

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. 627.4215,
131 F.S.; specifying the health insurers that are required
132 to make certain disclosure relating to behavioral
133 health insurance care services available on their
134 websites and in notices to their insureds; amending s.
135 627.7015, F.S.; providing that a disputed property
136 insurance claim is not eligible for mediation until
137 certain conditions are met; providing construction;
138 providing that fees for a rescheduled mediation
139 conference be assessed by the department rather than
140 the administrator; authorizing the department to
141 suspend an insurer's authority to appoint licensees
142 under certain circumstances; amending s. 627.7074,
143 F.S.; authorizing the department to designate, by
144 written contract or agreement, an entity or a person
145 to administer the alternative dispute resolution
146 process for sinkhole insurance claims; amending s.
147 627.745, F.S.; revising requirements and procedures
148 for the mediation of personal injury claims under a
149 motor vehicle insurance policy; requiring the
150 department to adopt specified rules relating to a

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

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

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

226 relating to the continuance of a temporary bail bond
227 agent license; amending s. 648.285, F.S.; revising
228 requirements, conditions, and procedures for a bail
229 bond agency license; providing applicability;
230 conforming a provision to changes made by the act;
231 amending s. 648.30, F.S.; revising requirements and
232 conditions for the licensure and appointment as a bail
233 bond agent or bail bond agency; conforming a provision
234 to changes made by the act; amending s. 648.31, F.S.;
235 specifying that there is no fee for the issuance of
236 any appointment to a bail bond agency; conforming a
237 provision to changes made by the act; amending s.
238 648.34, F.S.; revising qualifications for a bail bond
239 agent license; conforming a provision to changes made
240 by the act; amending s. 648.355, F.S.; deleting
241 provisions relating to temporary licenses as a limited
242 surety agent or professional bail bond agent;
243 specifying requirements for an individual licensed as
244 a temporary bail bond agent to qualify for bail bond
245 agent license; prohibiting the department from issuing
246 a temporary bail bond agent license beginning on a
247 specified date; providing construction relating to
248 existing temporary licenses; amending s. 648.382,
249 F.S.; revising requirements for the appointment of
250 bail bond agents or bail bond agencies; conforming a

251 provision to changes made by the act; amending s.
252 648.386, F.S.; defining the term "classroom
253 instruction"; revising requirements for approval and
254 certification as an approved limited surety agent and
255 professional bail bond agent continuing education
256 school; amending s. 648.387, F.S.; renaming primary
257 bail bond agents as bail bond agents in charge;
258 revising the department's disciplinary authority;
259 revising prohibited actions and the applicability of
260 such prohibitions; providing for the automatic
261 expiration of a bail bond agency license under certain
262 circumstances; creating s. 648.3875, F.S.; providing
263 requirements for applying for designation as a bail
264 bond agent in charge; amending s. 648.39, F.S.;
265 revising applicability of provisions relating to
266 termination of appointments of certain agents and
267 agencies; repealing s. 648.41, F.S., relating to
268 termination of appointment of temporary bail bond
269 agents; amending s. 648.42, F.S.; conforming a
270 provision to changes made by the act; making a
271 technical change; amending s. 648.44, F.S.; revising
272 applicability of prohibited acts; revising and
273 specifying prohibited acts of bail bond agents and
274 bail bond agencies; conforming provisions to changes
275 made by the act; amending s. 648.441, F.S.; revising

276 applicability of a prohibition against furnishing
277 supplies to an unlicensed bail bond agent; amending s.
278 648.46, F.S.; authorizing certain actions by the
279 department or the office relating to certain
280 confidential records relating to bail bond agents;
281 amending s. 648.50, F.S.; revising applicability of
282 provisions relating to disciplinary actions taken by
283 the department; conforming provisions to changes made
284 by the act; amending s. 717.135, F.S.; revising a
285 requirement for, and a prohibition on, claimants'
286 representatives relating to unclaimed property
287 recovery agreements and purchase agreements; providing
288 construction; amending s. 843.021, F.S.; revising a
289 defense to an unlawful possession of a concealed
290 handcuff key; amending ss. 631.152, 631.398, and
291 903.09, F.S.; conforming cross-references; ratifying
292 specified rules of the Florida Administrative Code
293 relating to "Florida Workers' Compensation Health Care
294 Provider Reimbursement Manual," "Health Care Provider
295 Medical Billing and Reporting Responsibilities," and
296 "Insurer Authorization and Medical Bill Review
297 Responsibilities"; providing construction; creating s.
298 280.12, F.S.; requiring the Chief Financial Officer to
299 designate certain credit unions as qualified public
300 depositories under certain circumstances; requiring

301 the Chief Financial Officer to adopt rules; providing
 302 a directive to the Division of Law Revision; providing
 303 effective dates.

304

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

306

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

309 20.121 Department of Financial Services.—There is created
 310 a Department of Financial Services.

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

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

326 1. The Bureau of Forensic Services;
 327 2. The Bureau of Fire, Arson, and Explosives
 328 Investigations;
 329 3. The Office of Fiscal Integrity, which shall have a
 330 separate budget;
 331 4. The Bureau of Insurance Fraud; and
 332 5. The Bureau of Workers' Compensation Fraud.
 333 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~
 334 ~~Strategic Markets Research and Assessment Unit is established~~
 335 ~~within the Department of Financial Services. The Chief Financial~~
 336 ~~Officer or his or her designee shall report on September 1,~~
 337 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
 338 ~~the Senate, and the Speaker of the House of Representatives on~~
 339 ~~the status of the state's financial services markets. At a~~
 340 ~~minimum, the report must include a summary of issues, trends,~~
 341 ~~and threats that broadly impact the condition of the financial~~
 342 ~~services industries, along with the effect of such conditions on~~
 343 ~~financial institutions, the securities industries, other~~
 344 ~~financial entities, and the credit market. The Chief Financial~~
 345 ~~Officer shall also provide findings and recommendations~~
 346 ~~regarding regulatory and policy changes to the Cabinet, the~~
 347 ~~President of the Senate, and the Speaker of the House of~~
 348 ~~Representatives.~~
 349 Section 2. Subsections (2) and (4), paragraph (a) of
 350 subsection (8), and subsection (12) of section 112.215, Florida

351 Statutes, are amended to read:

352 112.215 Government employees; deferred compensation
 353 program.—

354 (2) For the purposes of this section, the term "government
 355 employee" means any person employed, whether appointed, elected,
 356 or under contract, by providing services for the state or any
 357 governmental unit of the state, including, but not limited to,
 358 any state agency; any ~~or~~ county, municipality, or other
 359 political subdivision of the state; any special district or
 360 water management district, as the terms are defined in s.
 361 189.012 municipality; any state university or Florida College
 362 System institution, as the terms are defined in s. 1000.21(6)
 363 and (3), respectively ~~board of trustees;~~ or any constitutional
 364 county officer under s. 1(d), Art. VIII of the State
 365 Constitution for which compensation or statutory fees are paid.

366 (4) (a) The Chief Financial Officer, with the approval of
 367 the State Board of Administration, shall establish a state such
 368 plan or plans of deferred compensation for government state
 369 employees ~~and may include persons employed by a state university~~
 370 as defined in s. 1000.21, a special district as defined in s.
 371 189.012, or a water management district as defined in s.
 372 189.012, including all such investment vehicles or products
 373 incident thereto, as may be available through, or offered by,
 374 qualified companies or persons, and may approve one or more such
 375 plans for implementation ~~by and on behalf of the state and its~~

376 ~~agencies and employees.~~

377 (b) If the Chief Financial Officer deems it advisable, he
 378 or she shall have the power, with the approval of the State
 379 Board of Administration, to create a trust or other special
 380 funds for the segregation of funds or assets resulting from
 381 compensation deferred at the request of government employees
 382 participating in ~~of~~ the state plan ~~or its agencies~~ and for the
 383 administration of such program.

384 (c) The Chief Financial Officer, with the approval of the
 385 State Board of Administration, may delegate responsibility for
 386 administration of the state plan to a person the Chief Financial
 387 Officer determines to be qualified, compensate such person, and,
 388 directly or through such person or pursuant to a collective
 389 bargaining agreement, contract with a private corporation or
 390 institution to provide such services as may be part of any such
 391 plan or as may be deemed necessary or proper by the Chief
 392 Financial Officer or such person, including, but not limited to,
 393 providing consolidated billing, individual and collective
 394 recordkeeping and accountings, asset purchase, control, and
 395 safekeeping, and direct disbursement of funds to employees or
 396 other beneficiaries. The Chief Financial Officer may authorize a
 397 person, private corporation, or institution to make direct
 398 disbursement of funds under the state plan to an employee or
 399 other beneficiary.

400 (d) In accordance with such approved state plan, and upon

401 contract or agreement with an eligible government employee,
 402 deferrals of compensation may be accomplished by payroll
 403 deductions made by the appropriate officer or officers of the
 404 state, with such funds being thereafter held and administered in
 405 accordance with the plan.

406 (e) The administrative costs of the deferred compensation
 407 plan must be wholly or partially self-funded. Fees for such
 408 self-funding of the state plan shall be paid by investment
 409 providers and may be recouped from their respective plan
 410 participants. Such fees shall be deposited in the Deferred
 411 Compensation Trust Fund.

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

414 1. One member shall be appointed by the Speaker of the
 415 House of Representatives and the President of the Senate jointly
 416 and shall be an employee of the legislative branch.

417 2. One member shall be appointed by the Chief Justice of
 418 the Supreme Court and shall be an employee of the judicial
 419 branch.

420 3. One member shall be appointed by the chair of the
 421 Public Employees Relations Commission and shall be a nonexempt
 422 public employee.

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

425 a. One member shall be appointed by the Chancellor of the

426 State University System and shall be an employee of the
 427 university system.

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

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

432 d. One member shall be appointed by the Executive Director
 433 of the State Board of Administration and shall be an employee of
 434 the State Board of Administration.

435 e. One member shall be appointed by the Chancellor of the
 436 Florida College System and shall be an employee of the Florida
 437 College System.

438 (12) The Chief Financial Officer may adopt any rule
 439 necessary to administer and implement this act with respect to
 440 the state deferred compensation plan or plans ~~for state~~
 441 ~~employees and persons employed by a state university as defined~~
 442 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
 443 ~~water management district as defined in s. 189.012.~~

444 Section 3. Section 215.55952, Florida Statutes, is amended
 445 to read:

446 215.55952 Triennial ~~Annual~~ report on economic impact of a
 447 1-in-100-year hurricane.—The Chief Financial Officer shall
 448 provide a report on the economic impact on the state of a 1-in-
 449 100-year hurricane to the Governor, the President of the Senate,
 450 and the Speaker of the House of Representatives by March 1,

451 2025, and of each triennial year thereafter. The report shall
452 include an estimate of the short-term and long-term fiscal
453 impacts of such a storm on Citizens Property Insurance
454 Corporation, the Florida Hurricane Catastrophe Fund, the private
455 insurance and reinsurance markets, the state economy, and the
456 state debt. The report shall also include an analysis of the
457 average premium increase to fund a 1-in-100-year hurricane event
458 and list the average cost, in both a percentage and dollar
459 amount, impact to consumers on a county-level basis. The report
460 may also include recommendations by the Chief Financial Officer
461 for preparing for such a hurricane and reducing the economic
462 impact of such a hurricane on the state. In preparing the
463 analysis, the Chief Financial Officer shall coordinate with and
464 obtain data from the Office of Insurance Regulation, Citizens
465 Property Insurance Corporation, the Florida Hurricane
466 Catastrophe Fund, the Florida Commission on Hurricane Loss
467 Projection Methodology, the State Board of Administration, the
468 Office of Economic and Demographic Research, and other state
469 agencies.

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

472 274.01 Definitions.—The following words as used in this
473 act have the meanings set forth in the below subsections, unless
474 a different meaning is required by the context:

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

476 | commission, or authority of a county, a county agency, a
 477 | municipality, a special district as defined in s. 189.012 or
 478 | taxing district of the state, or the sheriff of the county.

479 | Section 5. Present subsections (15) and (16) of section
 480 | 440.13, Florida Statutes, are redesignated as subsections (14)
 481 | and (15), respectively, and paragraph (c) of subsection (9),
 482 | subsection (12), and present subsection (14) of that section are
 483 | amended, to read:

484 | 440.13 Medical services and supplies; penalty for
 485 | violations; limitations.—

486 | (9) EXPERT MEDICAL ADVISORS.—

487 | (c) If there is disagreement in the opinions of the health
 488 | care providers, if two health care providers disagree on medical
 489 | evidence supporting the employee's complaints or the need for
 490 | additional medical treatment, or if two health care providers
 491 | disagree that the employee is able to return to work, the
 492 | department may, and the judge of compensation claims may ~~shall~~,
 493 | upon his or her own motion or within 15 days after receipt of a
 494 | written request by either the injured employee, the employer, or
 495 | the carrier, order the injured employee to be evaluated by an
 496 | expert medical advisor. The injured employee and the employer or
 497 | carrier may agree on the health care provider to serve as an
 498 | expert medical advisor. If the parties do not agree, the judge
 499 | of compensation claims shall select an expert medical advisor
 500 | from the department's list of certified expert medical advisors.

501 If a certified medical advisor within the relevant medical
502 specialty is unavailable, the judge of compensation claims shall
503 appoint any otherwise qualified health care provider to serve as
504 an expert medical advisor without obtaining the department's
505 certification. The opinion of the expert medical advisor is
506 presumed to be correct unless there is clear and convincing
507 evidence to the contrary as determined by the judge of
508 compensation claims. The expert medical advisor appointed to
509 conduct the evaluation shall have free and complete access to
510 the medical records of the employee. An employee who fails to
511 report to and cooperate with such evaluation forfeits
512 entitlement to compensation during the period of failure to
513 report or cooperate.

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

516 (a) A three-member panel is created, consisting of the
517 Chief Financial Officer, or the Chief Financial Officer's
518 designee, and two members to be appointed by the Governor,
519 subject to confirmation by the Senate, one member who, on
520 account of present or previous vocation, employment, or
521 affiliation, shall be classified as a representative of
522 employers, the other member who, on account of previous
523 vocation, employment, or affiliation, shall be classified as a
524 representative of employees. The panel shall determine statewide
525 schedules of maximum reimbursement allowances for medically

526 necessary treatment, care, and attendance provided by
527 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
528 ~~hardening programs, pain programs, and durable medical~~
529 ~~equipment.~~ The maximum reimbursement allowances for inpatient
530 hospital care shall be based on a schedule of per diem rates, to
531 be approved by the three-member panel no later than March 1,
532 1994, to be used in conjunction with a precertification manual
533 as determined by the department, including maximum hours in
534 which an outpatient may remain in observation status, which
535 shall not exceed 23 hours. All compensable charges for hospital
536 outpatient care shall be reimbursed at 75 percent of usual and
537 customary charges, except as otherwise provided by this
538 subsection. Annually, the three-member panel shall adopt
539 schedules of maximum reimbursement allowances for ~~physicians,~~
540 hospital inpatient care, hospital outpatient care, and
541 ambulatory surgical centers, ~~work-hardening programs, and pain~~
542 ~~programs.~~ A ~~An individual physician, hospital or an,~~ ambulatory
543 surgical center, ~~pain program, or work-hardening program~~ shall
544 be reimbursed either the agreed-upon contract price or the
545 maximum reimbursement allowance in the appropriate schedule.

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

551 ~~following:~~

552 ~~1.~~ Payments for outpatient physical, occupational, and
553 speech therapy provided by hospitals shall be ~~reduced to~~ the
554 schedule of maximum reimbursement allowances for these services
555 which applies to nonhospital providers.

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

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

564 (e)1. By July 1 of each year, the department shall notify
565 carriers and self-insurers of the physician and nonhospital
566 services schedule of maximum reimbursement allowances. The
567 notice must include publication of this schedule of maximum
568 reimbursement allowances on the division's website. This
569 schedule is not subject to approval by the three-member panel
570 and does not include reimbursement for prescription medication.

571 2. Subparagraph 1. shall take effect January 1, following
572 the July 1, 2024, notice of the physician and nonhospital
573 services schedule of maximum reimbursement allowances that the
574 department provides to carriers and self-insurers.

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

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

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

584 (h)~~(e)~~ As to reimbursement for a prescription medication,
585 the reimbursement amount for a prescription shall be the average
586 wholesale price plus \$4.18 for the dispensing fee. For
587 repackaged or relabeled prescription medications dispensed by a
588 dispensing practitioner as provided in s. 465.0276, the fee
589 schedule for reimbursement shall be 112.5 percent of the average
590 wholesale price, plus \$8.00 for the dispensing fee. For purposes
591 of this subsection, the average wholesale price shall be
592 calculated by multiplying the number of units dispensed times
593 the per-unit average wholesale price set by the original
594 manufacturer of the underlying drug dispensed by the
595 practitioner, based upon the published manufacturer's average
596 wholesale price published in the Medi-Span Master Drug Database
597 as of the date of dispensing. All pharmaceutical claims
598 submitted for repackaged or relabeled prescription medications
599 must include the National Drug Code of the original
600 manufacturer. Fees for pharmaceuticals and pharmaceutical

601 services shall be reimbursable at the applicable fee schedule
602 amount except where the employer or carrier, or a service
603 company, third party administrator, or any entity acting on
604 behalf of the employer or carrier directly contracts with the
605 provider seeking reimbursement for a lower amount.

606 (i)~~(d)~~ Reimbursement for all fees and other charges for
607 such treatment, care, and attendance, including treatment, care,
608 and attendance provided by any hospital or other health care
609 provider, ambulatory surgical center, work-hardening program, or
610 pain program, must not exceed the amounts provided by the
611 uniform schedule of maximum reimbursement allowances as
612 determined by the panel or as otherwise provided in this
613 section. This subsection also applies to independent medical
614 examinations performed by health care providers under this
615 chapter. In determining the uniform schedule, the panel shall
616 first approve the data which it finds representative of
617 prevailing charges in the state for similar treatment, care, and
618 attendance of injured persons. Each health care provider, health
619 care facility, ambulatory surgical center, work-hardening
620 program, or pain program receiving workers' compensation
621 payments shall maintain records verifying their usual charges.
622 In establishing the uniform schedule of maximum reimbursement
623 allowances, the panel must consider:

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

626 | third-party providers;

627 | 2. The impact upon cost to employers for providing a level
628 | of reimbursement for treatment, care, and attendance which will
629 | ensure the availability of treatment, care, and attendance
630 | required by injured workers; and

631 | 3. The financial impact of the reimbursement allowances
632 | upon health care providers and health care facilities, including
633 | trauma centers as defined in s. 395.4001, and its effect upon
634 | their ability to make available to injured workers such
635 | medically necessary remedial treatment, care, and attendance.
636 | The uniform schedule of maximum reimbursement allowances must be
637 | reasonable, must promote health care cost containment and
638 | efficiency with respect to the workers' compensation health care
639 | delivery system, and must be sufficient to ensure availability
640 | of such medically necessary remedial treatment, care, and
641 | attendance to injured workers; ~~and~~

642 | ~~4. The most recent average maximum allowable rate of~~
643 | ~~increase for hospitals determined by the Health Care Board under~~
644 | ~~chapter 408.~~

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

647 | 1. Take testimony, receive records, and collect data to
648 | evaluate the adequacy of the workers' compensation fee schedule,
649 | nationally recognized fee schedules and alternative methods of
650 | reimbursement to health care providers and health care

651 facilities for inpatient and outpatient treatment and care.

