
 2845 court.

2846 Section 59. Present subsections (1) through (4) of section
 2847 648.386, Florida Statutes, are redesignated as subsections (2)
 2848 through (5), respectively, a new subsection (1) is added to that
 2849 section, and present subsection (2) of that section is amended,
 2850 to read:

2851 648.386 Qualifications for prelicensing and continuing
2852 education schools and instructors.—

2853 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
2854 section, the term "classroom instruction" means a course
2855 designed to be presented to a group of students by a live
2856 instructor using lecture, video, webcast, or virtual or other
2857 audio-video presentation.

2858 (3)-(2) SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
2859 SCHOOLS.—In order to be considered for approval and
2860 certification as an approved limited surety agent and
2861 professional bail bond agent continuing education school, such
2862 entity must:

2863 (a) Provide a minimum of three classroom-instruction
2864 continuing education classes per calendar year.

2865 (b) Submit a course curriculum to the department for
2866 approval.

2867 (c) Offer continuing education classes that comprise ~~which~~
2868 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
2869 instruction coursework and are taught by an approved supervising
2870 instructor or guest lecturer approved by the entity or the
2871 supervising instructor.

2872 Section 60. Section 648.387, Florida Statutes, is amended
2873 to read:

2874 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2875 (1) The owner or operator of a bail bond agency shall

2876 designate a ~~primary~~ bail bond agent in charge for each location,
 2877 and shall file with the department the name and license number
 2878 of the person and the address of the location on a form approved
 2879 by the department. The designation of the ~~primary~~ bail bond
 2880 agent in charge may be changed if the department is notified
 2881 immediately. Failure to notify the department within 10 working
 2882 days after such change is grounds for disciplinary action
 2883 pursuant to s. 648.45.

2884 (2) The ~~primary~~ bail bond agent in charge is responsible
 2885 for the overall operation and management of a bail bond agency
 2886 location, whose responsibilities may include, without
 2887 limitations, hiring and supervising of all individuals within
 2888 the location, whether they deal with the public in the
 2889 solicitation or negotiation of bail bond contracts or in the
 2890 collection or accounting of moneys. A person may be designated
 2891 as the primary bail bond agent in charge for only one agency and
 2892 location.

2893 (3) The department may suspend or revoke the license of
 2894 the owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail
 2895 bond agency ~~agent~~ if the a bail bond agency employs, contracts
 2896 with, or uses the services of a person who has had a license
 2897 denied or whose license is currently suspended or revoked.
 2898 However, a person who has been denied a license for failure to
 2899 pass a required examination may be employed to perform clerical
 2900 or administrative functions for which licensure is not required.

2901 (4) An owner, a bail bond agent in charge ~~operator~~, or a
 2902 bail bond agency ~~primary agent~~ may not employ, contract with, or
 2903 use the services of any person in a bail bond agency who has
 2904 been charged with, found guilty of, or pled guilty or nolo
 2905 contendere to a felony or a crime punishable by imprisonment of
 2906 1 year or more under the law of any jurisdiction, without regard
 2907 to whether judgment was entered or withheld by the court.

2908 (5) A bail bond agency location may not conduct surety
 2909 business unless a ~~primary~~ bail bond agent in charge is
 2910 designated by, and provides services to, the bail bond agency at
 2911 all times. If the bail bond agent in charge designated with the
 2912 department ends his or her affiliation with the bail bond agency
 2913 for any reason and if the bail bond agency fails to designate
 2914 another bail bond agent in charge within the 10-day period under
 2915 subsection (1) and such failure continues for 90 days, the bail
 2916 bond agency license automatically expires on the 91st day after
 2917 the date the designated bail bond agent in charge ended his or
 2918 her affiliation with the agency ~~The failure to designate a~~
 2919 ~~primary agent on a form prescribed by the department, within 10~~
 2920 ~~working days after an agency's inception or a change of primary~~
 2921 ~~agent, is a violation of this chapter, punishable as provided in~~
 2922 ~~s. 648.45.~~

2923 Section 61. Section 648.3875, Florida Statutes, is created
 2924 to read:

2925 648.3875 Bail bond agent in charge; qualifications.-

2926 (1) An application for designation as a bail bond agent in
 2927 charge must be submitted on forms prescribed by the department.
 2928 The application must include the applicant's full name and the
 2929 applicant's license number issued pursuant to s. 648.27.

2930 (2) To qualify as a bail bond agent in charge, it must
 2931 affirmatively appear that, at the time of application and
 2932 throughout the period of licensure, the applicant has complied
 2933 with s. 648.285 and that the applicant has been licensed as a
 2934 bail bond agent for the 24 months immediately preceding the
 2935 appointment as the bail bond agent in charge.

2936 Section 62. Section 648.39, Florida Statutes, is amended
 2937 to read:

2938 648.39 Termination of appointment of managing general
 2939 agents, bail bond agents, and ~~temporary~~ bail bond agencies
 2940 agents.—

2941 (1) An insurer that ~~who~~ terminates the appointment of a
 2942 managing general agent, bail bond agent, or ~~temporary~~ bail bond
 2943 agency agent shall, within 10 days after such termination, file
 2944 written notice thereof with the department together with a
 2945 statement that it has given or mailed notice to the terminated
 2946 agent or agency. Such notice filed with the department must
 2947 state the reasons, if any, for such termination. Information so
 2948 furnished to the department is confidential and exempt from ~~the~~
 2949 ~~provisions of~~ s. 119.07(1).

2950 (2) Each insurer shall, within 5 days after terminating

2951 the appointment of any managing general agent, bail bond agent,
 2952 or ~~temporary~~ bail bond agency agent, give written notice thereof
 2953 to each clerk of the circuit court and sheriff with whom such
 2954 person is registered.

2955 (3) An insurer that terminates the appointment of a
 2956 managing general agent or, bail bond agent, ~~or temporary bail~~
 2957 ~~bond agent~~ may authorize such person to continue to attempt the
 2958 arrest and surrender of a defendant for whom a surety bond had
 2959 been written by the bail bond agent before ~~prior to~~ termination
 2960 and to seek discharge of forfeitures and judgments as provided
 2961 in chapter 903.

2962 Section 63. Section 648.41, Florida Statutes, is repealed.

2963 Section 64. Section 648.42, Florida Statutes, is amended
 2964 to read:

2965 648.42 Registration of bail bond agents.—A bail bond agent
 2966 may not become a surety on an undertaking unless he or she has
 2967 registered in the office of the sheriff and with the clerk of
 2968 the circuit court in the county in which the bail bond agent
 2969 resides. The bail bond agent may register in a like manner in
 2970 any other county, and any bail bond agent shall file a certified
 2971 copy of his or her appointment by power of attorney from each
 2972 insurer which he or she represents as a bail bond agent with
 2973 each of such officers. Registration and filing of a certified
 2974 copy of renewed power of attorney shall be performed by April 1
 2975 of each odd-numbered year. The clerk of the circuit court and

2976 | the sheriff may ~~shall~~ not permit the registration of a bail bond
 2977 | agent unless such bail bond agent is currently licensed by the
 2978 | department and appointed by an insurer ~~the department~~. ~~Nothing~~
 2979 | ~~in this section shall prevent the registration of a temporary~~
 2980 | ~~licensee at the jail for the purposes of enabling the licensee~~
 2981 | ~~to perform the duties under such license as set forth in this~~
 2982 | ~~chapter.~~

2983 | Section 65. Subsections (1) and (2) and paragraphs (c) and
 2984 | (d) of subsection (8) of section 648.44, Florida Statutes, are
 2985 | amended to read:

2986 | 648.44 Prohibitions; penalty.—

2987 | (1) A bail bond agent or ~~temporary~~ bail bond agency agent
 2988 | may not:

2989 | (a) Suggest or advise the employment of, or name for
 2990 | employment, any particular attorney or attorneys to represent
 2991 | his or her principal.

2992 | (b) Directly or indirectly solicit business in or on the
 2993 | property or grounds of a jail, prison, or other place where
 2994 | prisoners are confined or in or on the property or grounds of
 2995 | any court. The term "solicitation" includes the distribution of
 2996 | business cards, print advertising, or other written or oral
 2997 | information directed to prisoners or potential indemnitors,
 2998 | unless a request is initiated by the prisoner or a potential
 2999 | indemnitor. Permissible print advertising in the jail is
 3000 | strictly limited to a listing in a telephone directory and the

3001 posting of the bail bond agent's or agency's name, address, e-
 3002 mail address, web address, and telephone number in a designated
 3003 location within the jail.

3004 (c) Initiate in-person or telephone solicitation after
 3005 9:00 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
 3006 ~~cases,~~ at the residence of the detainee or the detainee's
 3007 family. Any solicitation ~~not prohibited by this chapter~~ must
 3008 comply with the telephone solicitation requirements in ss.
 3009 501.059(2) and (4), 501.613, and 501.616(6).

3010 (d) Wear or display any identification other than the
 3011 department issued or approved license or approved department
 3012 identification, which includes a citation of the licensee's
 3013 arrest powers, in or on the property or grounds of a jail,
 3014 prison, or other place where prisoners are confined or in or on
 3015 the property or grounds of any court.