652 2. Survey health care providers and health care facilities
653 to determine the availability and accessibility of workers'
654 compensation health care delivery systems for injured workers.

655 3. Survey carriers to determine the estimated impact on
656 carrier costs and workers' compensation premium rates by
657 implementing changes to the carrier reimbursement schedule or
658 implementing alternative reimbursement methods.

659 4. Submit recommendations on or before January 15, 2017,
660 and biennially thereafter, to the President of the Senate and
661 the Speaker of the House of Representatives on methods to
662 improve the workers' compensation health care delivery system.

663
664 The department, as requested, shall provide data to the panel,
665 including, but not limited to, utilization trends in the
666 workers' compensation health care delivery system. The
667 department shall provide the panel with an annual report
668 regarding the resolution of medical reimbursement disputes and
669 any actions pursuant to subsection (8). The department shall
670 provide administrative support and service to the panel to the
671 extent requested by the panel. For prescription medication
672 purchased under the requirements of this subsection, a
673 dispensing practitioner shall not possess such medication unless
674 payment has been made by the practitioner, the practitioner's
675 professional practice, or the practitioner's practice management

676 company or employer to the supplying manufacturer, wholesaler,
677 distributor, or drug repackager within 60 days of the dispensing
678 practitioner taking possession of that medication.

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

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

685 440.385 Florida Self-Insurers Guaranty Association,
686 Incorporated.—

687 (2) BOARD OF DIRECTORS.—The board of directors of the
688 association shall consist of nine persons and shall be organized
689 as established in the plan of operation. Each director must ~~All~~
690 ~~board members shall~~ be experienced in self-insurance in this
691 state. Each director shall serve for a 4-year term and may be
692 reappointed. ~~Appointments After July~~ January 1, 2023 ~~2002, shall~~
693 ~~be made by~~ the department shall approve and appoint directors
694 upon recommendation of members of the association or shall
695 approve and appoint other persons with experience in self-
696 insurance as determined by the Chief Financial Officer. These
697 appointments are deemed to be within the scope of the exemption
698 provided in s. 112.313(7)(b). Any vacancy on the board shall be
699 filled for the remaining period of the term in the same manner
700 as appointments other than initial appointments are made. Each

701 director shall be reimbursed for expenses incurred in carrying
702 out the duties of the board on behalf of the association.

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

707 (b) Directors are subject to the code of ethics under part
708 III of chapter 112, including, but not limited to, the code of
709 ethics and public disclosure and reporting of financial
710 interests, pursuant to s. 112.3145. For purposes of applying
711 part III of chapter 112 to activities of members of the board of
712 directors, those persons are considered public officers and the
713 association is considered their agency. Notwithstanding s.
714 112.3143(2), a director may not vote on any measure that he or
715 she knows would inure to his or her special private gain or
716 loss; that he or she knows would inure to the special private
717 gain or loss of any principal by which he or she is retained,
718 other than an agency as defined in s. 112.312; or that he or she
719 knows would inure to the special private gain or loss of a
720 relative or business associate of the public officer. Before the
721 vote is taken, such director shall publicly state to the board
722 the nature of his or her interest in the matter from which he or
723 she is abstaining from voting and, within 15 days after the vote
724 occurs, disclose the nature of his or her interest as a public
725 record in a memorandum filed with the person responsible for

726 recording the minutes of the meeting, who shall incorporate the
 727 memorandum in the minutes.

728 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other
 729 law, an employee of the association or a director may not
 730 knowingly accept, directly or indirectly, any gift or
 731 expenditure from a person or an entity, or an employee or a
 732 representative of such person or entity, which has a contractual
 733 relationship with the association or which is under
 734 consideration for a contract.

735 (d) A director who fails to comply with paragraph (b) or
 736 paragraph (c) is subject to the penalties provided under ss.
 737 112.317 and 112.3173.

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

742 497.005 Definitions.—As used in this chapter, the term:

743 (9) "Burial service" or "service" means any service
 744 offered or provided in connection with the final disposition,
 745 memorialization, interment, entombment, or inurnment of human
 746 remains or cremated remains. Such service is required to be
 747 offered or provided by an individual or entity licensed under
 748 this chapter.

749 (61) "Preneed ~~contract~~" means any arrangement or method,
 750 of which the provider of funeral merchandise or services has

751 actual knowledge, whereby any person agrees to furnish funeral
 752 merchandise or service in the future.

753 (62) "Preneed contract" means any arrangement or method
 754 for which the provider of funeral merchandise or services
 755 receives any payment in advance for funeral or burial
 756 merchandise and services after the death of the contract
 757 beneficiary. The term excludes a transportation protection
 758 agreement and any payments received on a transportation
 759 protection agreement. As used in this subsection, the term
 760 "transportation protection agreement" means an agreement that
 761 exclusively provides or arranges for services related to the
 762 preparation for the purpose of transportation and subsequent
 763 transportation of human remains or cremated remains. The Florida
 764 Insurance Code, as defined in s. 624.01, does not apply to any
 765 transportation protection agreement sold by any licensee under
 766 this chapter.

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

769 624.1265 Nonprofit religious organization exemption;
 770 authority; notice.—

771 (1) A nonprofit religious organization is not subject to
 772 the requirements of the Florida Insurance Code if the nonprofit
 773 religious organization:

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

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

778 (c) Acts as a facilitator among participants who have
 779 financial, physical, or medical needs to assist those with
 780 financial, physical, or medical needs in accordance with
 781 criteria established by the nonprofit religious organization;

782 (d) Provides for the financial or medical needs of a
 783 participant through contributions from other participants, or
 784 through payments directly from one participant to another
 785 participant;

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

- 788 1. Among the participants; or
 789 2. By the nonprofit religious organization to the
 790 participants;

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

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

800 (h) Does not market or sell health plans through agents

801 licensed by the department under chapter 626.

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

804 624.501 Filing, license, appointment, and miscellaneous
805 fees.—The department, commission, or office, as appropriate,
806 shall collect in advance, and persons so served shall pay to it
807 in advance, fees, licenses, and miscellaneous charges as
808 follows:

809 (25) Reinsurance intermediary:

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

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

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

815 626.015 Definitions.—As used in this part:

816 (5) "Association" includes the Florida Association of
817 Insurance Agents (FAIA), the National Association of Insurance
818 and Financial Advisors (NAIFA), the National Association of
819 Benefits and Insurance Professionals Florida Chapter (NABIP
820 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the
821 Latin American Association of Insurance Agencies (LAAIA), the
822 Florida Association of Public Insurance Adjusters (FAPIA), the
823 Florida Bail Agents Association (FBAA), or the Professional Bail
824 Agents of the United States (PBUS).

825 Section 11. Subsection (4) of section 626.171, Florida

826 Statutes, is amended to read:

827 626.171 Application for license as an agent, customer
828 representative, adjuster, service representative, or reinsurance
829 intermediary.—

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

848 Section 12. Paragraph (c) of subsection (1) of section
849 626.173, Florida Statutes, is amended to read:

850 626.173 Insurance agency closure; cancellation of

851 licenses.—

852 (1) If a licensed insurance agency permanently ceases the
 853 transacting of insurance or ceases the transacting of insurance
 854 for more than 30 days, the agent in charge, the director of the
 855 agency, or other officer listed on the original application for
 856 licensure must, within 35 days after the agency first ceases the
 857 transacting of insurance, do all of the following:

858 (c) Notify all policyholders currently insured by a policy
 859 written, produced, or serviced by the agency of the agency's
 860 cessation of operations; the date on which operations ceased;
 861 and the identity of the agency or agent to which the agency's
 862 current book of business has been transferred or, if no transfer
 863 has occurred, a statement directing the policyholder to contact
 864 the insurance company for assistance in locating a licensed
 865 agent to service the policy. This paragraph does not apply to
 866 title insurance, life insurance, or annuity contracts.

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

869 626.207 Disqualification of applicants and licensees;
 870 penalties against licensees; rulemaking authority.—

871 (8) The department shall adopt rules establishing specific
 872 penalties against licensees in accordance with ss. 626.641 and
 873 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.
 874 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.
 875 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.

876 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.
 877 634.423, s. 642.041, or s. 642.043. The purpose of the
 878 revocation or suspension is to provide a sufficient penalty to
 879 deter future violations of the Florida Insurance Code. The
 880 imposition of a revocation or the length of suspension shall be
 881 based on the type of conduct and the probability that the
 882 propensity to commit further illegal conduct has been overcome
 883 at the time of eligibility for relicensure. The length of
 884 suspension may be adjusted based on aggravating or mitigating
 885 factors, established by rule and consistent with this purpose.

886 Section 14. Paragraph (j) of subsection (2) of section
 887 626.221, Florida Statutes, is amended to read:

888 626.221 Examination requirement; exemptions.—

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

891 (j) An applicant for license as an all-lines adjuster who
 892 has the designation of Accredited Claims Adjuster (ACA) from a
 893 regionally accredited postsecondary institution in this state;
 894 Certified All Lines Adjuster (CALA) from Kaplan Financial
 895 Education; Associate in Claims (AIC) from the Insurance
 896 Institute of America; Professional Claims Adjuster (PCA) from
 897 the Professional Career Institute; Professional Property
 898 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
 899 Certified Adjuster (CA) from ALL LINES Training; Certified
 900 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster

901 Certified Professional (CACP) from WebCE, Inc.; Accredited
 902 Insurance Claims Specialist (AICS) from Encore Claim Services;
 903 Professional in Claims (PIC) from 2021 Training, LLC; or
 904 Universal Claims Certification (UCC) from Claims and Litigation
 905 Management Alliance (CLM) whose curriculum has been approved by
 906 the department and which includes comprehensive analysis of
 907 basic property and casualty lines of insurance and testing at
 908 least equal to that of standard department testing for the all-
 909 lines adjuster license. The department shall adopt rules
 910 establishing standards for the approval of curriculum.

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

913 626.2815 Continuing education requirements.—

914 (3) Each licensee except a title insurance agent must
 915 complete a 4-hour update course every 2 years which is specific
 916 to the license held by the licensee. The course must be
 917 developed and offered by providers and approved by the
 918 department. The content of the course must address all lines of
 919 insurance for which examination and licensure are required and
 920 include the following subject areas: insurance law updates,
 921 ethics for insurance professionals, disciplinary trends and case
 922 studies, industry trends, premium discounts, determining
 923 suitability of products and services, and other similar
 924 insurance-related topics the department determines are relevant
 925 to legally and ethically carrying out the responsibilities of

926 the license granted. A licensee who holds multiple insurance
 927 licenses must complete an update course that is specific to at
 928 least one of the licenses held. Except as otherwise specified,
 929 any remaining required hours of continuing education are
 930 elective and may consist of any continuing education course
 931 approved by the department under this section.

932 (c) A licensee who has been licensed for 25 years or more
 933 and is a CLU or a CPCU or has a Bachelor of Science degree or
 934 higher in risk management or insurance with evidence of 18 or
 935 more semester hours in insurance-related courses must also
 936 complete a minimum of 6 hours of elective continuing education
 937 courses every 2 years.

938 (f) Elective continuing education courses for public
 939 adjusters may ~~must~~ be any course related to commercial and
 940 residential property coverages, claim adjusting practices, and
 941 any other adjuster elective courses ~~specifically designed for~~
 942 ~~public adjusters and~~ approved by the department. Notwithstanding
 943 this subsection, public adjusters for workers' compensation
 944 insurance or health insurance are not required to take
 945 continuing education courses pursuant to this section.

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

949 626.321 Limited licenses and registration.—

950 (1) The department shall issue to a qualified applicant a

951 license as agent authorized to transact a limited class of
 952 business in any of the following categories of limited lines
 953 insurance:

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

970 (b) Industrial fire insurance or burglary insurance.—
 971 License covering only industrial fire insurance or burglary
 972 insurance. ~~A licensee under this paragraph may not hold a~~
 973 ~~license as an agent for any other or additional kind or class of~~
 974 ~~insurance coverage except for life insurance and health~~
 975 ~~insurance.~~ Effective July 1, 2019, all licensees holding such

976 | limited license and appointment may renew the license and
 977 | appointment, but no new or additional licenses may be issued
 978 | pursuant to this paragraph, and a licensee whose limited license
 979 | under this paragraph has been terminated, suspended, or revoked
 980 | may not have such license reinstated.

981 | (e) Credit insurance.—License covering credit life, credit
 982 | disability, credit property, credit unemployment, involuntary
 983 | unemployment, mortgage life, mortgage guaranty, mortgage
 984 | disability, guaranteed automobile protection (GAP) insurance,
 985 | and any other form of insurance offered in connection with an
 986 | extension of credit which is limited to partially or wholly
 987 | extinguishing a credit obligation that the department determines
 988 | should be designated a form of limited line credit insurance.
 989 | Effective October 1, 2012, all valid licenses held by persons
 990 | for any of the lines of insurance listed in this paragraph shall
 991 | be converted to a credit insurance license. ~~Licensees who wish~~
 992 | ~~to obtain a new license reflecting such change must request a~~
 993 | ~~duplicate license and pay a \$5 fee as specified in s.~~
 994 | ~~624.501(15).~~ The license may be issued only to an individual
 995 | employed by a life or health insurer as an officer or other
 996 | salaried or commissioned representative, to an individual
 997 | employed by or associated with a lending or financial
 998 | institution or creditor, or to a lending or financial
 999 | institution or creditor, and may authorize the sale of such
 1000 | insurance only with respect to borrowers or debtors of such

1001 lending or financing institution or creditor. However, only the
1002 individual or entity whose tax identification number is used in
1003 receiving or is credited with receiving the commission from the
1004 sale of such insurance shall be the licensed agent of the
1005 insurer. ~~No individual while so licensed shall hold a license as~~
1006 ~~an agent as to any other or additional kind or class of life or~~
1007 ~~health insurance coverage.~~

1008 (i) Preneed funeral agreement insurance.—Limited license
1009 for insurance covering only prearranged funeral, cremation, or
1010 cemetery agreements, or any combination thereof, funded by
1011 insurance and offered in connection with an establishment that
1012 holds a preneed license pursuant to s. 497.452. Such license may
1013 be issued without examination only to an individual who has
1014 filed with the department an application for a license in a form
1015 and manner prescribed by the department, who currently holds a
1016 valid preneed sales agent license pursuant to s. 497.466, who
1017 paid the applicable fees for a license as prescribed in s.
1018 624.501, who has been appointed under s. 626.112, and who paid
1019 the prescribed appointment fee under s. 624.501.

1020 Section 17. Paragraph (n) of subsection (1) of section
1021 626.611, Florida Statutes, is amended to read:

1022 626.611 Grounds for compulsory refusal, suspension, or
1023 revocation of agent's, title agency's, adjuster's, customer
1024 representative's, service representative's, or managing general
1025 agent's license or appointment.—

1026 (1) The department shall deny an application for, suspend,
 1027 revoke, or refuse to renew or continue the license or
 1028 appointment of any applicant, agent, title agency, adjuster,
 1029 customer representative, service representative, or managing
 1030 general agent, and it shall suspend or revoke the eligibility to
 1031 hold a license or appointment of any such person, if it finds
 1032 that as to the applicant, licensee, or appointee any one or more
 1033 of the following applicable grounds exist:

1034 (n) Having been found guilty of or having pleaded guilty
 1035 or nolo contendere to a misdemeanor directly related to the
 1036 financial services business, any felony, or any a crime
 1037 punishable by imprisonment of 1 year or more under the law of
 1038 the United States of America or of any state thereof or under
 1039 the law of any other country, without regard to whether a
 1040 judgment of conviction has been entered by the court having
 1041 jurisdiction of such cases.

1042 Section 18. Subsection (18) is added to section 626.621,
 1043 Florida Statutes, to read:

1044 626.621 Grounds for discretionary refusal, suspension, or
 1045 revocation of agent's, adjuster's, customer representative's,
 1046 service representative's, or managing general agent's license or
 1047 appointment.—The department may, in its discretion, deny an
 1048 application for, suspend, revoke, or refuse to renew or continue
 1049 the license or appointment of any applicant, agent, adjuster,
 1050 customer representative, service representative, or managing

1051 general agent, and it may suspend or revoke the eligibility to
 1052 hold a license or appointment of any such person, if it finds
 1053 that as to the applicant, licensee, or appointee any one or more
 1054 of the following applicable grounds exist under circumstances
 1055 for which such denial, suspension, revocation, or refusal is not
 1056 mandatory under s. 626.611:

1057 (18) Cancellation of the applicant's, licensee's, or
 1058 appointee's resident license in a state other than Florida.

1059 Section 19. Paragraphs (d) and (g) of subsection (2) and
 1060 paragraphs (a), (b), and (e) through (j) of subsection (3) of
 1061 section 626.7492, Florida Statutes, are amended to read:

1062 626.7492 Reinsurance intermediaries.—

1063 (2) DEFINITIONS.—As used in this section:

1064 (d) "Producer" means a licensed ~~an~~ agent, broker, or
 1065 insurance agency that is appointed as a reinsurance intermediary
 1066 ~~licensed~~ pursuant to the applicable provision of the Florida
 1067 Insurance Code.

1068 (g) "Reinsurance intermediary manager" means any person
 1069 who has authority to bind, or manages all or part of, the
 1070 assumed reinsurance business of a reinsurer, including the
 1071 management of a separate division, department, or underwriting
 1072 office, and acts as a representative ~~an agent~~ for the reinsurer
 1073 whether known as a reinsurance intermediary manager, manager, or
 1074 other similar term. Notwithstanding the above, none of the
 1075 following persons is a reinsurance intermediary manager with

1076 | respect to the reinsurer for the purposes of this section:
 1077 | 1. An employee of the reinsurer;
 1078 | 2. A manager of the United States branch of an alien
 1079 | reinsurer;
 1080 | 3. An underwriting manager which, pursuant to contract,
 1081 | manages all the reinsurance operations of the reinsurer, is
 1082 | under common control with the reinsurer, subject to the holding
 1083 | company act, and whose compensation is not based on the volume
 1084 | of premiums written.
 1085 | 4. The manager of a group, association, pool, or
 1086 | organization of insurers which engage in joint underwriting or
 1087 | joint reinsurance and who are subject to examination by the
 1088 | insurance regulatory authority of the state in which the
 1089 | manager's principal business office is located.
 1090 | (3) LICENSURE.—
 1091 | (a) No person shall act as a reinsurance intermediary
 1092 | broker in this state if the reinsurance intermediary broker
 1093 | maintains an office either directly or as a member or employee
 1094 | of a firm or association, or an officer, director, or employee
 1095 | of a corporation:
 1096 | 1. In this state, unless the reinsurance intermediary
 1097 | broker is a licensed producer in this state; or
 1098 | 2. In another state, unless the reinsurance intermediary
 1099 | broker is a licensed producer in this state or in another state
 1100 | having a law substantially similar to this section or the

1101 reinsurance intermediary broker is licensed in this state as an
1102 insurance agency and appointed as a ~~nonresident~~ reinsurance
1103 intermediary.

1104 (b) No person shall act as a reinsurance intermediary
1105 manager:

1106 1. For a reinsurer domiciled in this state, unless the
1107 reinsurance intermediary manager is a licensed producer in this
1108 state;

1109 2. In this state, if the reinsurance intermediary manager
1110 maintains an office either directly or as a member or employee
1111 of a firm or association, or an officer, director, or employee
1112 of a corporation in this state, unless the reinsurance
1113 intermediary manager is a licensed producer in this state;

1114 3. In another state for a nondomestic insurer, unless the
1115 reinsurance intermediary manager is a licensed producer in this
1116 state or another state having a law substantially similar to
1117 this section, or the person is licensed in this state as a
1118 producer ~~nonresident reinsurance intermediary~~.

1119 (e) If the applicant for a reinsurance intermediary
1120 appointment ~~license~~ is a nonresident, the applicant, as a
1121 condition precedent to receiving or holding an appointment ~~a~~
1122 ~~license~~, must designate the Chief Financial Officer as agent for
1123 service of process in the manner, and with the same legal
1124 effect, provided for by this section for designation of service
1125 of process upon unauthorized insurers. Such applicant shall also

1126 furnish the department with the name and address of a resident
 1127 of this state upon whom notices or orders of the department or
 1128 process affecting the nonresident reinsurance intermediary may
 1129 be served. The licensee shall promptly notify the department in
 1130 writing of each change in its designated agent for service of
 1131 process, and the change shall not become effective until
 1132 acknowledged by the department.

1133 ~~(f) The department may refuse to issue a reinsurance~~
 1134 ~~intermediary license if, in its judgment, the applicant, anyone~~
 1135 ~~named on the application, or any member, principal, officer, or~~
 1136 ~~director of the applicant, has demonstrated a lack of fitness~~
 1137 ~~and trustworthiness, or that any controlling person of the~~
 1138 ~~applicant is not fit or trustworthy to act as a reinsurance~~
 1139 ~~intermediary, or that any of the foregoing has given cause for~~
 1140 ~~revocation or suspension of the license, or has failed to comply~~
 1141 ~~with any prerequisite for the issuance of the license.~~

1142 ~~(g)~~ Reinsurance intermediaries shall be licensed,
 1143 appointed, renewed, continued, reinstated, or terminated as
 1144 prescribed in this chapter for insurance representatives in
 1145 general, ~~except that they shall be exempt from the photo,~~
 1146 ~~education, and examination provisions. License, Appointment, and~~
 1147 other fees shall be those prescribed in s. 624.501.

1148 (g) ~~(h)~~ The grounds and procedures for refusal of an a
 1149 ~~license or~~ appointment or suspension or revocation of a license
 1150 or appointment issued to a reinsurance intermediary under this

1151 section are as set forth in ss. 626.611-626.691 for insurance
1152 representatives in general.

1153 ~~(h)-(i)~~ An attorney licensed in this state, when acting in
1154 a professional capacity, is exempt from this subsection.

1155 ~~(i)-(j)~~ The department may develop necessary rules to carry
1156 out this section.

1157 Section 20. Subsection (5) of section 626.752, Florida
1158 Statutes, is amended to read:

1159 626.752 Exchange of business.—

1160 (5) Within 15 days after the last day of each month, any
1161 insurer accepting business under this section shall report to
1162 the department the name, address, telephone number, and social
1163 security number of each agent from which the insurer received
1164 more than four personal lines risks during the calendar year,
1165 except for risks being removed from the Citizens Property
1166 Insurance Corporation and placed with that insurer by a
1167 brokering agent. Once the insurer has reported pursuant to this
1168 subsection an agent's name to the department, additional reports
1169 on the same agent shall not be required. However, the fee set
1170 forth in s. 624.501 must be paid for the agent by the insurer
1171 for each year until the insurer notifies the department that the
1172 insurer is no longer accepting business from the agent pursuant
1173 to this section. The insurer may require that the agent
1174 reimburse the insurer for the fee. If the insurer or employer
1175 does not pay the fees and taxes due under this subsection within

1176 | 21 days after notice by the department, the department must
 1177 | suspend the insurer's or employer's authority to appoint
 1178 | licensees until all outstanding fees and taxes have been paid.

1179 | Section 21. Subsection (3) of section 626.785, Florida
 1180 | Statutes, is amended to read:

1181 | 626.785 Qualifications for license.—

1182 | (3) Notwithstanding any other provisions of this chapter,
 1183 | a funeral director, a direct disposer, or an employee of a
 1184 | funeral establishment that holds a preneed license pursuant to
 1185 | s. 497.452 may obtain an agent's license or a limited license to
 1186 | sell only policies of life insurance covering the expense of a
 1187 | prearrangement for funeral services or merchandise so as to
 1188 | provide funds at the time the services and merchandise are
 1189 | needed. The face amount of insurance covered by any such policy
 1190 | shall not exceed \$21,000, plus an annual percentage increase
 1191 | based on the Annual Consumer Price Index compiled by the United
 1192 | States Department of Labor, beginning with the Annual Consumer
 1193 | Price Index announced by the United States Department of Labor
 1194 | for 2016.

1195 | Section 22. Subsection (4) of section 626.793, Florida
 1196 | Statutes, is amended to read:

1197 | 626.793 Excess or rejected business.—

1198 | (4) Within 15 days after the last day of each month, any
 1199 | insurer accepting business under this section shall report to
 1200 | the department the name, address, telephone number, and social

1201 security number of each agent from which the insurer received
 1202 more than four risks during the calendar year. Once the insurer
 1203 has reported an agent's name to the department pursuant to this
 1204 subsection, additional reports on the same agent shall not be
 1205 required. However, the fee set forth in s. 624.501 must be paid
 1206 for the agent by the insurer for each year until the insurer
 1207 notifies the department that the insurer is no longer accepting
 1208 business from the agent pursuant to this section. The insurer
 1209 may require that the agent reimburse the insurer for the fee. If
 1210 the insurer or employer does not pay the fees and taxes due
 1211 under this subsection within 21 days after notice by the
 1212 department, the department must suspend the insurer's or
 1213 employer's authority to appoint licensees until all outstanding
 1214 fees and taxes have been paid.

1215 Section 23. Subsection (5) of section 626.837, Florida
 1216 Statutes, is amended to read:

1217 626.837 Excess or rejected business.—

1218 (5) Within 15 days after the last day of each month, any
 1219 insurer accepting business under this section shall report to
 1220 the department the name, address, telephone number, and social
 1221 security number of each agent from which the insurer received
 1222 more than four risks during the calendar year. Once the insurer
 1223 has reported pursuant to this subsection an agent's name to the
 1224 department, additional reports on the same agent shall not be
 1225 required. However, the fee set forth in s. 624.501 must be paid

1226 for the agent by the insurer for each year until the insurer
1227 notifies the department that the insurer is no longer accepting
1228 business from the agent pursuant to this section. The insurer
1229 may require that the agent reimburse the insurer for the fee. If
1230 the insurer or employer does not pay the fees and taxes due
1231 under this subsection within 21 days after notice by the
1232 department, the department must suspend the insurer's or
1233 employer's authority to appoint licensees until all outstanding
1234 fees and taxes have been paid.

1235 Section 24. Paragraph (e) is added to subsection (2) of
1236 section 626.8411, Florida Statutes, to read:

1237 626.8411 Application of Florida Insurance Code provisions
1238 to title insurance agents or agencies.—

1239 (2) The following provisions of part I do not apply to
1240 title insurance agents or title insurance agencies:

1241 (e) Section 626.173(1)(c), relating to notifying
1242 policyholders of the agency closure.

1243 Section 25. Present subsections (8) through (11) of
1244 section 626.8437, Florida Statutes, are redesignated as
1245 subsections (9) through (12), respectively, and a new subsection
1246 (8) and subsection (13) are added to that section, to read:

1247 626.8437 Grounds for denial, suspension, revocation, or
1248 refusal to renew license or appointment.—The department shall
1249 deny, suspend, revoke, or refuse to renew or continue the
1250 license or appointment of any title insurance agent or agency,

1251 and it shall suspend or revoke the eligibility to hold a license
 1252 or appointment of such person, if it finds that as to the
 1253 applicant, licensee, appointee, or any principal thereof, any
 1254 one or more of the following grounds exist:

1255 (8) Misappropriation, conversion, or improper withholding
 1256 of funds to which such person is not legally entitled and which
 1257 are received in a fiduciary capacity and held as part of an
 1258 escrow agreement or real estate sales contract, or as provided
 1259 on a settlement statement in a real estate transaction.

1260 (13) Revocation or cancellation of a licensee's resident
 1261 license in a jurisdiction other than this state.

1262 Section 26. Subsections (7) and (8) are added to section
 1263 626.844, Florida Statutes, to read:

1264 626.844 Grounds for discretionary refusal, suspension, or
 1265 revocation of license or appointment.—The department may, in its
 1266 discretion, deny, suspend, revoke, or refuse to renew or
 1267 continue the license or appointment of any title insurance agent
 1268 or agency, and it may suspend or revoke the eligibility to hold
 1269 a license or appointment of any such title insurance agent or
 1270 agency if it finds that as to the applicant or licensee or
 1271 appointee, or any principal thereof, any one or more of the
 1272 following grounds exist under circumstances for which such
 1273 denial, suspension, revocation, or refusal is not mandatory
 1274 under s. 626.8437:

1275 (7) Having been the subject of, or having had a license,

1276 permit, appointment, registration, or other authority to conduct
 1277 business subject to, any decision, finding, injunction,
 1278 suspension, prohibition, revocation, denial, judgment, final
 1279 agency action, or administrative order by any court of competent
 1280 jurisdiction, administrative law proceeding, state agency,
 1281 federal agency, national securities, commodities, or option
 1282 exchange, or national securities, commodities, or option
 1283 association involving a violation of any federal or state
 1284 securities or commodities law or any rule or regulation adopted
 1285 thereunder, or a violation of any rule or regulation of any
 1286 national securities, commodities, or options exchange or
 1287 national securities, commodities, or options association.

1288 (8) Revocation or cancellation of a licensee's resident
 1289 license in a jurisdiction other than this state.

1290 Section 27. Section 626.8473, Florida Statutes, is amended
 1291 to read:

1292 626.8473 Escrow; trust fund.—

1293 (1) A title insurance agency agent ~~agent~~ may engage in business
 1294 as an escrow agent as to funds received from others to be
 1295 subsequently disbursed ~~by the title insurance agent~~ in
 1296 connection with real estate closing transactions involving the
 1297 issuance of title ~~insurance binders,~~ commitments, policies of
 1298 title insurance, or guarantees of title, provided that a
 1299 licensed and appointed title insurance agency agent ~~agent~~ complies
 1300 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such

1301 requirements added after the initial licensure of the agency
 1302 ~~agent~~.

1303 (2) All funds received by a title insurance agency ~~agent~~
 1304 as described in subsection (1) shall be trust funds received in
 1305 a fiduciary capacity by the title insurance agency ~~agent~~ and
 1306 shall be the property of the person or persons entitled thereto.

1307 (3) All funds received by a title insurance agency ~~agent~~
 1308 to be held in trust shall be immediately placed in a financial
 1309 institution that is located within this state and is a member of
 1310 the Federal Deposit Insurance Corporation or the National Credit
 1311 Union Share Insurance Fund. These funds shall be invested in an
 1312 escrow account in accordance with the investment requirements
 1313 and standards established for deposits and investments of state
 1314 funds in s. 17.57, where the funds shall be kept until
 1315 disbursement thereof is properly authorized.

1316 (4) Funds required to be maintained in escrow trust
 1317 accounts pursuant to this section shall not be subject to any
 1318 debts of the title insurance agency ~~agent~~ and shall be used only
 1319 in accordance with the terms of the individual, escrow,
 1320 settlement, or closing instructions under which the funds were
 1321 accepted.

1322 (5) The title insurance agency ~~agents~~ shall maintain
 1323 separate records of all receipts and disbursements of escrow,
 1324 settlement, or closing funds.

1325 (6) In the event that the department promulgates rules

1326 necessary to implement the requirements of this section pursuant
1327 to s. 624.308, the department shall consider reasonable
1328 standards necessary for the protection of funds held in trust,
1329 including, but not limited to, standards for accounting of
1330 funds, standards for receipt and disbursement of funds, and
1331 protection for the person or persons to whom the funds are to be
1332 disbursed.

1333 (7) A title insurance agency agent, or any officer,
1334 director, or employee thereof, or any person associated
1335 therewith as an independent contractor for bookkeeping or
1336 similar purposes, who converts or misappropriates funds received
1337 or held in escrow or in trust by such title insurance agency
1338 ~~agent~~, or any person who knowingly receives or conspires to
1339 receive such funds, commits:

1340 (a) If the funds converted or misappropriated are \$300 or
1341 less, a misdemeanor of the first degree, punishable as provided
1342 in s. 775.082 or s. 775.083.

1343 (b) If the funds converted or misappropriated are more
1344 than \$300, but less than \$20,000, a felony of the third degree,
1345 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1346 (c) If the funds converted or misappropriated are \$20,000
1347 or more, but less than \$100,000, a felony of the second degree,
1348 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1349 (d) If the funds converted or misappropriated are \$100,000
1350 or more, a felony of the first degree, punishable as provided in

1351 s. 775.082, s. 775.083, or s. 775.084.

1352 (8) An attorney shall deposit and maintain all funds
1353 received in connection with transactions in which the attorney
1354 is serving as a title or real estate settlement agent into a
1355 separate trust account that is maintained exclusively for funds
1356 received in connection with such transactions and permit the
1357 account to be audited by its title insurers, unless maintaining
1358 funds in the separate account for a particular client would
1359 violate applicable rules of The Florida Bar.

1360 Section 28. Subsection (19) of section 626.854, Florida
1361 Statutes, is amended to read:

1362 626.854 "Public adjuster" defined; prohibitions.—The
1363 Legislature finds that it is necessary for the protection of the
1364 public to regulate public insurance adjusters and to prevent the
1365 unauthorized practice of law.

1366 (19) Except as otherwise provided in this chapter, no
1367 person, except an attorney at law or a licensed and appointed
1368 public adjuster, may for money, commission, or any other thing
1369 of value, directly or indirectly:

1370 (a) Prepare, complete, or file an insurance claim for an
1371 insured or a third-party claimant;

1372 (b) Act on behalf of or aid an insured or a third-party
1373 claimant in negotiating for or effecting the settlement of a
1374 claim for loss or damage covered by an insurance contract;

1375 (c) Offer to initiate or negotiate a claim on behalf of an

1376 insured;

1377 (d) Advertise services that require a license as a public
 1378 adjuster; or

1379 (e) Solicit, investigate, or adjust a claim on behalf of a
 1380 public adjuster, an insured, or a third-party claimant.

1381 Section 29. Section 626.874, Florida Statutes, is amended
 1382 to read:

1383 626.874 Catastrophe or emergency adjusters.—

1384 (1) In the event of a catastrophe or emergency, the
 1385 department may issue a license, for the purposes and under the
 1386 conditions and for the period of emergency as it shall
 1387 determine, to persons who are residents or nonresidents of this
 1388 state, who are at least 18 years of age, who are United States
 1389 citizens or legal aliens who possess work authorization from the
 1390 United States Bureau of Citizenship and Immigration Services,
 1391 and who are not licensed adjusters under this part but who have
 1392 been designated and certified to it as qualified to act as
 1393 adjusters by an authorized insurer to adjust claims, losses, or
 1394 damages under policies or contracts of insurance issued by such
 1395 insurers, or by a licensed ~~the primary adjuster of an~~
 1396 independent adjusting firm contracted with an authorized insurer
 1397 to adjust claims on behalf of the insurer. The fee for the
 1398 license is as provided in s. 624.501(12)(c).

1399 (2) If any person not a licensed adjuster who has been
 1400 permitted to adjust such losses, claims, or damages under the

1401 conditions and circumstances set forth in subsection (1),
 1402 engages in any of the misconduct described in or contemplated by
 1403 chapter 626 ss. 626.611 and 626.621, the department, without
 1404 notice and hearing, shall be authorized to issue its order
 1405 denying such person the privileges granted under this section;
 1406 and thereafter it shall be unlawful for any such person to
 1407 adjust any such losses, claims, or damages in this state.

1408 Section 30. Subsection (2) of section 626.9892, Florida
 1409 Statutes, is amended to read:

1410 626.9892 Anti-Fraud Reward Program; reporting of insurance
 1411 fraud.—

1412 (2) The department may pay rewards of up to \$25,000 to
 1413 persons providing information leading to the arrest ~~and~~
 1414 ~~conviction~~ of persons committing crimes investigated by the
 1415 department arising from violations of s. 400.9935, s. 440.105,
 1416 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.
 1417 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.
 1418 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.
 1419 817.233, ~~or~~ s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.
 1420 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1421 Section 31. Present subsections (7) through (12) of
 1422 section 626.9957, Florida Statutes, are redesignated as
 1423 subsections (8) through (13), respectively, and a new subsection
 1424 (7) is added to that section, to read:

1425 626.9957 Conduct prohibited; denial, revocation,

1426 termination, expiration, or suspension of registration.—

1427 (7) If a navigator registered under this part fails to
1428 maintain an active, valid navigator's registration status with
1429 the Federal Government or an exchange, the navigator's
1430 registration issued under this part shall expire by operation of
1431 law. A navigator with an expired registration may not be granted
1432 subsequent registration until the navigator qualifies as a
1433 first-time applicant.

1434 Section 32. Paragraph (c) of subsection (4) of section
1435 627.351, Florida Statutes, is amended to read:

1436 627.351 Insurance risk apportionment plans.—

1437 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1438 (c) The Joint Underwriting Association shall operate
1439 subject to the supervision and approval of a board of governors
1440 consisting of representatives of five of the insurers
1441 participating in the Joint Underwriting Association, an attorney
1442 named by The Florida Bar, a physician named by the Florida
1443 Medical Association, a dentist named by the Florida Dental
1444 Association, and a hospital representative named by the Florida
1445 Hospital Association; or consisting of other persons approved
1446 and appointed by the Chief Financial Officer. The Chief
1447 Financial Officer shall select the representatives of the five
1448 insurers or shall approve and appoint other persons with
1449 experience in medical malpractice insurance as determined by the
1450 Chief Financial Officer. These appointments are deemed to be

1451 within the scope of the exemption provided in s. 112.313(7)(b).
1452 One insurer representative shall be selected from
1453 recommendations of the American Insurance Association. One
1454 insurer representative shall be selected from recommendations of
1455 the Property Casualty Insurers Association of America. One
1456 insurer representative shall be selected from recommendations of
1457 the Florida Insurance Council. Two insurer representatives shall
1458 be selected to represent insurers that are not affiliated with
1459 these associations. Vacancies on the board shall be filled for
1460 the remaining period of the term in the same manner as the
1461 initial appointments. During the first meeting of the board
1462 after June 30 of each year, the board shall choose one of its
1463 members to serve as chair of the board and another member to
1464 serve as vice chair of the board. There is no liability on the
1465 part of, and no cause of action shall arise against, any member
1466 insurer, self-insurer, or its agents or employees, the Joint
1467 Underwriting Association or its agents or employees, members of
1468 the board of governors, or the office or its representatives for
1469 any action taken by them in the performance of their powers and
1470 duties under this subsection.