3016 (e) Pay a fee or rebate or give or promise anything of
 3017 value to a jailer, police officer, peace officer, or committing
 3018 trial court judge or any other person who has power to arrest or
 3019 to hold in custody or to any public official or public employee
 3020 in order to secure a settlement, compromise, remission, or
 3021 reduction of the amount of any bail bond or estreatment thereof.

3022 (f) Pay a fee or rebate or give anything of value to an
 3023 attorney in a bail bond matter, except in defense of any action
 3024 on a bond.

3025 (g) Pay a fee or rebate or give or promise anything of

3026 value to the principal or anyone in his or her behalf.

3027 (h) Participate in the capacity of an attorney at a trial

3028 or hearing of one on whose bond he or she is surety.

3029 (i) Loiter in or about a jail, courthouse, or where

3030 prisoners are confined.

3031 (j) Accept anything of value from a principal for

3032 providing a bail bond except the premium and transfer fee

3033 authorized by the office, except that the bail bond agent or

3034 bail bond agency may accept collateral security or other

3035 indemnity from the principal or another person in accordance

3036 with ~~the provisions of~~ s. 648.442, together with documentary

3037 stamp taxes, if applicable. No fees, expenses, or charges of any

3038 kind shall be permitted to be deducted from the collateral held

3039 or any return premium due, except as authorized by this chapter

3040 or rule of the department or commission. A bail bond agent or

3041 bail bond agency may, upon written agreement with another party,

3042 receive a fee or compensation for returning to custody an

3043 individual who has fled the jurisdiction of the court or caused

3044 the forfeiture of a bond.

3045 (k) Write more than one power of attorney per charge on a

3046 bond, except in the case of a cosurety, unless the power of

3047 attorney prohibits a cosurety.

3048 (l) Execute a bond in this state on his or her own behalf.

3049 (m) Execute a bond in this state if a judgment has been

3050 entered on a bond executed by the bail bond agent or the bail

3051 bond agency is a named party on the judgment, which has remained
 3052 unpaid for 35 days, unless the full amount of the judgment is
 3053 deposited with the clerk in accordance with s. 903.27(5).

3054 (n) Make a statement or representation to a court, unless
 3055 such statement or representation is under oath. Such statement
 3056 or representation may not be false, misleading, or deceptive.

3057 (o) Attempt to collect, through threat or coercion,
 3058 amounts due for the payment of any indebtedness related to the
 3059 issuance of a bail bond in violation of s. 559.72.

3060 (p) Conduct bail bond business with any person, other than
 3061 the defendant, on the grounds of the jail or courthouse for the
 3062 purpose of executing a bond.

3063 (2) The following persons or classes may ~~shall~~ not be bail
 3064 bond agents, ~~temporary bail bond agents~~, or employees of a bail
 3065 bond agent or a bail bond agency business and may ~~shall~~ not
 3066 directly or indirectly receive any benefits from the execution
 3067 of any bail bond:

3068 (a) Jailers or persons employed in any jail.

3069 (b) Police officers or employees of any police department
 3070 or law enforcement agency.

3071 (c) Committing trial court judges, employees of a court,
 3072 or employees of the clerk of any court.

3073 (d) Sheriffs and deputy sheriffs or employees of any
 3074 sheriff's department.

3075 (e) Attorneys.

3076 (f) Persons having the power to arrest or persons who have
 3077 authority over or control of federal, state, county, or
 3078 municipal prisoners.

3079 (8)

3080 (c) Any law enforcement agency, state attorney's office,
 3081 court clerk, or insurer that is aware that a bail bond agent ~~or~~
 3082 ~~temporary bail bond agent~~ has been convicted of or who has
 3083 pleaded guilty or no contest to a crime as described in
 3084 paragraph (a) shall notify the department of this fact.

3085 (d) Upon the filing of an information or indictment
 3086 against a bail bond agent ~~or temporary bail bond agent~~, the
 3087 state attorney or clerk of the circuit court shall immediately
 3088 furnish the department a certified copy of the information or
 3089 indictment.