1471 1. The Chief Financial Officer may remove a board member
1472 from office for misconduct, malfeasance, misfeasance, or neglect
1473 of duty. Any vacancy so created shall be filled as provided in
1474 this paragraph.

1475 2. Board members are subject to the code of ethics under

1476 part III of chapter 112, including, but not limited to, the code
1477 of ethics and public disclosure and reporting of financial
1478 interests, pursuant to s. 112.3145. For purposes of applying
1479 part III of chapter 112 to activities of members of the board of
1480 governors, those persons are considered public officers and the
1481 Joint Underwriting Association is considered their agency.
1482 Notwithstanding s. 112.3143(2), a board member may not vote on
1483 any measure that he or she knows would inure to his or her
1484 special private gain or loss; that he or she knows would inure
1485 to the special private gain or loss of any principal by which he
1486 or she is retained, other than an agency as defined in s.
1487 112.312; or that he or she knows would inure to the special
1488 private gain or loss of a relative or business associate of the
1489 public officer. Before the vote is taken, such board member
1490 shall publicly state to the board the nature of his or her
1491 interest in the matter from which he or she is abstaining from
1492 voting and, within 15 days after the vote occurs, disclose the
1493 nature of his or her interest as a public record in a memorandum
1494 filed with the person responsible for recording the minutes of
1495 the meeting, who shall incorporate the memorandum in the
1496 minutes.

1497 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
1498 law, a board member may not knowingly accept, directly or
1499 indirectly, any gift or expenditure from a person or entity, or
1500 an employee or representative of such person or entity, which

1501 has a contractual relationship with the Joint Underwriting
 1502 Association or which is under consideration for a contract.

1503 4. A board member who fails to comply with subparagraph 2.
 1504 or subparagraph 3. is subject to the penalties provided under
 1505 ss. 112.317 and 112.3173.

1506 Section 33. Section 33. Section 627.4215, Florida
 1507 Statutes, is amended to read:

1508 627.4215 Disclosures to policyholders; coverage of
 1509 behavioral health care services.—

1510 (1) A health insurer that offers behavioral health
 1511 insurance coverages required by federal or state law shall make
 1512 all of the following information available on its website:

1513 (a) The federal and state requirements for coverage of
 1514 behavioral health care services.

1515 (b) Contact information for the Division of Consumer
 1516 Services of the department, including a hyperlink, for consumers
 1517 to submit inquiries or complaints relating to health insurer
 1518 products or services regulated by the department or the office.

1519 (2) On an annual basis, a health insurer that offers
 1520 behavioral health insurance coverages required by federal or
 1521 state law shall provide a direct notice to insureds with
 1522 behavioral health insurance coverages required by federal or
 1523 state law which must include a description of the federal and
 1524 state requirements for coverage of behavioral health care
 1525 services. Such notice must also include the website address and

1526 statewide toll-free telephone number of the Division of Consumer
1527 Services of the department for receiving and logging complaints.

1528 Section 34. Subsections (2) and (3) of section 627.7015,
1529 Florida Statutes, are amended to read:

1530 627.7015 Alternative procedure for resolution of disputed
1531 property insurance claims.—

1532 (2) At the time of issuance and renewal of a policy or at
1533 the time a first-party claim within the scope of this section is
1534 filed by the policyholder, the insurer shall notify the
1535 policyholder of its right to participate in the mediation
1536 program under this section. A claim becomes eligible for
1537 mediation after the insurer complies with s. 627.70131(7) or
1538 elects to reinspect pursuant to s. 627.70152(4) (a)3. If the
1539 insurer has not complied with s. 627.70131(7) or elected to
1540 reinspect pursuant to s. 627.70152(4) (a)3. within 90 days after
1541 notice of the loss, the insurer may not require mediation under
1542 this section. This subsection does not impair the right of an
1543 insurance company to request mediation after a determination of
1544 coverage pursuant to this section or require appraisal or
1545 another method of alternative dispute resolution pursuant to s.
1546 627.70152(4) (b). The department shall prepare a consumer
1547 information pamphlet for distribution to persons participating
1548 in mediation.

1549 (3) The costs of mediation must be reasonable, and the
1550 insurer must bear all of the cost of conducting mediation

1551 conferences, except as otherwise provided in this section. If a
1552 policyholder fails to appear at the conference, the conference
1553 must be rescheduled upon the policyholder's payment of the costs
1554 of a rescheduled conference. If the insurer fails to appear at
1555 the conference, the insurer must pay the policyholder's actual
1556 cash expenses incurred in attending the conference if the
1557 insurer's failure to attend was not due to a good cause
1558 acceptable to the department. An insurer will be deemed to have
1559 failed to appear if the insurer's representative lacks authority
1560 to settle the full value of the claim. The insurer shall incur
1561 an additional fee for a rescheduled conference necessitated by
1562 the insurer's failure to appear at a scheduled conference. The
1563 fees assessed by the department administrator ~~administrator~~ must include a
1564 charge necessary to defray the expenses of the department
1565 related to its duties under this section and must be deposited
1566 in the Insurance Regulatory Trust Fund. The department may
1567 suspend the insurer's authority to appoint licensees if the
1568 insurer does not timely pay the required fees.

1569 Section 35. Subsection (18) is added to section 627.7074,
1570 Florida Statutes, to read:

1571 627.7074 Alternative procedure for resolution of disputed
1572 sinkhole insurance claims.—

1573 (18) The department may designate, by means of a written
1574 contract or agreement, an entity or a person to serve as
1575 administrator to carry out any of the provisions of this

1576 section.

1577 Section 36. Section 627.745, Florida Statutes, is amended
 1578 to read:

1579 627.745 Mediation of claims.—

1580 (1)(a) In any claim filed with an insurer for personal
 1581 injury in an amount of \$10,000 or less or any claim for property
 1582 damage in any amount, arising out of the ownership, operation,
 1583 use, or maintenance of a motor vehicle, either party may demand
 1584 mediation of the claim prior to the institution of litigation.

1585 (b) The costs of mediation must be reasonable, and the
 1586 insurer must bear all of the cost of conducting mediation
 1587 conferences, except as otherwise provided in this section. If a
 1588 policyholder fails to appear at the conference, the conference
 1589 must be rescheduled upon the policyholder's payment of the costs
 1590 of a rescheduled conference. If the insurer fails to appear at
 1591 the conference, the insurer must pay the policyholder's actual
 1592 cash expenses incurred in attending the conference if the
 1593 insurer's failure to attend was not due to a good cause
 1594 acceptable to the department. An insurer is deemed to have
 1595 failed to appear if the insurer's representative lacks authority
 1596 to settle the full value of the claim. The insurer shall incur
 1597 an additional fee, paid to the mediator, for a rescheduled
 1598 conference necessitated by the insurer's failure to appear at a
 1599 scheduled conference. The fees assessed by the department or
 1600 administrator must include a charge necessary to defray the

1601 expenses of the department related to its duties under this
1602 section and must be deposited in the Insurance Regulatory Trust
1603 Fund. The department or administrator may request that the
1604 department suspend the insurer's authority to appoint licensees
1605 if the insurer does not timely pay the per-mediation-event
1606 administrative fee. Mediation under this section is also
1607 available to litigants referred to the department by a county
1608 court or circuit court.

1609 ~~(b) A request for mediation shall be filed with the~~
1610 ~~department on a form approved by the department. The request for~~
1611 ~~mediation shall state the reason for the request for mediation~~
1612 ~~and the issues in dispute which are to be mediated. The filing~~
1613 ~~of a request for mediation tolls the applicable time~~
1614 ~~requirements for filing suit for a period of 60 days following~~
1615 ~~the conclusion of the mediation process or the time prescribed~~
1616 ~~in s. 95.11, whichever is later.~~

1617 ~~(c) The insurance policy must specify in detail the terms~~
1618 ~~and conditions for mediation of a first-party claim.~~

1619 ~~(d) The mediation shall be conducted as an informal~~
1620 ~~process in which formal rules of evidence and procedure need not~~
1621 ~~be observed. Any party participating in a mediation must have~~
1622 ~~the authority to make a binding decision. All parties must~~
1623 ~~mediate in good faith.~~

1624 ~~(e) The department shall randomly select mediators. Each~~
1625 ~~party may once reject the mediator selected, either originally~~

1626 ~~or after the opposing side has exercised its option to reject a~~
1627 ~~mediator.~~

1628 ~~(f) Costs of mediation shall be borne equally by both~~
1629 ~~parties unless the mediator determines that one party has not~~
1630 ~~mediated in good faith.~~

1631 ~~(g)~~ Only one mediation may be requested for each claim,
1632 unless all parties agree to further mediation.

1633 ~~(2) Upon receipt of a request for mediation, the~~
1634 ~~department shall refer the request to a mediator. The mediator~~
1635 ~~shall notify the applicant and all interested parties, as~~
1636 ~~identified by the applicant, and any other parties the mediator~~
1637 ~~believes may have an interest in the mediation, of the date,~~
1638 ~~time, and place of the mediation conference. The conference may~~
1639 ~~be held by telephone, if feasible. The mediation conference~~
1640 ~~shall be held within 45 days after the request for mediation.~~

1641 (2) (a) ~~(3) (a)~~ The department shall approve mediators to
1642 conduct mediations pursuant to this section. All mediators must
1643 file an application under oath for approval as a mediator.

1644 (b) To qualify for approval as a mediator, an individual
1645 must meet one of the following qualifications:

1646 1. Possess an active certification as a Florida Supreme
1647 Court certified circuit court mediator. A Florida Supreme Court
1648 certified circuit court mediator in a lapsed, suspended,
1649 sanctioned, or decertified status is not eligible to participate
1650 in the mediation program.

1651 2. Be an approved department mediator as of July 1, 2014,
 1652 and have conducted at least one mediation on behalf of the
 1653 department within 4 years immediately preceding that date.

1654 ~~(3)-(4)~~ The department shall deny an application, or
 1655 suspend or revoke its approval, of a mediator to serve in such
 1656 capacity if the department finds that one or more of the
 1657 following grounds exist:

1658 (a) Lack of one or more of the qualifications specified in
 1659 this section for approval.

1660 (b) Material misstatement, misrepresentation, or fraud in
 1661 obtaining or attempting to obtain the approval.

1662 (c) Demonstrated lack of fitness or trustworthiness to act
 1663 as a mediator.

1664 (d) Fraudulent or dishonest practices in the conduct of
 1665 mediation or in the conduct of business in the financial
 1666 services industry.

1667 (e) Violation of any provision of this code or of a lawful
 1668 order or rule of the department, violation of the Florida Rules
 1669 for Certified and Court-Appointed Mediators, or aiding,
 1670 instructing, or encouraging another party in committing such a
 1671 violation.

1672
 1673 The department may adopt rules to administer this subsection.

1674 (4) The department shall adopt by rule a motor vehicle
 1675 claims insurance mediation program to be administered by the

1676 department or its designee. The department may also adopt
1677 special rules that are applicable in cases of an emergency
1678 within the state. The rules shall be modeled after practices and
1679 procedures set forth in mediation rules of procedure adopted by
1680 the Supreme Court. The rules must include:

1681 (a) Reasonable requirements for processing and scheduling
1682 of requests for mediation.

1683 (b) Provisions governing who may attend mediation
1684 conferences.

1685 (c) Selection of mediators.

1686 (d) Criteria for the conduct of mediation conferences.

1687 (e) Right to legal counsel.

1688 ~~(5) The department must adopt rules of procedure for~~
1689 ~~claims mediation, taking into consideration a system which:~~

1690 ~~(a) Is fair.~~

1691 ~~(b) Promotes settlement.~~

1692 ~~(c) Avoids delay.~~

1693 ~~(d) Is nonadversarial.~~

1694 ~~(e) Uses a framework for modern mediating technique.~~

1695 (f) Controls of costs and expenses of mediation.

1696 (5) The department may designate an entity or person to
1697 serve as an administrator to carry out any of the provisions of
1698 this section and may take this action by means of a written
1699 contract or agreement.

1700 (6) Disclosures and information divulged in the mediation

1701 process are not admissible in any subsequent action or
 1702 proceeding relating to the claim or to the cause of action
 1703 giving rise to the claim. A person demanding mediation under
 1704 this section may not demand or request mediation after a suit is
 1705 filed relating to the same facts already mediated.

1706 Section 37. Present subsections (7) through (12) of
 1707 section 631.141, Florida Statutes, are redesignated as
 1708 subsections (8) through (13), respectively, and a new subsection
 1709 (7) is added to that section, to read:

1710 631.141 Conduct of delinquency proceeding; domestic and
 1711 alien insurers.—

1712 (7) In order to preserve as much as possible the right and
 1713 interest of the policyholders whose insurance policies or
 1714 similar contracts are affected by the receivership proceedings,
 1715 the department as a domiciliary receiver may:

1716 (a) Use the property of the estate of the insurer to
 1717 transfer the insurer's book of business, policies, or similar
 1718 contracts of coverage, in whole or in part, to a solvent
 1719 assuming insurer or insurers.

1720 (b) Notwithstanding s. 631.195, share records of the
 1721 insurer with the prospective solvent assuming insurer or
 1722 insurers, but only to the extent necessary to undertake due
 1723 diligence for a transfer contemplated under this section.

1724 Section 38. Subsections (1) and (3) of section 631.252,
 1725 Florida Statutes, are amended to read:

1726 631.252 Continuation of coverage.—

1727 (1) Unless another insurer, with approval of the

1728 receivership court, assumes or otherwise provides coverage for

1729 the policies of the insolvent insurer, all insurance policies or

1730 similar contracts of coverage, other than coverages defined in

1731 s. 631.713 or health maintenance organization coverage under

1732 part IV, issued by the insurer shall be canceled upon the

1733 earlier ~~earliest to occur~~ of the following:

1734 (a) The date of entry of the liquidation or, if the court

1735 so provides in its order, the expiration of 30 days from the

1736 date of entry of the liquidation order;

1737 (b) The normal expiration of the policy or contract

1738 coverage;

1739 (c) The replacement of the coverage by the insured, or the

1740 replacement of the policy or contract of coverage, with a policy

1741 or contract acceptable to the insured by the receiver with

1742 another insurer; ~~or~~

1743 (d) The date proposed by the receiver and approved by the

1744 receivership court to cancel coverage; or

1745 ~~(e)-(d)~~ (e) The termination of the coverage by the insured.

1746 (3) The 30-day coverage continuation period provided in

1747 paragraph (1)(a) and s. 631.57(1)(a)1. may not be extended

1748 unless the Chief Financial Officer ~~office~~ determines, based on a

1749 reasonable belief, that market conditions are such that policies

1750 of residential property insurance coverage cannot be placed with

1751 an authorized insurer within 30 days and that an additional 15
1752 days is needed to place such coverage, ~~and~~ Failure of actual
1753 notice to the policyholder of the insolvency of the insurer, of
1754 commencement of a delinquency proceeding, or of expiration of
1755 the extension period does not affect such expiration.

1756 Section 39. Subsection (1) of section 631.56, Florida
1757 Statutes, is amended, and subsections (5) through (8) are added
1758 to that section, to read:

1759 631.56 Board of directors.—

1760 (1) The board of directors of the association shall
1761 consist of not less than five or more than nine persons serving
1762 terms as established in the plan of operation. Three members of
1763 the board must be representatives from domestic insurers
1764 appointed by the Chief Financial Officer. The department shall
1765 approve and appoint to the board persons recommended by the
1766 member insurers or shall approve and appoint other persons with
1767 experience in property and casualty insurance or motor vehicle
1768 insurance as determined by the Chief Financial Officer. These
1769 appointments are deemed to be within the scope of the exemption
1770 provided in s. 112.313(7)(b). ~~In the event the department finds~~
1771 ~~that any recommended person does not meet the qualifications for~~
1772 ~~service on the board, the department shall request the member~~
1773 ~~insurers to recommend another person.~~ Each member shall serve
1774 for a 4-year term and may be reappointed. Vacancies on the board
1775 shall be filled for the remaining period of the term in the same

1776 manner as initial appointments.

1777 (5) The Chief Financial Officer may remove a board member
1778 from office for misconduct, malfeasance, misfeasance, or neglect
1779 of duty. Any vacancy so created shall be filled as provided in
1780 subsection (1).

1781 (6) Board members are subject to the code of ethics under
1782 part III of chapter 112, including, but not limited to, the code
1783 of ethics and public disclosure and reporting of financial
1784 interests, pursuant to s. 112.3145. For purposes of applying
1785 part III of chapter 112 to activities of members of the board of
1786 directors, those persons are considered public officers and the
1787 association is considered their agency. Notwithstanding s.
1788 112.3143(2), a board member may not vote on any measure that he
1789 or she knows would inure to his or her special private gain or
1790 loss; that he or she knows would inure to the special private
1791 gain or loss of any principal by which he or she is retained,
1792 other than an agency as defined in s. 112.312; or that he or she
1793 knows would inure to the special private gain or loss of a
1794 relative or business associate of the public officer. Before the
1795 vote is taken, such member shall publicly state to the board the
1796 nature of his or her interest in the matter from which he or she
1797 is abstaining from voting and, within 15 days after the vote
1798 occurs, disclose the nature of his or her interest as a public
1799 record in a memorandum filed with the person responsible for
1800 recording the minutes of the meeting, who shall incorporate the

1801 memorandum in the minutes.

1802 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1803 law, a board member may not knowingly accept, directly or
 1804 indirectly, any gift or expenditure from a person or entity, or
 1805 an employee or representative of such person or entity, which
 1806 has a contractual relationship with the association or which is
 1807 under consideration for a contract.

1808 (8) A board member who fails to comply with subsection (6)
 1809 or subsection (7) is subject to the penalties provided under ss.
 1810 112.317 and 112.3173.

1811 Section 40. Paragraph (a) of subsection (1) of section
 1812 631.716, Florida Statutes, is amended, and subsections (4)
 1813 through (7) are added to that section, to read:

1814 631.716 Board of directors.—

1815 (1)(a) The board of directors of the association shall
 1816 have at least 9, but no more than 11, members. The members shall
 1817 consist ~~be comprised~~ of member insurers serving terms as
 1818 established in the plan of operation and 1 Florida Health
 1819 Maintenance Organization Consumer Assistance Plan director
 1820 confirmed pursuant to paragraph (b) or shall consist of other
 1821 persons, appointed by the department, who have experience in
 1822 life and annuity or accident and health insurance as determined
 1823 by the Chief Financial Officer. These directors are deemed to be
 1824 within the scope of the exemption provided in s. 112.313(7)(b).

1825 At all times, at least 1 ~~member of the board~~ member must be a

1826 domestic insurer as defined in s. 624.06(1). The ~~members of the~~
1827 board members who are member insurers shall be elected by member
1828 insurers, subject to the approval of the department. Each board
1829 member shall serve for a 4-year term and may be reappointed.

1830 (4) The Chief Financial Officer may remove a board member
1831 from office for misconduct, malfeasance, misfeasance, or neglect
1832 of duty. Any vacancy so created shall be filled as provided in
1833 subsection (1).

1834 (5) Board members are subject to the code of ethics under
1835 part III of chapter 112, including, but not limited to, the code
1836 of ethics and public disclosure and reporting of financial
1837 interests, pursuant to s. 112.3145. For purposes of applying
1838 part III of chapter 112 to activities of members of the board of
1839 directors, those persons are considered public officers and the
1840 association is considered their agency. Notwithstanding s.
1841 112.3143(2), a board member may not vote on any measure that he
1842 or she knows would inure to his or her special private gain or
1843 loss; that he or she knows would inure to the special private
1844 gain or loss of any principal by which he or she is retained,
1845 other than an agency as defined in s. 112.312; or that he or she
1846 knows would inure to the special private gain or loss of a
1847 relative or business associate of the public officer. Before the
1848 vote is taken, such member shall publicly state to the board the
1849 nature of his or her interest in the matter from which he or she
1850 is abstaining from voting and, within 15 days after the vote

1851 occurs, disclose the nature of his or her interest as a public
 1852 record in a memorandum filed with the person responsible for
 1853 recording the minutes of the meeting, who shall incorporate the
 1854 memorandum in the minutes.

1855 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1856 law, a board member may not knowingly accept, directly or
 1857 indirectly, any gift or expenditure from a person or entity, or
 1858 an employee or representative of such person or entity, which
 1859 has a contractual relationship with the association or which is
 1860 under consideration for a contract.

1861 (7) A board member who fails to comply with subsection (5)
 1862 or subsection (6) is subject to the penalties provided under ss.
 1863 112.317 and 112.3173.

1864 Section 41. Subsection (1) of section 631.816, Florida
 1865 Statutes, is amended, and subsections (8) through (11) are added
 1866 to that section, to read:

1867 631.816 Board of directors.—

1868 (1) The board of directors of the plan shall consist of
 1869 not less than five or more than nine persons serving terms as
 1870 established in the plan of operation. The department shall
 1871 approve and appoint to the board persons recommended by the
 1872 member HMOs or shall approve and appoint other persons with
 1873 experience in health insurance as determined by the Chief
 1874 Financial Officer. These appointments are deemed to be within
 1875 the scope of the exemption provided in s. 112.313(7)(b). ~~In the~~

1876 ~~event the department finds that any recommended person does not~~
1877 ~~meet the qualifications for service on the board, the department~~
1878 ~~shall request the member HMOs to recommend another person.~~ Each
1879 member shall serve for a 4-year term and may be reappointed,
1880 except that terms may be staggered as defined in the plan of
1881 operation. Vacancies on the board shall be filled for the
1882 remaining period of the term in the same manner as initial
1883 appointments. In determining voting rights, each HMO is entitled
1884 to vote on the basis of cumulative weighted voting based on the
1885 net written premium for non-Medicare and non-Medicaid policies.

1886 (8) The Chief Financial Officer may remove a board member
1887 from office for misconduct, malfeasance, misfeasance, or neglect
1888 of duty. Any vacancy so created shall be filled as provided in
1889 subsection (1).

1890 (9) Board members are subject to the code of ethics under
1891 part III of chapter 112, including, but not limited to, the code
1892 of ethics and public disclosure and reporting of financial
1893 interests, pursuant to s. 112.3145. For purposes of applying
1894 part III of chapter 112 to activities of members of the board of
1895 directors, those persons are considered public officers and the
1896 plan is considered their agency. Notwithstanding s. 112.3143(2),
1897 a board member may not vote on any measure that he or she knows
1898 would inure to his or her special private gain or loss; that he
1899 or she knows would inure to the special private gain or loss of
1900 any principal by which he or she is retained, other than an

1901 agency as defined in s. 112.312; or that he or she knows would
 1902 inure to the special private gain or loss of a relative or
 1903 business associate of the public officer. Before the vote is
 1904 taken, such member shall publicly state to the board the nature
 1905 of his or her interest in the matter from which he or she is
 1906 abstaining from voting and, within 15 days after the vote
 1907 occurs, disclose the nature of his or her interest as a public
 1908 record in a memorandum filed with the person responsible for
 1909 recording the minutes of the meeting, who shall incorporate the
 1910 memorandum in the minutes.

1911 (10) Notwithstanding s. 112.3148, s. 112.3149, or any
 1912 other law, a board member may not knowingly accept, directly or
 1913 indirectly, any gift or expenditure from a person or entity, or
 1914 an employee or representative of such person or entity, which
 1915 has a contractual relationship with the plan or which is under
 1916 consideration for a contract.

1917 (11) A board member who fails to comply with subsection
 1918 (9) or subsection (10) is subject to the penalties provided
 1919 under ss. 112.317 and 112.3173.

1920 Section 42. Subsection (1) of section 631.912, Florida
 1921 Statutes, is amended, and subsections (4), (5), and (6) are
 1922 added to that section, to read:

1923 631.912 Board of directors.—

1924 (1) The board of directors of the corporation shall
 1925 consist of 11 persons, 1 of whom is the insurance consumer

1926 advocate appointed under s. 627.0613 or designee and 1 of whom
1927 is designated by the Chief Financial Officer. The department
1928 shall appoint to the board 6 persons selected by private
1929 carriers from among the 20 workers' compensation insurers with
1930 the largest amount of direct written premium as determined by
1931 the department, and 2 persons selected by the self-insurance
1932 funds or other persons with experience in workers' compensation
1933 insurance as determined by the Chief Financial Officer. These
1934 appointments are deemed to be within the scope of the exemption
1935 provided in s. 112.313(7)(b). The Governor shall appoint one
1936 person who has commercial insurance experience. At least two of
1937 the private carriers shall be foreign carriers authorized to do
1938 business in this state. The board shall elect a chairperson from
1939 among its members. The Chief Financial Officer may remove any
1940 board member for cause. Each board member shall be appointed to
1941 serve a 4-year term and may be reappointed. A vacancy on the
1942 board shall be filled for the remaining period of the term in
1943 the same manner by which the original appointment was made.

1944 (4) Board members are subject to the code of ethics under
1945 part III of chapter 112, including, but not limited to, the code
1946 of ethics and public disclosure and reporting of financial
1947 interests, pursuant to s. 112.3145. For purposes of applying
1948 part III of chapter 112 to activities of members of the board of
1949 directors, those persons are considered public officers and the
1950 corporation is considered their agency. Notwithstanding s.

1951 112.3143(2), a board member may not vote on any measure that he
 1952 or she knows would inure to his or her special private gain or
 1953 loss; that he or she knows would inure to the special private
 1954 gain or loss of any principal by which he or she is retained,
 1955 other than an agency as defined in s. 112.312; or that he or she
 1956 knows would inure to the special private gain or loss of a
 1957 relative or business associate of the public officer. Before the
 1958 vote is taken, such member shall publicly state to the board the
 1959 nature of his or her interest in the matter from which he or she
 1960 is abstaining from voting and, within 15 days after the vote
 1961 occurs, disclose the nature of his or her interest as a public
 1962 record in a memorandum filed with the person responsible for
 1963 recording the minutes of the meeting, who shall incorporate the
 1964 memorandum in the minutes.

1965 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1966 law, a board member may not knowingly accept, directly or
 1967 indirectly, any gift or expenditure from a person or entity, or
 1968 an employee or representative of such person or entity, which
 1969 has a contractual relationship with the corporation or which is
 1970 under consideration for a contract.

1971 (6) A board member who fails to comply with subsection (4)
 1972 or subsection (5) is subject to the penalties provided under ss.
 1973 112.317 and 112.3173.

1974 Section 43. Section 633.1423, Florida Statutes, is created
 1975 to read:

1976 633.1423 State Fire Marshal direct-support organization.-
 1977 (1) DEFINITION.-As used in this section, the term
 1978 "organization" means the direct-support organization established
 1979 under this section.
 1980 (2) ORGANIZATION ESTABLISHED.-The division may establish a
 1981 direct-support organization, to be known as the "State Fire
 1982 Marshal Safety and Training Force," whose sole purpose is to
 1983 support the safety and training of firefighters and to recognize
 1984 exemplary service. The organization must:
 1985 (a) Be a not-for-profit corporation incorporated under
 1986 chapter 617 and approved by the Department of State.
 1987 (b) Be organized and operated to raise funds; request and
 1988 receive grants, gifts, and bequests of money; conduct programs
 1989 and activities; acquire, receive, hold, invest, and administer,
 1990 in its own name, securities, funds, or property; and make grants
 1991 and expenditures to or for the direct or indirect benefit of the
 1992 division. Grants and expenditures may include the cost of
 1993 education or training of firefighters, or the recognition of
 1994 exemplary service of firefighters.
 1995 (c) Be determined by the division to operate in a manner
 1996 that is:
 1997 1. Consistent with the goals of the division and laws
 1998 relating to the safety and training of firefighters.
 1999 2. In the best interest of the state.
 2000 3. In accordance with the adopted goals and mission of the

2001 division.

2002 (d) Use all of its grants and expenditures solely for the
2003 purpose of educating, training, and recognizing firefighters,
2004 and not for advertising using the likeness or name of any
2005 elected official nor for the purpose of lobbying as defined in
2006 s. 11.045(1).

2007 (e) Be subject to an annual financial audit in accordance
2008 with s. 215.981.

2009 (3) CONTRACT.—The organization shall operate under written
2010 contract with the division. The contract must provide for:

2011 (a) Certification by the division that the organization is
2012 complying with the terms of the contract and in a manner
2013 consistent with the goals and purposes of the department and in
2014 the best interest of the state. Such certification must be made
2015 annually and reported in the official minutes of a meeting of
2016 the organization.

2017 (b) The reversion of moneys and property held by the
2018 organization for firefighter safety, training, and recognition
2019 to the division if the organization is no longer approved to
2020 operate by the division or if the organization ceases to exist,
2021 or to the state if the division ceases to exist.

2022 (4) BOARD OF DIRECTORS.—The organization shall be governed
2023 by a board of directors. The State Fire Marshal, or his or her
2024 designee, shall appoint a president of the board. The board of
2025 directors shall be appointed by the president of the board.

2026 (5) USE OF PROPERTY.—The division may authorize, without
 2027 charge, appropriate use of fixed property and facilities of the
 2028 division by the organization, subject to this subsection.

2029 (a) The department may prescribe any condition with which
 2030 the organization must comply in order to use the division's
 2031 property or facilities.

2032 (b) The department may not authorize the use of the
 2033 division's property or facilities if the organization does not
 2034 provide equal membership and employment opportunities to all
 2035 persons regardless of race, religion, sex, age, or national
 2036 origin.

2037 (c) The department shall adopt rules prescribing the
 2038 procedures by which the organization is governed and any
 2039 conditions with which the organization must comply to use the
 2040 division's property or facilities.

2041 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
 2042 organization may be held in a separate depository account in the
 2043 name of the organization and subject to the contract with the
 2044 division.

2045 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall
 2046 submit to the division its annual budget and financial reports,
 2047 its federal Internal Revenue Service Application for Recognition
 2048 of Exemption Form 1023, and its federal Internal Revenue Service
 2049 Return of Organization Exempt from Income Tax Form 990.

2050 (8) ANNUAL AUDIT.—The organization shall provide for an

2051 annual financial audit in accordance with s. 215.981.

2052 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
 2053 the division from the organization shall be deposited into the
 2054 Insurance Regulatory Trust Fund.

2055 (10) REPEAL.—This section is repealed October 1, 2028,
 2056 unless reviewed and saved from repeal by the Legislature.

2057 Section 44. Section 634.181, Florida Statutes, is amended
 2058 to read:

2059 634.181 Grounds for compulsory refusal, suspension, or
 2060 revocation of license or appointment of salespersons.—

2061 (1) The department shall deny, suspend, revoke, or refuse
 2062 to renew or continue the license or appointment of any such
 2063 salesperson if it finds that as to the salesperson any one or
 2064 more of the following applicable grounds exist:

2065 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2066 in obtaining or attempting to obtain the license or appointment.

2067 (b)~~(2)~~ If the license or appointment is willfully used, or
 2068 to be used, to circumvent any of the requirements or
 2069 prohibitions of this part, any applicable provision of the
 2070 Florida Insurance Code, or rule of the department or commission.

2071 (c)~~(3)~~ Willful misrepresentation of any service agreement
 2072 or willful deception with regard to any agreement, done either
 2073 in person or by any form of dissemination of information or
 2074 advertising.

2075 (d)~~(4)~~ If in the adjustment of claims arising out of

2076 service agreements, she or he has materially misrepresented to a
 2077 service agreement holder or other interested party the terms and
 2078 coverage of a service agreement with intent and for the purpose
 2079 of effecting settlement of the claim on less favorable terms
 2080 than those provided in and contemplated by the service
 2081 agreement.

2082 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
 2083 to engage in the service agreement business.

2084 (f)~~(6)~~ For demonstrated lack of adequate knowledge and
 2085 technical competence to engage in the transactions authorized by
 2086 the license or appointment.

2087 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2088 business under the license or appointment.

2089 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2090 withholding of moneys belonging to a service agreement company,
 2091 insurer, or service agreement holder or to others and received
 2092 in the conduct of business under the license or appointment.

2093 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for
 2094 unlawfully dividing or offering to divide her or his commission
 2095 with another.

2096 (j)~~(10)~~ Willful failure to comply with, or willful
 2097 violation of any proper order of the department or office, or
 2098 willful violation of any provision of this part, or of any
 2099 applicable provision of the insurance code, or applicable rule
 2100 of the department or commission.

2101 (k)-(11) Having been found guilty of, or having pleaded
 2102 guilty or nolo contendere to, a felony or a crime punishable by
 2103 imprisonment of 1 year or more under the law of the United
 2104 States of America or any state thereof or under the law of any
 2105 other country which involves moral turpitude, without regard to
 2106 whether a judgment of conviction has been entered by the court
 2107 having jurisdiction of the cases.

2108 (l)-(12) Failure to refund unearned pro rata commission to
 2109 the agreement holder or the service agreement company, if the
 2110 service agreement company is making a full unearned pro rata
 2111 refund to the agreement holder.

2112 (m) Having been the subject of, or having had a license,
 2113 permit, appointment, registration, or other authority to conduct
 2114 business subject to, any decision, finding, injunction,
 2115 suspension, prohibition, revocation, denial, judgment, final
 2116 agency action, or administrative order by any court of competent
 2117 jurisdiction, administrative law proceeding, state agency,
 2118 federal agency, national securities, commodities, or options
 2119 exchange, or national securities, commodities, or options
 2120 association involving a violation of any federal or state
 2121 securities or commodities law or any rule or regulation adopted
 2122 thereunder, or a violation of any rule or regulation of any
 2123 national securities, commodities, or options exchange or
 2124 national securities, commodities, or options association.

2125 (2) When a licensee is charged with a felony enumerated in

2126 s. 626.207(2), the department shall, immediately upon receipt of
 2127 information on or indictment for the felony, temporarily suspend
 2128 a license or appointment issued under this chapter. Such
 2129 suspension shall continue if the licensee is found guilty of, or
 2130 pleads guilty or nolo contendere to, the crime, regardless of
 2131 whether a judgment or conviction is entered, during a pending
 2132 appeal. A person may not transact insurance business after
 2133 suspension of his or her license or appointment.

2134 (3) The department may adopt rules to administer this
 2135 section.

2136 Section 45. Section 634.191, Florida Statutes, is amended
 2137 to read:

2138 634.191 Grounds for discretionary refusal, suspension, or
 2139 revocation of license or appointment of salespersons.—

2140 (1) The department may, in its discretion, deny, suspend,
 2141 revoke, or refuse to renew or continue the license or
 2142 appointment of any salesperson if it finds that as to the
 2143 salesperson any one or more of the following applicable grounds
 2144 exist under circumstances for which such denial, suspension,
 2145 revocation, or refusal is not mandatory under s. 634.181:

2146 (a)~~(1)~~ For any cause for which granting of the license or
 2147 appointment could have been refused had it then existed and been
 2148 known to the department.

2149 (b)~~(2)~~ Violation of any provision of this part or of any
 2150 other law applicable to the business of service agreements in

2151 the course of dealings under the license or appointment.

2152 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule
2153 of the department or commission.

2154 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any
2155 company or insurer the salesperson represents or has represented
2156 any money coming into her or his hands belonging to the company
2157 or insurer.

2158 (e)~~(5)~~ If, in the conduct of business under the license or
2159 appointment, the salesperson has engaged in unfair methods of
2160 competition or in unfair or deceptive acts or practices, as such
2161 methods, acts, or practices are or may be defined under this
2162 part, or has otherwise shown herself or himself to be a source
2163 of injury or loss to the public or detrimental to the public
2164 interest.

2165 (f)~~(6)~~ Failure to report to the department within 30 days
2166 the final disposition of an administrative action taken against
2167 a salesperson by a governmental agency or other regulatory
2168 agency in this state or any other state or jurisdiction relating
2169 to the business of insurance, the sale of securities, or an
2170 activity involving fraud, dishonesty, trustworthiness, or breach
2171 of a fiduciary duty. The salesperson must submit a copy of the
2172 order, consent to order, or other relevant legal documents to
2173 the department ~~Having been found guilty of, or having pleaded~~
2174 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
2175 ~~imprisonment of 1 year or more under the law of the United~~

2176 ~~States of America or any state thereof or under the law of any~~
2177 ~~other country, without regard to whether a judgment of~~
2178 ~~conviction has been entered by the court having jurisdiction of~~
2179 ~~the cases.~~

2180 (2) The department may adopt rules to administer this
2181 section.

2182 Section 46. Section 634.320, Florida Statutes, is amended
2183 to read:

2184 634.320 Grounds for compulsory refusal, suspension, or
2185 revocation of license or appointment of sales representatives.—

2186 (1) The department shall deny, suspend, revoke, or refuse
2187 to renew or continue the license or appointment of any sales
2188 representative if it is found that any one or more of the
2189 following grounds applicable to the sales representative exist:

2190 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2191 in obtaining or attempting to obtain a license or appointment.

2192 (b)~~(2)~~ The license or appointment is willfully used, or to
2193 be used, to circumvent any of the requirements or prohibitions
2194 of this part.

2195 (c)~~(3)~~ Willful misrepresentation of any warranty contract
2196 or willful deception with regard to any such contract, done
2197 either in person or by any form of dissemination of information
2198 or advertising.

2199 (d)~~(4)~~ In the adjustment of claims arising out of
2200 warranties, material misrepresentation to a warranty holder or

2201 other interested party of the terms and coverage of a contract,
 2202 with the intent and for the purpose of effecting settlement of
 2203 such claim on less favorable terms than those provided in and
 2204 contemplated by the contract.

2205 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
 2206 engage in the business of home warranty.

2207 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
 2208 technical competence to engage in the transactions authorized by
 2209 the license or appointment.

2210 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2211 business under the license or appointment.

2212 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2213 withholding of moneys belonging to an association, insurer, or
 2214 warranty holder, or to others, and received in the conduct of
 2215 business under the license or appointment.

2216 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
 2217 rebate, or unlawfully dividing, or offering to divide, her or
 2218 his commission with another.

2219 (j)~~(10)~~ Willful failure to comply with, or willful
 2220 violation of, any proper order or rule of the department or
 2221 commission or willful violation of any provision of this part.

2222 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo
 2223 contendere to a felony or a crime punishable by imprisonment of
 2224 1 year or more under the law of the United States of America or
 2225 any state thereof or under the law of any other country

2226 ~~involving moral turpitude~~, without regard to whether judgment of
2227 conviction has been entered by the court.