3090 Section 66. Subsection (1) of section 648.441, Florida
 3091 Statutes, is amended to read:

3092 648.441 Furnishing supplies to unlicensed bail bond agent
 3093 prohibited; civil liability and penalty.—

3094 (1) An insurer, managing general agent, bail bond agent,
 3095 or ~~temporary~~ bail bond agency ~~agent~~ appointed under this chapter
 3096 may not furnish to any person any blank forms, applications,
 3097 stationery, business card, or other supplies to be used in
 3098 soliciting, negotiating, or effecting bail bonds until such
 3099 person has received from the department a license to act as a
 3100 bail bond agent and is appointed by the insurer. This section

3101 does not prohibit an unlicensed employee, under the direct
3102 supervision and control of a licensed and appointed bail bond
3103 agent, from possessing or executing in the bail bond agency, any
3104 forms, except for powers of attorney, bond forms, and collateral
3105 receipts, while acting within the scope of his or her
3106 employment.

3107 Section 67. Subsection (3) of section 648.46, Florida
3108 Statutes, is amended to read:

3109 648.46 Procedure for disciplinary action against
3110 licensees.—

3111 (3) The complaint and all information obtained pursuant to
3112 the investigation of the department are confidential and exempt
3113 from the provisions of s. 119.07(1) until such investigation is
3114 completed or ceases to be active. For the purpose of this
3115 section, an investigation is considered "active" while the
3116 investigation is being conducted by the department with a
3117 reasonable, good faith belief that it may lead to the filing of
3118 administrative, civil, or criminal proceedings. An investigation
3119 does not cease to be active if the department is proceeding with
3120 reasonable dispatch and there is good faith belief that action
3121 may be initiated by the department or other administrative or
3122 law enforcement agency. This subsection does not prevent the
3123 department or office from disclosing the complaint or such
3124 information as it deems necessary to conduct the investigation,
3125 to update the complainant as to the status and outcome of the

3126 complaint, or to share such information with any law enforcement
 3127 agency or other regulatory body.

3128 Section 68. Section 648.50, Florida Statutes, is amended
 3129 to read:

3130 648.50 Effect of suspension, revocation upon associated
 3131 licenses and licensees.—

3132 (1) Upon the suspension, revocation, or refusal to renew
 3133 or continue any license or appointment or the eligibility to
 3134 hold a license or appointment of a bail bond agent or ~~temporary~~
 3135 bail bond agency agent, the department shall at the same time
 3136 likewise suspend or revoke all other licenses or appointments
 3137 and the eligibility to hold any other such licenses or
 3138 appointments which may be held by the licensee under the Florida
 3139 Insurance Code.

3140 (2) In case of the suspension or revocation of the license
 3141 or appointment, or the eligibility to hold a license or
 3142 appointment, of any bail bond agent, the license, appointment,
 3143 or eligibility of any and all bail bond agents who are members
 3144 of a bail bond agency, whether incorporated or unincorporated,
 3145 ~~and any and all temporary bail bond agents employed by such bail~~
 3146 ~~bond agency,~~ who knowingly are parties to the act which formed
 3147 the ground for the suspension or revocation may likewise be
 3148 suspended or revoked.

3149 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
 3150 ~~temporary bail bond agent~~ has been revoked or suspended may not

3151 ~~shall~~ be employed by any bail bond agent, have any ownership
 3152 interest in any business involving bail bonds, or have any
 3153 financial interest of any type in any bail bond business during
 3154 the period of revocation or suspension.

3155 Section 69. Subsections (4) and (6) of section 717.135,
 3156 Florida Statutes, are amended to read:

3157 717.135 Recovery agreements and purchase agreements for
 3158 claims filed by a claimant's representative; fees and costs.—

3159 (4) A claimant's representative must use the Unclaimed
 3160 Property Recovery Agreement or the Unclaimed Property Purchase
 3161 Agreement as the exclusive means of entering into an agreement
 3162 or a contract ~~engaging~~ with a claimant or seller to file a claim
 3163 with the department.

3164 (6) A claimant's representative may not use or distribute
 3165 any other agreement of any type, conveyed by any method, form,
 3166 ~~or other media~~ with respect to the claimant or seller which
 3167 relates, directly or indirectly, to unclaimed property accounts
 3168 held by the department or the Chief Financial Officer other than
 3169 the agreements authorized by this section. Any engagement,
 3170 authorization, recovery, or fee agreement that is not authorized
 3171 by this section is void. A claimant's representative is subject
 3172 to administrative and civil enforcement under s. 717.1322 if he
 3173 or she uses an agreement that is not authorized by this section.
 3174 This subsection does not prohibit lawful nonagreement,
 3175 noncontractual, or advertising communications between or among

3176 the parties.

3177 Section 70. Paragraph (a) of subsection (4) of section
3178 843.021, Florida Statutes, is amended to read:

3179 843.021 Unlawful possession of a concealed handcuff key.—

3180 (4) (a) It is a defense to a charge of violating this
3181 section that the person in custody and in possession of a
3182 concealed handcuff key is:

3183 1. A federal, state, or local law enforcement officer,
3184 including a reserve or auxiliary officer, a licensed security
3185 officer, or a private investigator as defined in s. 493.6101; or

3186 2. A professional bail bond agent, ~~temporary bail bond~~
3187 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3188 Section 71. Subsection (4) of section 631.152, Florida
3189 Statutes, is amended to read:

3190 631.152 Conduct of delinquency proceeding; foreign
3191 insurers.—

3192 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
3193 ancillary delinquency proceedings opened for the purpose of
3194 obtaining records necessary to adjudicate the covered claims of
3195 Florida policyholders.

3196 Section 72. Paragraph (b) of subsection (3) of section
3197 631.398, Florida Statutes, is amended to read:

3198 631.398 Prevention of insolvencies.—To aid in the
3199 detection and prevention of insurer insolvencies or impairments:

3200 (3)

- 3201 (b) For an insolvency involving a domestic property
3202 insurer, the department shall:
- 3203 1. Begin an analysis of the history and causes of the
3204 insolvency once the department is appointed by the court as
3205 receiver.
- 3206 2. Submit an initial report analyzing the history and
3207 causes of the insolvency to the Governor, the President of the
3208 Senate, the Speaker of the House of Representatives, and the
3209 office. The initial report must be submitted no later than 4
3210 months after the department is appointed as receiver. The
3211 initial report shall be updated at least annually until the
3212 submission of the final report. The report may not be used as
3213 evidence in any proceeding brought by the department or others
3214 to recover assets on behalf of the receivership estate as part
3215 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
3216 of a report under this subparagraph shall not be considered a
3217 waiver of any evidentiary privilege the department may assert
3218 under state or federal law.
- 3219 3. Provide a special report to the Governor, the President
3220 of the Senate, the Speaker of the House of Representatives, and
3221 the office, within 10 days upon identifying any condition or
3222 practice that may lead to insolvency in the property insurance
3223 marketplace.
- 3224 4. Submit a final report analyzing the history and causes
3225 of the insolvency and the review of the Office of Insurance

3226 Regulation's regulatory oversight of the insurer to the
 3227 Governor, the President of the Senate, the Speaker of the House
 3228 of Representatives, and the office within 30 days of the
 3229 conclusion of the insolvency proceeding.

3230 5. Review the Office of Insurance Regulation's regulatory
 3231 oversight of the insurer.

3232 Section 73. Subsection (2) of section 903.09, Florida
 3233 Statutes, is amended to read:

3234 903.09 Justification of sureties.—

3235 (2) A bond agent, as defined in s. 648.25(3) ~~s. 648.25(2)~~,
 3236 shall justify her or his suretyship by attaching a copy of the
 3237 power of attorney issued by the company to the bond or by
 3238 attaching to the bond United States currency, a United States
 3239 postal money order, or a cashier's check in the amount of the
 3240 bond; but the United States currency, United States postal money
 3241 order, or cashier's check cannot be used to secure more than one
 3242 bond. Nothing herein shall prohibit two or more qualified
 3243 sureties from each posting any portion of a bond amount, and
 3244 being liable for only that amount, so long as the total posted
 3245 by all cosureties is equal to the amount of bond required.

3246 Section 74. (1) The following rule is ratified for the
 3247 sole and exclusive purpose of satisfying any condition on the
 3248 effectiveness imposed under s. 120.541(3), Florida Statutes:
 3249 Rule 69L-7.020, Florida Administrative Code, titled "Florida
 3250 Workers' Compensation Health Care Provider Reimbursement Manual"

3251 as filed for adoption with the Department of State pursuant to
 3252 the certification package dated October 22, 2021.

3253 (2) This section serves no other purpose and may not be
 3254 codified in the Florida Statutes. After this section becomes
 3255 law, its enactment and effective dates shall be noted in the
 3256 Florida Administrative Code, the Florida Administrative
 3257 Register, or both, as appropriate. This section does not alter
 3258 rulemaking additions delegated by prior law, does not constitute
 3259 legislative preemption of or exception to any provision of law
 3260 governing adoption or enforcement of the rule cited, and is
 3261 intended to preserve the status of any cited rule as a rule
 3262 under chapter 120, Florida Statutes. This section does not cure
 3263 any rulemaking defect or preempt any challenge based on a lack
 3264 of authority or a violation of the legal requirements governing
 3265 the adoption of any rule cited.

3266 (3) This section takes effect July 1, 2023.

3267 Section 75. Except as otherwise expressly provided in this
 3268 act, this act shall take effect upon becoming a law.