2228 (1) Having been the subject of, or having had a license,
2229 permit, appointment, registration, or other authority to conduct
2230 business subject to, any decision, finding, injunction,
2231 suspension, prohibition, revocation, denial, judgment, final
2232 agency action, or administrative order by any court of competent
2233 jurisdiction, administrative law proceeding, state agency,
2234 federal agency, national securities, commodities, or options
2235 exchange, or national securities, commodities, or options
2236 association involving a violation of any federal or state
2237 securities or commodities law or any rule or regulation adopted
2238 thereunder, or a violation of any rule or regulation of any
2239 national securities, commodities, or options exchange or
2240 national securities, commodities, or options association.

2241 (2) When a licensee is charged with a felony enumerated in
2242 s. 626.207(2), the department shall, immediately upon receipt of
2243 information on or indictment for the felony, temporarily suspend
2244 a license or appointment issued under this chapter. Such
2245 suspension shall continue if the licensee is found guilty of, or
2246 pleads guilty or nolo contendere to, the crime, regardless of
2247 whether a judgment or conviction is entered, during a pending
2248 appeal. A person may not transact insurance business after
2249 suspension of his or her license or appointment.

2250 (3) The department may adopt rules to administer this

2251 section.

2252 Section 47. Section 634.321, Florida Statutes, is amended
2253 to read:

2254 634.321 Grounds for discretionary refusal, suspension, or
2255 revocation of license or appointment of sales representatives.—

2256 (1) The department may, in its discretion, deny, suspend,
2257 revoke, or refuse to renew or continue the license or
2258 appointment of any sales representative if it is found that any
2259 one or more of the following grounds applicable to the sales
2260 representative exist under circumstances for which such denial,
2261 suspension, revocation, or refusal is not mandatory under s.
2262 634.320:

2263 (a)~~(1)~~ Any cause for which granting of the license or
2264 appointment could have been refused had it then existed and been
2265 known to the department.

2266 (b)~~(2)~~ Violation of any provision of this part, or of any
2267 other law applicable to the business of warranties, in the
2268 course of dealings under the license or appointment.

2269 (c)~~(3)~~ Violation of any lawful order or rule of the
2270 department or commission.

2271 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
2272 home warranty association or insurer the sales representative
2273 represents or has represented any money coming into her or his
2274 hands which belongs to the association or insurer.

2275 (e)~~(5)~~ In the conduct of business under the license or

2276 appointment, engaging in unfair methods of competition or in
 2277 unfair or deceptive acts or practices, as such methods, acts, or
 2278 practices are or may be defined under this part, or otherwise
 2279 showing herself or himself to be a source of injury or loss to
 2280 the public or detriment to the public interest.

2281 (f) ~~(6)~~ Failure to report to the department within 30 days
 2282 the final disposition of an administrative action taken against
 2283 a sales representative by a governmental agency or other
 2284 regulatory agency in this state or any other state or
 2285 jurisdiction relating to the business of insurance, the sale of
 2286 securities, or an activity involving fraud, dishonesty,
 2287 trustworthiness, or breach of a fiduciary duty. The sales
 2288 representative must submit a copy of the order, consent to
 2289 order, or other relevant legal documents to the department ~~Being~~
 2290 ~~found guilty of or pleading guilty or nolo contendere to a~~
 2291 ~~felony or a crime punishable by imprisonment of 1 year or more~~
 2292 ~~under the law of the United States of America or any state~~
 2293 ~~thereof or under the law of any other country, without regard to~~
 2294 ~~whether a judgment of conviction has been entered by the court.~~

2295 (2) The department may adopt rules to administer this
 2296 section.

2297 Section 48. Section 634.419, Florida Statutes, is amended
 2298 to read:

2299 634.419 License and appointment required.—No person or
 2300 entity shall solicit, negotiate, advertise, or effectuate

2301 service warranty contracts in this state unless such person or
 2302 entity is licensed and appointed as a sales representative.
 2303 Sales representatives shall be responsible for the actions of
 2304 persons under their supervision. However, a service warranty
 2305 association licensed as such under this part shall not be
 2306 required to be licensed and appointed as a sales representative
 2307 to solicit, negotiate, advertise, or effectuate its products.
 2308 Sections 501.021-501.055 do not apply to persons or entities
 2309 licensed and appointed under this section, or their affiliates,
 2310 which solicit the sale of a service warranty or related service
 2311 or product in connection with a prearranged appointment at the
 2312 request of the consumer.

2313 Section 49. Section 634.422, Florida Statutes, is amended
 2314 to read:

2315 634.422 Grounds for compulsory refusal, suspension, or
 2316 revocation of license or appointment of sales representatives.—

2317 (1) The department shall deny, suspend, revoke, or refuse
 2318 to renew or continue the license or appointment of any sales
 2319 representative if it is found that any one or more of the
 2320 following grounds applicable to the sales representative exist:

2321 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2322 in obtaining or attempting to obtain a license or appointment.

2323 (b)~~(2)~~ The license or appointment is willfully used, or to
 2324 be used, to circumvent any of the requirements or prohibitions
 2325 of this part.

2326 (c)~~(3)~~ Willful misrepresentation of any service warranty
 2327 contract or willful deception with regard to any such contract,
 2328 done either in person or by any form of dissemination of
 2329 information or advertising.

2330 (d)~~(4)~~ In the adjustment of claims arising out of
 2331 warranties, material misrepresentation to a service warranty
 2332 holder or other interested party of the terms and coverage of a
 2333 contract with the intent and for the purpose of effecting
 2334 settlement of the claim on less favorable terms than those
 2335 provided in and contemplated by the contract.

2336 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
 2337 engage in the business of service warranty.

2338 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
 2339 technical competence to engage in the transactions authorized by
 2340 the license or appointment.

2341 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2342 business under the license or appointment.

2343 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2344 withholding of moneys belonging to an association, insurer, or
 2345 warranty holder, or to others, and received in the conduct of
 2346 business under the license or appointment.

2347 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
 2348 rebate, or unlawfully dividing, or offering to divide, her or
 2349 his commission with another.

2350 (j)~~(10)~~ Willful failure to comply with, or willful

2351 violation of, any proper order or rule of the department or
 2352 commission, or willful violation of any provision of this part.

2353 ~~(k)-(11)~~ Being found guilty of or pleading nolo contendere
 2354 to a felony or a crime punishable by imprisonment of 1 year or
 2355 more under the law of the United States of America or any state
 2356 thereof or under the law of any other country ~~involving moral~~
 2357 ~~turpitude~~, without regard to whether judgment of conviction has
 2358 been entered by the court having jurisdiction of the case.

2359 (l) Having been the subject of, or having had a license,
 2360 permit, appointment, registration, or other authority to conduct
 2361 business subject to, any decision, finding, injunction,
 2362 suspension, prohibition, revocation, denial, judgment, final
 2363 agency action, or administrative order by any court of competent
 2364 jurisdiction, administrative law proceeding, state agency,
 2365 federal agency, national securities, commodities, or options
 2366 exchange, or national securities, commodities, or options
 2367 association involving a violation of any federal or state
 2368 securities or commodities law or any rule or regulation adopted
 2369 thereunder, or a violation of any rule or regulation of any
 2370 national securities, commodities, or options exchange or
 2371 national securities, commodities, or options association.

2372 (2) When a licensee is charged with a felony enumerated in
 2373 s. 626.207(2), the department shall, immediately upon receipt of
 2374 information on or indictment for the felony, temporarily suspend
 2375 a license or appointment issued under this chapter. Such

2376 suspension shall continue if the licensee is found guilty of, or
 2377 pleads guilty or nolo contendere to, the crime, regardless of
 2378 whether a judgment or conviction is entered, during a pending
 2379 appeal. A person may not transact insurance business after
 2380 suspension of his or her license or appointment.

2381 (3) The department may adopt rules to administer this
 2382 section.

2383 Section 50. Section 634.423, Florida Statutes, is amended
 2384 to read:

2385 634.423 Grounds for discretionary refusal, suspension, or
 2386 revocation of license or appointment of sales representatives.—

2387 (1) The department may deny, suspend, revoke, or refuse to
 2388 renew or continue the license or appointment of any sales
 2389 representative if it is found that any one or more of the
 2390 following grounds applicable to the sales representative exist
 2391 under circumstances for which such denial, suspension,
 2392 revocation, or refusal is not mandatory under s. 634.422:

2393 (a)~~(1)~~ Any cause for which granting of the license or
 2394 appointment could have been refused had it then existed and been
 2395 known to the department.

2396 (b)~~(2)~~ Violation of any provision of this part, or of any
 2397 other law applicable to the business of service warranties, in
 2398 the course of dealings under the license or appointment.

2399 (c)~~(3)~~ Violation of any lawful order or rule of the
 2400 department or commission.

2401 (d)-(4) Failure or refusal to pay over, upon demand, to any
2402 service warranty association or insurer the sales representative
2403 represents or has represented any money coming into her or his
2404 hands which belongs to the association or insurer.

2405 (e)-(5) In the conduct of business under the license or
2406 appointment, engaging in unfair methods of competition or in
2407 unfair or deceptive acts or practices, as such methods, acts, or
2408 practices are or may be defined under this part, or otherwise
2409 showing herself or himself to be a source of injury or loss to
2410 the public or detriment to the public interest.

2411 (f)-(6) Failure to report to the department within 30 days
2412 the final disposition of an administrative action taken against
2413 a sales representative by a governmental agency or other
2414 regulatory agency in this state or any other state or
2415 jurisdiction relating to the business of insurance, the sale of
2416 securities, or an activity involving fraud, dishonesty,
2417 trustworthiness, or breach of a fiduciary duty. The sales
2418 representative must submit a copy of the order, consent to
2419 order, or other relevant legal documents to the department ~~Being~~
2420 ~~found guilty of or pleading guilty or nolo contendere to a~~
2421 ~~felony or a crime punishable by imprisonment of 1 year or more~~
2422 ~~under the law of the United States of America or any state~~
2423 ~~thereof or under the law of any other country, without regard to~~
2424 ~~whether judgment of conviction has been entered by the court~~
2425 ~~having jurisdiction of such case.~~

2426 (2) The department may adopt rules to administer this
 2427 section.

2428 Section 51. Section 648.25, Florida Statutes, is reordered
 2429 and amended to read:

2430 648.25 Definitions.—As used in this chapter, the term:

2431 (1) "Appointment" means the authority given by an insurer
 2432 or the managing general agent of an insurer through the
 2433 department to a licensee to transact insurance or adjust claims
 2434 on behalf of the insurer or managing general agent.

2435 (2)-(1) "Bail bond agency" means:

2436 (a) The building where a licensee maintains an office and
 2437 where all records required by ss. 648.34 and 648.36 are
 2438 maintained; or

2439 (b) An entity that:

2440 1. Charges a fee or premium to release an accused
 2441 defendant or detainee from jail; or

2442 2. Engages in or employs others to engage in any activity
 2443 that may be performed only by a licensed and appointed bail bond
 2444 agent.

2445 (3)-(2) "Bail bond agent" means a limited surety agent or a
 2446 professional bail bond agent as hereafter defined.

2447 (7)-(3) "Managing general agent" means any individual,
 2448 partnership, association, or corporation appointed or employed
 2449 by an insurer to supervise or manage the bail bond business
 2450 written in this state by limited surety agents appointed by the

2451 insurer.

2452 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien
 2453 surety company which has been authorized to transact surety
 2454 business in this state.

2455 (6)~~(5)~~ "Limited surety agent" means any individual
 2456 appointed by an insurer by power of attorney to execute or
 2457 countersign bail bonds in connection with judicial proceedings
 2458 who receives or is promised money or other things of value
 2459 therefor.

2460 (4)~~(6)~~ "~~Primary~~ Bail bond agent in charge" means a
 2461 licensed bail bond agent who is responsible for the overall
 2462 operation and management of a bail bond agency location and
 2463 whose responsibilities include hiring and supervising all
 2464 individuals within that location. A bail bond agent may be
 2465 designated as the primary bail bond agent in charge for only one
 2466 bail bond agency location.

2467 (8)~~(7)~~ "Professional bail bond agent" means any person who
 2468 pledges United States currency, United States postal money
 2469 orders, or cashier's checks as security for a bail bond in
 2470 connection with a judicial proceeding and receives or is
 2471 promised therefor money or other things of value.

2472 (9)~~(8)~~ "Temporary bail bond agent" means a person licensed
 2473 before January 1, 2024, who is employed by a bail bond agent or
 2474 agency, insurer, or managing general agent, and such licensee
 2475 has the same authority as a licensed bail bond agent, including

2476 presenting defendants in court; apprehending, arresting, and
2477 surrendering defendants to the proper authorities, while
2478 accompanied by a supervising bail bond agent or an agent from
2479 the same agency; and keeping defendants under necessary
2480 surveillance. However, a temporary licensee may not execute or
2481 sign bonds, handle collateral receipts, or deliver bonds to
2482 appropriate authorities. A temporary licensee may not operate an
2483 agency or branch agency separate from the location of the
2484 supervising bail bond agent, managing general agent, or insurer
2485 by whom the licensee is employed. This does not affect the right
2486 of a bail bond agent or insurer to hire counsel or to obtain the
2487 assistance of law enforcement officers. A temporary bail bond
2488 agent license expires 18 months after issuance and is no longer
2489 valid on or after June 30, 2025.

2490 Section 52. Subsection (3) of section 648.26, Florida
2491 Statutes, is amended to read:

2492 648.26 Department of Financial Services; administration.—

2493 (3) The papers, documents, reports, or any other
2494 investigatory records of the department are confidential and
2495 exempt from ~~the provisions of~~ s. 119.07(1) until such
2496 investigation is completed or ceases to be active. For the
2497 purpose of this section, an investigation is considered active
2498 ~~"active"~~ while the investigation is being conducted by the
2499 department with a reasonable, good faith belief that it may lead
2500 to the filing of administrative, civil, or criminal proceedings.

2501 An investigation does not cease to be active if the department
 2502 is proceeding with reasonable dispatch and there is good faith
 2503 belief that action may be initiated by the department or other
 2504 administrative or law enforcement agency. This subsection does
 2505 not prevent the department or office from disclosing the content
 2506 of a complaint or such information as it deems necessary to
 2507 conduct the investigation, to update the complainant as to the
 2508 status and outcome of the complaint, or to share such
 2509 information with any law enforcement agency or other regulatory
 2510 body.

2511 Section 53. Subsection (5) of section 648.27, Florida
 2512 Statutes, is amended to read:

2513 648.27 Licenses and appointments; general.—

2514 (5)~~(a)~~ The license of a bail bond agent shall continue in
 2515 force, without further examination unless deemed necessary by
 2516 the department, until suspended, revoked, or otherwise
 2517 terminated.

2518 ~~(b) The license of a temporary bail bond agent shall~~
 2519 ~~continue in force until suspended, revoked, or otherwise~~
 2520 ~~terminated.~~

2521 Section 54. Section 648.285, Florida Statutes, is amended
 2522 to read:

2523 648.285 Bond agency; ownership requirements; applications
 2524 for bail bond agency licenses.—

2525 (1) A person may not own, control, manage, or otherwise

2526 have a pecuniary interest in a bail bond agency unless such
2527 individual is ~~a~~ licensed pursuant to s. 648.27, ~~and~~ appointed
2528 through the department, and actively engaged as a bail bond
2529 agent for at least the preceding 24 months. Any agency that is
2530 not in compliance with this subsection is ~~shall be~~ subject to
2531 the issuance of an immediate final order of suspension of its
2532 license and all operations until the agency achieves compliance.

2533 (2) Effective January 1, 2024, the department may issue a
2534 bail bond agency license to any person only after such person
2535 files a written application with the department and qualifies
2536 for such license.

2537 (3) An application for a bail bond agency license must be
2538 signed by an individual required to be listed in the application
2539 under paragraph (a). A bail bond agency license may permit a
2540 third party to complete, submit, and sign an application on the
2541 bail bond agency's behalf; however, the bail bond agency is
2542 responsible for ensuring that the information on the application
2543 is true and correct, and the bail bond agency is accountable for
2544 any misstatements or misrepresentations. The application for a
2545 bail bond agency license must include:

2546 (a) The name and license number of each owner, partner,
2547 officer, director, president, senior vice president, secretary,
2548 treasurer, and limited liability company member who directs or
2549 participates in the management or control of the bail bond
2550 agency, whether through ownership of voting securities, by

2551 contract, by ownership of any agency bank account, or otherwise.

2552 (b) The residence address of each person required to be
2553 listed in the application under paragraph (a).

2554 (c) The name, principal business street address, and valid
2555 e-mail address of the bail bond agency and the name, address,
2556 and e-mail address of the agency's registered agent or person or
2557 company authorized to accept service on behalf of the bail bond
2558 agency.

2559 (d) The physical address of each branch bail bond agency,
2560 including its name, e-mail address, and telephone number, and
2561 the date that the branch location began transacting bail bond
2562 business.

2563 (e) The name of the full-time bail bond agent in charge of
2564 the agency office, including branch locations, and his or her
2565 corresponding location.

2566 (f) Such additional information as the department requires
2567 by rule to ascertain the trustworthiness and competence of
2568 persons required to be listed on the application and to
2569 ascertain that such persons meet the requirements of this code.
2570 However, the department may not require that credit or character
2571 reports be submitted for persons required to be listed on the
2572 application.

2573 (4) The department must issue a license to each agency
2574 upon approval of the application, and each agency location must
2575 display the license prominently in a manner that makes it

2576 clearly visible to any customer or potential customer who enters
2577 the agency location.

2578 (5) A bail bond agency that holds a current and valid
2579 registration number with the department shall have its
2580 registration automatically converted to a license on July 1,
2581 2024.

2582 (6) Section 112.011 does not apply to bail bond agencies
2583 or to applicants for licensure as owners of bail bond agencies.

2584 (7)~~(2)~~ If the owner of a bail bond agency dies or becomes
2585 mentally incapacitated, a personal representative or legal
2586 guardian may be issued a temporary permit to manage the affairs
2587 of the bail bond agency. Such person must appoint or maintain
2588 the appointment of a ~~primary~~ bail bond agent in charge, as
2589 provided in s. 648.387, and may not engage in any activities as
2590 a licensed bail bond agent but must comply with s. 648.387
2591 during the administration of the estate or guardianship. A
2592 temporary permit is valid for a maximum of 24 months.

2593 (8)~~(3)~~ Application for a temporary permit must be made by
2594 the personal representative or legal guardian upon statements
2595 and affidavits filed with the department on forms prescribed and
2596 furnished by it. The applicant must meet the qualifications for
2597 licensure as a bail bond agent, except for the residency,
2598 examination, education, and experience requirements.

2599 Section 55. Subsection (1) of section 648.30, Florida
2600 Statutes, is amended to read:

2601 648.30 Licensure and appointment required; prohibited
 2602 acts; penalties.—

2603 (1)(a) A person or entity may not act in the capacity of a
 2604 bail bond agent or ~~temporary~~ bail bond agency agent or perform
 2605 any of the functions, duties, or powers prescribed for bail bond
 2606 agents or ~~temporary~~ bail bond agencies agents under this chapter
 2607 unless that person or entity is qualified, licensed, and
 2608 appointed as provided in this chapter and employed by a bail
 2609 bond agency.

2610 (b) A bail bond agent may not sell a bail bond issued by
 2611 an insurer for which the agent and the agent's bail bond agency
 2612 do not hold a current appointment.

2613 (c) Except as otherwise provided in this part, a person or
 2614 entity, other than a bail bond agency or an employee of a bail
 2615 bond agency, may not perform any of the functions of a bail bond
 2616 agency without a bail bond agency license.

2617 Section 56. Section 648.31, Florida Statutes, is amended
 2618 to read:

2619 648.31 Appointment taxes and fees.—The department shall
 2620 collect in advance all appointment taxes and fees for the
 2621 issuance of any appointment to a bail bond agent ~~or temporary~~
 2622 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for
 2623 the issuance of any appointment to a bail bond agency.

2624 Section 57. Subsection (2) of section 648.34, Florida
 2625 Statutes, is amended to read:

2626 648.34 Bail bond agents; qualifications.—

2627 (2) To qualify as a bail bond agent, it must affirmatively
 2628 appear at the time of application and throughout the period of
 2629 licensure that the applicant ~~has complied with the provisions of~~
 2630 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
 2631 ~~section and:~~

2632 (a) ~~The applicant~~ Is a natural person who has reached the
 2633 age of 18 years and holds a high school diploma or its
 2634 equivalent.

2635 (b) ~~The applicant~~ Is a United States citizen or legal
 2636 alien who possesses work authorization from the United States
 2637 Bureau of Citizenship and Immigration Services and is a resident
 2638 of this state. An individual who is a resident of this state
 2639 shall be deemed to meet the residence requirement of this
 2640 paragraph, notwithstanding the existence, at the time of
 2641 application for license, of a license in the applicant's name on
 2642 the records of another state as a resident licensee of such
 2643 other state, if the applicant furnishes a letter of clearance
 2644 satisfactory to the department that his or her resident licenses
 2645 have been canceled or changed to a nonresident basis and that he
 2646 or she is in good standing.

2647 (c) Will maintain his or her ~~The place of business of the~~
 2648 ~~applicant will be located~~ in this state and in the county where
 2649 the applicant will maintain his or her records and be actively
 2650 engaged in the bail bond business and work with a licensed

2651 ~~maintain an~~ agency accessible to the public which is open for
2652 reasonable business hours.

2653 (d) ~~The applicant~~ Is vouched for and recommended upon
2654 sworn statements filed with the department by at least three
2655 reputable citizens who are residents of the same counties in
2656 which the applicant proposes to engage in the bail bond
2657 business.

2658 (e) ~~The applicant~~ Is a person of high character and
2659 approved integrity and has not been convicted of or pleaded
2660 guilty or no contest to a felony, a crime involving moral
2661 turpitude, or a crime punishable by imprisonment of 1 year or
2662 more under the law of any state, territory, or country, whether
2663 or not a judgment or conviction has been entered.

2664 (f) Within 2 years immediately before applying for the
2665 license, has successfully completed a basic certification course
2666 in the criminal justice system which consists of at least 120
2667 hours of classroom instruction with a passing grade of 80
2668 percent or higher and has successfully completed a
2669 correspondence course for bail bond agents approved by the
2670 department.

2671 (g) ~~(f)~~ ~~The applicant~~ Has passed any required examination.
2672 Section 58. Section 648.355, Florida Statutes, is amended
2673 to read:

2674 648.355 ~~Temporary limited license as~~ Limited surety agents
2675 and agent or professional bail bond agents ~~agent~~; qualifications

2676 ~~pending examination.~~

2677 (1) ~~The department may, in its discretion, issue a~~
2678 ~~temporary license as a limited surety agent or professional bail~~
2679 ~~bond agent, subject to the following conditions:~~

2680 ~~(a) The applicant is a natural person at least 18 years of~~
2681 ~~age and holds a high school diploma or its equivalent.~~

2682 ~~(b) The applicant is a United States citizen or legal~~
2683 ~~alien who possesses work authorization from the United States~~
2684 ~~Bureau of Citizenship and Immigration Services and is a resident~~
2685 ~~of this state. An individual who is a resident of this state~~
2686 ~~shall be deemed to meet the residence requirement of this~~
2687 ~~paragraph, notwithstanding the existence, at the time of~~
2688 ~~application for temporary license, of a license in the~~
2689 ~~individual's name on the records of another state as a resident~~
2690 ~~licensee of such other state, if the applicant furnishes a~~
2691 ~~letter of clearance satisfactory to the department that the~~
2692 ~~individual's resident licenses have been canceled or changed to~~
2693 ~~a nonresident basis and that the individual is in good standing.~~

2694 ~~(c) The applicant is a person of high character and~~
2695 ~~approved integrity and has never been convicted of or pleaded~~
2696 ~~guilty or no contest to a felony, a crime involving moral~~
2697 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
2698 ~~more under the law of any state, territory, or country, whether~~
2699 ~~or not a judgment or conviction is entered.~~

2700 ~~(d) Within 4 years prior to the date of application for a~~

2701 ~~temporary license, the applicant has successfully completed a~~
2702 ~~basic certification course in the criminal justice system,~~
2703 ~~consisting of not less than 120 hours of classroom instruction~~
2704 ~~with a passing grade of 80 percent or higher and has~~
2705 ~~successfully completed a correspondence course for bail bond~~
2706 ~~agents approved by the department.~~

2707 ~~(e) The applicant must be employed full time at the time~~
2708 ~~of licensure, and at all times throughout the existence of the~~
2709 ~~temporary license, by only one licensed and appointed~~
2710 ~~supervising bail bond agent, who supervises the work of the~~
2711 ~~applicant and is responsible for the licensee's conduct in the~~
2712 ~~bail bond business. The applicant must be appointed by the same~~
2713 ~~insurers as the supervising bail bond agent. The supervising~~
2714 ~~bail bond agent shall certify monthly to the department under~~
2715 ~~oath, on a form prescribed by the department, the names and~~
2716 ~~hours worked each week of all temporary bail bond agents. Filing~~
2717 ~~a false certification is grounds for the immediate suspension of~~
2718 ~~the license and imposition of a \$5,000 administrative fine. The~~
2719 ~~department may adopt rules that establish standards for the~~
2720 ~~employment requirements.~~

2721 ~~(f) The application must be accompanied by an affidavit~~
2722 ~~verifying proposed employment and a report as to the applicant's~~
2723 ~~integrity and moral character on a form prescribed by the~~
2724 ~~department and executed by the proposed employer.~~

2725 ~~(g) The applicant must file with the department statements~~

2726 ~~by at least three reputable citizens who are residents of the~~
2727 ~~same counties in which the applicant proposes to engage as a~~
2728 ~~temporary licensee.~~

2729 ~~(h) The applicant's employer is responsible for the bail~~
2730 ~~bonding acts of any licensee under this section.~~

2731 ~~(2) All applicable license fees, as prescribed in s.~~
2732 ~~624.501, must be paid before issuance of the temporary license.~~

2733 ~~(3) The temporary license shall be effective for 18~~
2734 ~~months, subject to earlier termination at the request of the~~
2735 ~~employer or if suspended or revoked by the department.~~

2736 ~~(4)~~ The applicant shall furnish, with the application for
2737 ~~temporary~~ license, a complete set of the applicant's
2738 fingerprints in accordance with s. 626.171(4) and a recent
2739 credential-sized, fullface photograph of the applicant. The
2740 department may ~~shall~~ not issue a ~~temporary~~ license under this
2741 section until the department has received a report from the
2742 Department of Law Enforcement and the Federal Bureau of
2743 Investigation relative to the existence or nonexistence of a
2744 criminal history report based on the applicant's fingerprints.

2745 (2)~~(5)~~ The department may collect a fee necessary to cover
2746 the cost of a character and credit report made by an established
2747 and reputable independent reporting service. The fee shall be
2748 deposited to the credit of the Insurance Regulatory Trust Fund.

2749 (3)~~(6)~~ Effective July 1, 2023, any individual licensed by
2750 the department as a temporary bail bond agent may take the

2751 required bail bond agent licensure examination and may file an
2752 application for a bail bond agent license if otherwise qualified
2753 for licensure ~~After licensure as a temporary licensee for at~~
2754 ~~least 12 months, such licensee may file an application for and~~
2755 ~~become eligible for a regular bail bond agent's license based on~~
2756 ~~the licensee's experience in the bail bond business and~~
2757 ~~education pursuant to paragraph (1) (d) and, if otherwise~~
2758 ~~qualified, take the required bail bond agent's licensure~~
2759 ~~examination. The applicant and supervising bail bond agent must~~
2760 ~~each file an affidavit under oath, on a form prescribed by the~~
2761 ~~department, verifying the required employment of the temporary~~
2762 ~~agent before issuance of the license.~~

2763 ~~(7) In no event shall a temporary licensee licensed under~~
2764 ~~this section perform any of the functions for which a bail bond~~
2765 ~~agent's license is required after expiration of the temporary~~
2766 ~~license without having passed the written examination as for a~~
2767 ~~regular bail bond agent's license.~~

2768 ~~(8) (a) A temporary licensee has the same authority as a~~
2769 ~~licensed bail bond agent, including presenting defendants in~~
2770 ~~court; apprehending, arresting, and surrendering defendants to~~
2771 ~~the proper authorities; and keeping defendants under necessary~~
2772 ~~surveillance. However, a temporary licensee must be accompanied~~
2773 ~~by a supervising bail bond agent or an agent from the same~~
2774 ~~agency when apprehending, arresting, or surrendering defendants~~
2775 ~~to authorities.~~

2776 ~~(b) A temporary licensee may not execute or sign bonds,~~
2777 ~~handle collateral receipts, deliver bonds to appropriate~~
2778 ~~authorities, or operate an agency or branch agency separate from~~
2779 ~~the location of the supervising bail bond agent, managing~~
2780 ~~general agent, or insurer by whom the licensee is employed.~~

2781 (4)(9) Effective July 1, 2023, the department may not
2782 issue a temporary bail bond agent license. An individual
2783 currently licensed as a temporary bail bond agent may continue
2784 to be licensed in accordance with this chapter. A temporary bail
2785 bond agent license may not be reinstated if the license expires
2786 or is terminated, suspended, or revoked ~~The department shall not~~
2787 ~~issue a temporary bail bond agent's license to any individual~~
2788 ~~who has held such a temporary license in this state within 2~~
2789 ~~years after the expiration of such temporary bail bond agent's~~
2790 ~~license.~~

2791 Section 59. Subsections (1) through (4) of section
2792 648.382, Florida Statutes, are amended to read:

2793 648.382 Appointment of bail bond agents and bail bond
2794 agencies ~~temporary bail bond agents~~; effective date of
2795 appointment.—

2796 (1)(a) Each insurer or ~~appointing a bail bond agent and~~
2797 ~~each insurer~~, managing general agent, ~~or bail bond agent~~
2798 appointing a ~~temporary~~ bail bond agent or bail bond agency in
2799 this state must file the appointment with the department and, at
2800 the same time, pay the applicable appointment fees and taxes. A

2801 person appointed under this section must hold a valid bail bond
2802 agent ~~agent's~~ or ~~temporary~~ bail bond agency ~~agent's~~ license.
2803 There is no fee for the issuance of any appointment of a bail
2804 bond agency.

2805 (b) Effective July 1, 2025, each insurer or managing
2806 general agent appointing a bail bond agency in this state must
2807 file the appointment with the department. An entity appointed
2808 under this section must hold a valid bail bond agency license.

2809 (2) Before ~~Prior to~~ any appointment, an appropriate
2810 officer or official of the appointing insurer ~~in the case of a~~
2811 ~~bail bond agent or an insurer, managing general agent, or bail~~
2812 ~~bond agent in the case of a temporary bail bond agent~~ must
2813 submit:

2814 (a) A certified statement or affidavit to the department
2815 stating what investigation has been made concerning the proposed
2816 appointee and the proposed appointee's background and the
2817 appointing person's opinion to the best of his or her knowledge
2818 and belief as to the moral character and reputation of the
2819 proposed appointee. In lieu of such certified statement or
2820 affidavit, by authorizing the effectuation of an appointment for
2821 a licensee, the appointing entity certifies to the department
2822 that such investigation has been made and that the results of
2823 the investigation and the appointing person's opinion is that
2824 the proposed appointee is a person of good moral character and
2825 reputation and is fit to engage in the bail bond business;

2826 (b) An affidavit under oath on a form prescribed by the
 2827 department, signed by the proposed appointee, stating that
 2828 premiums are not owed to any insurer and that the appointee will
 2829 discharge all outstanding forfeitures and judgments on bonds
 2830 previously written. If the appointee does not satisfy or
 2831 discharge such forfeitures or judgments, the former insurer
 2832 shall file a notice, with supporting documents, with the
 2833 appointing insurer, the former agent or agency, and the
 2834 department, stating under oath that the licensee has failed to
 2835 timely satisfy forfeitures and judgments on bonds written and
 2836 that the insurer has satisfied the forfeiture or judgment from
 2837 its own funds. Upon receipt of such notification and supporting
 2838 documents, the appointing insurer shall immediately cancel the
 2839 licensee's appointment. The licensee may be reappointed only
 2840 upon certification by the former insurer that all forfeitures
 2841 and judgments on bonds written by the licensee have been
 2842 discharged. The appointing insurer or former agent or agency
 2843 may, within 10 days, file a petition with the department seeking
 2844 relief from this paragraph. Filing of the petition stays the
 2845 duty of the appointing insurer to cancel the appointment until
 2846 the department grants or denies the petition; ~~and~~

2847 (c) Any other information that the department reasonably
 2848 requires concerning the proposed appointee; and

2849 (d) Effective January 1, 2025, a certification that the
 2850 appointing entity obtained from each appointee the following

2851 sworn statement:

2852
 2853 Pursuant to section 648.382(2)(b), Florida Statutes, I
 2854 do solemnly swear that I owe no premium to any insurer
 2855 or agency and that I will discharge all outstanding
 2856 forfeitures and judgments on bonds that have been
 2857 previously written. I acknowledge that failure to do
 2858 this will result in my active appointments being
 2859 canceled.

2860
 2861 An appointed bail bond agency must have the attestation under
 2862 this paragraph signed by its owner.

2863 (3) By authorizing the effectuation of an appointment for
 2864 a licensee, the appointing insurer certifies to the department
 2865 that the insurer will be bound by the acts of the bail bond
 2866 agent or bail bond agency acting within the scope of the agent's
 2867 or agency's ~~his or her~~ appointment, and, in the case of a
 2868 ~~temporary bail bond agent, the appointing insurer, managing~~
 2869 ~~general agent, or bail bond agent, as the case may be, must~~
 2870 ~~certify to the department that he or she will supervise the~~
 2871 ~~temporary bail bond agent's activities.~~

2872 (4) Each appointing insurer or, managing general agent, ~~or~~
 2873 ~~bail bond agent~~ must advise the department in writing within 5
 2874 days after receiving notice or learning that an appointee has
 2875 been arrested for, pled guilty or nolo contendere to, or been

2876 found guilty of, a felony or other offense punishable by
 2877 imprisonment of 1 year or more under the law of any
 2878 jurisdiction, whether judgment was entered or withheld by the
 2879 court.

2880 Section 60. Present subsections (1) through (4) of section
 2881 648.386, Florida Statutes, are redesignated as subsections (2)
 2882 through (5), respectively, a new subsection (1) is added to that
 2883 section, and present subsection (2) of that section is amended,
 2884 to read:

2885 648.386 Qualifications for prelicensing and continuing
 2886 education schools and instructors.—

2887 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
 2888 section, the term "classroom instruction" means a course
 2889 designed to be presented to a group of students by a live
 2890 instructor using lecture, video, webcast, or virtual or other
 2891 audio-video presentation.

2892 (3)~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
 2893 SCHOOLS.—In order to be considered for approval and
 2894 certification as an approved limited surety agent and
 2895 professional bail bond agent continuing education school, such
 2896 entity must:

2897 (a) Provide a minimum of three classroom-instruction
 2898 continuing education classes per calendar year.

2899 (b) Submit a course curriculum to the department for
 2900 approval.

2901 (c) Offer continuing education classes that comprise ~~which~~
 2902 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
 2903 instruction coursework and are taught by an approved supervising
 2904 instructor or guest lecturer approved by the entity or the
 2905 supervising instructor.

2906 Section 61. Section 648.387, Florida Statutes, is amended
 2907 to read:

2908 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2909 (1) The owner or operator of a bail bond agency shall
 2910 designate a ~~primary~~ bail bond agent in charge for each location,
 2911 and shall file with the department the name and license number
 2912 of the person and the address of the location on a form approved
 2913 by the department. The designation of the ~~primary~~ bail bond
 2914 agent in charge may be changed if the department is notified
 2915 immediately. Failure to notify the department within 10 working
 2916 days after such change is grounds for disciplinary action
 2917 pursuant to s. 648.45.

2918 (2) The ~~primary~~ bail bond agent in charge is responsible
 2919 for the overall operation and management of a bail bond agency
 2920 location, whose responsibilities may include, without
 2921 limitations, hiring and supervising of all individuals within
 2922 the location, whether they deal with the public in the
 2923 solicitation or negotiation of bail bond contracts or in the
 2924 collection or accounting of moneys. A person may be designated
 2925 as the primary bail bond agent in charge for only one agency and

2926 location.

2927 (3) The department may suspend or revoke the license of
 2928 the owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail
 2929 bond ~~agency agent~~ if the ~~a~~ bail bond agency employs, contracts
 2930 with, or uses the services of a person who has had a license
 2931 denied or whose license is currently suspended or revoked.

2932 However, a person who has been denied a license for failure to
 2933 pass a required examination may be employed to perform clerical
 2934 or administrative functions for which licensure is not required.

2935 (4) An owner, a bail bond agent in charge ~~operator~~, or a
 2936 bail bond agency ~~primary agent~~ may not employ, contract with, or
 2937 use the services of any person in a bail bond agency who has
 2938 been charged with, found guilty of, or pled guilty or nolo
 2939 contendere to a felony or a crime punishable by imprisonment of
 2940 1 year or more under the law of any jurisdiction, without regard
 2941 to whether judgment was entered or withheld by the court.

2942 (5) A bail bond agency location may not conduct surety
 2943 business unless a ~~primary~~ bail bond agent in charge is
 2944 designated by, and provides services to, the bail bond agency at
 2945 all times. If the bail bond agent in charge designated with the
 2946 department ends his or her affiliation with the bail bond agency
 2947 for any reason and if the bail bond agency fails to designate
 2948 another bail bond agent in charge within the 10-day period under
 2949 subsection (1) and such failure continues for 90 days, the bail
 2950 bond agency license automatically expires on the 91st day after

2951 the date the designated bail bond agent in charge ended his or
 2952 her affiliation with the agency ~~The failure to designate a~~
 2953 ~~primary agent on a form prescribed by the department, within 10~~
 2954 ~~working days after an agency's inception or a change of primary~~
 2955 ~~agent, is a violation of this chapter, punishable as provided in~~
 2956 ~~s. 648.45.~~

2957 Section 62. Section 648.3875, Florida Statutes, is created
 2958 to read:

2959 648.3875 Bail bond agent in charge; qualifications.—

2960 (1) An application for designation as a bail bond agent in
 2961 charge must be submitted on forms prescribed by the department.
 2962 The application must include the applicant's full name and the
 2963 applicant's license number issued pursuant to s. 648.27.

2964 (2) To qualify as a bail bond agent in charge, it must
 2965 affirmatively appear that, at the time of application and
 2966 throughout the period of licensure, the applicant has complied
 2967 with s. 648.285 and that the applicant has been licensed as a
 2968 bail bond agent for the 24 months immediately preceding the
 2969 appointment as the bail bond agent in charge.

2970 Section 63. Section 648.39, Florida Statutes, is amended
 2971 to read:

2972 648.39 Termination of appointment of managing general
 2973 agents, bail bond agents, and ~~temporary~~ bail bond agencies
 2974 agents.—

2975 (1) An insurer that ~~who~~ terminates the appointment of a

2976 managing general agent, bail bond agent, or ~~temporary~~ bail bond
 2977 agency agent shall, within 10 days after such termination, file
 2978 written notice thereof with the department together with a
 2979 statement that it has given or mailed notice to the terminated
 2980 agent or agency. Such notice filed with the department must
 2981 state the reasons, if any, for such termination. Information so
 2982 furnished to the department is confidential and exempt from ~~the~~
 2983 ~~provisions of~~ s. 119.07(1).

2984 (2) Each insurer shall, within 5 days after terminating
 2985 the appointment of any managing general agent, bail bond agent,
 2986 or ~~temporary~~ bail bond agency agent, give written notice thereof
 2987 to each clerk of the circuit court and sheriff with whom such
 2988 person is registered.

2989 (3) An insurer that terminates the appointment of a
 2990 managing general agent or, bail bond agent, ~~or temporary bail~~
 2991 ~~bond agent~~ may authorize such person to continue to attempt the
 2992 arrest and surrender of a defendant for whom a surety bond had
 2993 been written by the bail bond agent before ~~prior to~~ termination
 2994 and to seek discharge of forfeitures and judgments as provided
 2995 in chapter 903.

2996 Section 64. Section 648.41, Florida Statutes, is repealed.

2997 Section 65. Section 648.42, Florida Statutes, is amended
 2998 to read:

2999 648.42 Registration of bail bond agents.—A bail bond agent
 3000 may not become a surety on an undertaking unless he or she has

3001 registered in the office of the sheriff and with the clerk of
 3002 the circuit court in the county in which the bail bond agent
 3003 resides. The bail bond agent may register in a like manner in
 3004 any other county, and any bail bond agent shall file a certified
 3005 copy of his or her appointment by power of attorney from each
 3006 insurer which he or she represents as a bail bond agent with
 3007 each of such officers. Registration and filing of a certified
 3008 copy of renewed power of attorney shall be performed by April 1
 3009 of each odd-numbered year. The clerk of the circuit court and
 3010 the sheriff may ~~shall~~ not permit the registration of a bail bond
 3011 agent unless such bail bond agent is currently licensed by the
 3012 department and appointed by an insurer ~~the department~~. Nothing
 3013 ~~in this section shall prevent the registration of a temporary~~
 3014 ~~licensee at the jail for the purposes of enabling the licensee~~
 3015 ~~to perform the duties under such license as set forth in this~~
 3016 ~~chapter.~~

3017 Section 66. Subsections (1) and (2) and paragraphs (c) and
 3018 (d) of subsection (8) of section 648.44, Florida Statutes, are
 3019 amended to read:

3020 648.44 Prohibitions; penalty.—

3021 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
 3022 may not:

3023 (a) Suggest or advise the employment of, or name for
 3024 employment, any particular attorney or attorneys to represent
 3025 his or her principal.

3026 (b) Directly or indirectly solicit business in or on the
3027 property or grounds of a jail, prison, or other place where
3028 prisoners are confined or in or on the property or grounds of
3029 any court. The term "solicitation" includes the distribution of
3030 business cards, print advertising, or other written or oral
3031 information directed to prisoners or potential indemnitors,
3032 unless a request is initiated by the prisoner or a potential
3033 indemnitor. Permissible print advertising in the jail is
3034 strictly limited to a listing in a telephone directory and the
3035 posting of the bail bond agent's or agency's name, address, e-
3036 mail address, web address, and telephone number in a designated
3037 location within the jail.

3038 (c) Initiate in-person or telephone solicitation after
3039 9:00 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
3040 ~~eases,~~ at the residence of the detainee or the detainee's
3041 family. Any solicitation ~~not prohibited by this chapter~~ must
3042 comply with the telephone solicitation requirements in ss.
3043 501.059(2) and (4), 501.613, and 501.616(6).

3044 (d) Wear or display any identification other than the
3045 department issued or approved license or approved department
3046 identification, which includes a citation of the licensee's
3047 arrest powers, in or on the property or grounds of a jail,
3048 prison, or other place where prisoners are confined or in or on
3049 the property or grounds of any court.

3050 (e) Pay a fee or rebate or give or promise anything of

3051 value to a jailer, police officer, peace officer, or committing
3052 trial court judge or any other person who has power to arrest or
3053 to hold in custody or to any public official or public employee
3054 in order to secure a settlement, compromise, remission, or
3055 reduction of the amount of any bail bond or estreatment thereof.

3056 (f) Pay a fee or rebate or give anything of value to an
3057 attorney in a bail bond matter, except in defense of any action
3058 on a bond.

3059 (g) Pay a fee or rebate or give or promise anything of
3060 value to the principal or anyone in his or her behalf.

3061 (h) Participate in the capacity of an attorney at a trial
3062 or hearing of one on whose bond he or she is surety.

3063 (i) Loiter in or about a jail, courthouse, or where
3064 prisoners are confined.

3065 (j) Accept anything of value from a principal for
3066 providing a bail bond except the premium and transfer fee
3067 authorized by the office, except that the bail bond agent or
3068 bail bond agency may accept collateral security or other
3069 indemnity from the principal or another person in accordance
3070 with ~~the provisions of~~ s. 648.442, together with documentary
3071 stamp taxes, if applicable. No fees, expenses, or charges of any
3072 kind shall be permitted to be deducted from the collateral held
3073 or any return premium due, except as authorized by this chapter
3074 or rule of the department or commission. A bail bond agent or
3075 bail bond agency may, upon written agreement with another party,

3076 receive a fee or compensation for returning to custody an
 3077 individual who has fled the jurisdiction of the court or caused
 3078 the forfeiture of a bond.

3079 (k) Write more than one power of attorney per charge on a
 3080 bond, except in the case of a cosurety, unless the power of
 3081 attorney prohibits a cosurety.

3082 (l) Execute a bond in this state on his or her own behalf.

3083 (m) Execute a bond in this state if a judgment has been
 3084 entered on a bond executed by the bail bond agent or the bail
 3085 bond agency is a named party on the judgment, which has remained
 3086 unpaid for 35 days, unless the full amount of the judgment is
 3087 deposited with the clerk in accordance with s. 903.27(5).

3088 (n) Make a statement or representation to a court, unless
 3089 such statement or representation is under oath. Such statement
 3090 or representation may not be false, misleading, or deceptive.

3091 (o) Attempt to collect, through threat or coercion,
 3092 amounts due for the payment of any indebtedness related to the
 3093 issuance of a bail bond in violation of s. 559.72.

3094 (p) Conduct bail bond business with any person, other than
 3095 the defendant, on the grounds of the jail or courthouse for the
 3096 purpose of executing a bond.

3097 (2) The following persons or classes may ~~shall~~ not be bail
 3098 bond agents, ~~temporary bail bond agents~~, or employees of a bail
 3099 bond agent or a bail bond agency business and may ~~shall~~ not
 3100 directly or indirectly receive any benefits from the execution

3101 of any bail bond:

3102 (a) Jailers or persons employed in any jail.

3103 (b) Police officers or employees of any police department

3104 or law enforcement agency.

3105 (c) Committing trial court judges, employees of a court,

3106 or employees of the clerk of any court.

3107 (d) Sheriffs and deputy sheriffs or employees of any

3108 sheriff's department.

3109 (e) Attorneys.

3110 (f) Persons having the power to arrest or persons who have

3111 authority over or control of federal, state, county, or

3112 municipal prisoners.

3113 (8)

3114 (c) Any law enforcement agency, state attorney's office,

3115 court clerk, or insurer that is aware that a bail bond agent ~~or~~

3116 ~~temporary bail bond agent~~ has been convicted of or who has

3117 pleaded guilty or no contest to a crime as described in

3118 paragraph (a) shall notify the department of this fact.

3119 (d) Upon the filing of an information or indictment

3120 against a bail bond agent ~~or temporary bail bond agent~~, the

3121 state attorney or clerk of the circuit court shall immediately

3122 furnish the department a certified copy of the information or

3123 indictment.

3124 Section 67. Subsection (1) of section 648.441, Florida

3125 Statutes, is amended to read:

3126 648.441 Furnishing supplies to unlicensed bail bond agent
3127 prohibited; civil liability and penalty.—

3128 (1) An insurer, managing general agent, bail bond agent,
3129 or ~~temporary~~ bail bond agency ~~agent~~ appointed under this chapter
3130 may not furnish to any person any blank forms, applications,
3131 stationery, business card, or other supplies to be used in
3132 soliciting, negotiating, or effecting bail bonds until such
3133 person has received from the department a license to act as a
3134 bail bond agent and is appointed by the insurer. This section
3135 does not prohibit an unlicensed employee, under the direct
3136 supervision and control of a licensed and appointed bail bond
3137 agent, from possessing or executing in the bail bond agency, any
3138 forms, except for powers of attorney, bond forms, and collateral
3139 receipts, while acting within the scope of his or her
3140 employment.

3141 Section 68. Subsection (3) of section 648.46, Florida
3142 Statutes, is amended to read:

3143 648.46 Procedure for disciplinary action against
3144 licensees.—

3145 (3) The complaint and all information obtained pursuant to
3146 the investigation of the department are confidential and exempt
3147 from the provisions of s. 119.07(1) until such investigation is
3148 completed or ceases to be active. For the purpose of this
3149 section, an investigation is considered "active" while the
3150 investigation is being conducted by the department with a

3151 reasonable, good faith belief that it may lead to the filing of
3152 administrative, civil, or criminal proceedings. An investigation
3153 does not cease to be active if the department is proceeding with
3154 reasonable dispatch and there is good faith belief that action
3155 may be initiated by the department or other administrative or
3156 law enforcement agency. This subsection does not prevent the
3157 department or office from disclosing the complaint or such
3158 information as it deems necessary to conduct the investigation,
3159 to update the complainant as to the status and outcome of the
3160 complaint, or to share such information with any law enforcement
3161 agency or other regulatory body.

3162 Section 69. Section 648.50, Florida Statutes, is amended
3163 to read:

3164 648.50 Effect of suspension, revocation upon associated
3165 licenses and licensees.—

3166 (1) Upon the suspension, revocation, or refusal to renew
3167 or continue any license or appointment or the eligibility to
3168 hold a license or appointment of a bail bond agent or ~~temporary~~
3169 bail bond agency agent, the department shall at the same time
3170 likewise suspend or revoke all other licenses or appointments
3171 and the eligibility to hold any other such licenses or
3172 appointments which may be held by the licensee under the Florida
3173 Insurance Code.

3174 (2) In case of the suspension or revocation of the license
3175 or appointment, or the eligibility to hold a license or

3176 appointment, of any bail bond agent, the license, appointment,
 3177 or eligibility of any and all bail bond agents who are members
 3178 of a bail bond agency, whether incorporated or unincorporated,
 3179 ~~and any and all temporary bail bond agents employed by such bail~~
 3180 ~~bond agency,~~ who knowingly are parties to the act which formed
 3181 the ground for the suspension or revocation may likewise be
 3182 suspended or revoked.

3183 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
 3184 ~~temporary bail bond agent~~ has been revoked or suspended may not
 3185 ~~shall~~ be employed by any bail bond agent, have any ownership
 3186 interest in any business involving bail bonds, or have any
 3187 financial interest of any type in any bail bond business during
 3188 the period of revocation or suspension.

3189 Section 70. Subsections (4) and (6) of section 717.135,
 3190 Florida Statutes, are amended to read:

3191 717.135 Recovery agreements and purchase agreements for
 3192 claims filed by a claimant's representative; fees and costs.—

3193 (4) A claimant's representative must use the Unclaimed
 3194 Property Recovery Agreement or the Unclaimed Property Purchase
 3195 Agreement as the exclusive means of entering into an agreement
 3196 or a contract ~~engaging~~ with a claimant or seller to file a claim
 3197 with the department.

3198 (6) A claimant's representative may not use or distribute
 3199 any other agreement of any type, conveyed by any method, form,
 3200 ~~or other media~~ with respect to the claimant or seller which

3201 relates, directly or indirectly, to unclaimed property accounts
3202 held by the department or the Chief Financial Officer other than
3203 the agreements authorized by this section. Any engagement,
3204 authorization, recovery, or fee agreement that is not authorized
3205 by this section is void. A claimant's representative is subject
3206 to administrative and civil enforcement under s. 717.1322 if he
3207 or she uses an agreement that is not authorized by this section.
3208 This subsection does not prohibit lawful nonagreement,
3209 noncontractual, or advertising communications between or among
3210 the parties.

3211 Section 71. Paragraph (a) of subsection (4) of section
3212 843.021, Florida Statutes, is amended to read:

3213 843.021 Unlawful possession of a concealed handcuff key.—

3214 (4)(a) It is a defense to a charge of violating this
3215 section that the person in custody and in possession of a
3216 concealed handcuff key is:

3217 1. A federal, state, or local law enforcement officer,
3218 including a reserve or auxiliary officer, a licensed security
3219 officer, or a private investigator as defined in s. 493.6101; or

3220 2. A professional bail bond agent, ~~temporary bail bond~~
3221 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3222 Section 72. Subsection (4) of section 631.152, Florida
3223 Statutes, is amended to read:

3224 631.152 Conduct of delinquency proceeding; foreign
3225 insurers.—

3226 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
 3227 ancillary delinquency proceedings opened for the purpose of
 3228 obtaining records necessary to adjudicate the covered claims of
 3229 Florida policyholders.

3230 Section 73. Paragraph (b) of subsection (3) of section
 3231 631.398, Florida Statutes, is amended to read:

3232 631.398 Prevention of insolvencies.—To aid in the
 3233 detection and prevention of insurer insolvencies or impairments:

3234 (3)

3235 (b) For an insolvency involving a domestic property
 3236 insurer, the department shall:

3237 1. Begin an analysis of the history and causes of the
 3238 insolvency once the department is appointed by the court as
 3239 receiver.

3240 2. Submit an initial report analyzing the history and
 3241 causes of the insolvency to the Governor, the President of the
 3242 Senate, the Speaker of the House of Representatives, and the
 3243 office. The initial report must be submitted no later than 4
 3244 months after the department is appointed as receiver. The
 3245 initial report shall be updated at least annually until the
 3246 submission of the final report. The report may not be used as
 3247 evidence in any proceeding brought by the department or others
 3248 to recover assets on behalf of the receivership estate as part
 3249 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
 3250 of a report under this subparagraph shall not be considered a

3251 waiver of any evidentiary privilege the department may assert
 3252 under state or federal law.

3253 3. Provide a special report to the Governor, the President
 3254 of the Senate, the Speaker of the House of Representatives, and
 3255 the office, within 10 days upon identifying any condition or
 3256 practice that may lead to insolvency in the property insurance
 3257 marketplace.

3258 4. Submit a final report analyzing the history and causes
 3259 of the insolvency and the review of the Office of Insurance
 3260 Regulation's regulatory oversight of the insurer to the
 3261 Governor, the President of the Senate, the Speaker of the House
 3262 of Representatives, and the office within 30 days of the
 3263 conclusion of the insolvency proceeding.

3264 5. Review the Office of Insurance Regulation's regulatory
 3265 oversight of the insurer.

3266 Section 74. Subsection (2) of section 903.09, Florida
 3267 Statutes, is amended to read:

3268 903.09 Justification of sureties.—

3269 (2) A bond agent, as defined in s. 648.25(3) ~~s. 648.25(2)~~,
 3270 shall justify her or his suretyship by attaching a copy of the
 3271 power of attorney issued by the company to the bond or by
 3272 attaching to the bond United States currency, a United States
 3273 postal money order, or a cashier's check in the amount of the
 3274 bond; but the United States currency, United States postal money
 3275 order, or cashier's check cannot be used to secure more than one

3276 bond. Nothing herein shall prohibit two or more qualified
3277 sureties from each posting any portion of a bond amount, and
3278 being liable for only that amount, so long as the total posted
3279 by all cosureties is equal to the amount of bond required.

3280 Section 75. (1) The following rules are ratified for the
3281 sole and exclusive purpose of satisfying any condition on the
3282 effectiveness imposed under s. 120.541(3), Florida Statutes:
3283 Rule 69L-7.020, Florida Administrative Code, titled "Florida
3284 Workers' Compensation Health Care Provider Reimbursement Manual"
3285 as filed for adoption with the Department of State pursuant to
3286 the certification package dated October 22, 2021; Rule 69L-
3287 7.730, Florida Administrative Code, titled "Health Care Provider
3288 Medical Billing and Reporting Responsibilities" as filed for
3289 adoption with the Department of State pursuant to the
3290 certification package dated April 6, 2023; and Rule 69L-7.740,
3291 Florida Administrative Code, titled "Insurer Authorization and
3292 Medical Bill Review Responsibilities" as filed for adoption with
3293 the Department of State pursuant to the certification package
3294 dated April 6, 2023.

3295 (2) This section serves no other purpose and may not be
3296 codified in the Florida Statutes. After this section becomes
3297 law, its enactment and effective dates shall be noted in the
3298 Florida Administrative Code, the Florida Administrative
3299 Register, or both, as appropriate. This section does not alter
3300 rulemaking additions delegated by prior law, does not constitute

3301 legislative preemption of or exception to any provision of law
 3302 governing adoption or enforcement of the rule cited, and is
 3303 intended to preserve the status of any cited rule as a rule
 3304 under chapter 120, Florida Statutes. This section does not cure
 3305 any rulemaking defect or preempt any challenge based on a lack
 3306 of authority or a violation of the legal requirements governing
 3307 the adoption of any rule cited.

3308 (3) This section takes effect July 1, 2023.

3309 Section 76. Section 280.12, Florida Statutes is created to
 3310 read:

3311 280.12 Credit unions designated as qualified public
 3312 depositories.—

3313 (1) Notwithstanding any other provision of law to the
 3314 contrary, the Chief Financial Officer must designate as
 3315 qualified public depositories any credit unions whose share
 3316 accounts are insured by the National Credit Union Share
 3317 Insurance Fund and which otherwise meet the criteria provided in
 3318 s. 280.02(26), if any of the following occurs:

3319 (a) At least one qualified public depository that, as of
 3320 January 1, 2023, was accepting public funds under s. 280.02:

3321 1. Fails to file the attestation required under s.
 3322 280.025; or

3323 2. Withdraws from the public deposits program pursuant to
 3324 s. 280.11 to circumvent the requirements set forth in s.
 3325 280.025.

3326 (b) At least one qualified public depository currently
3327 holding public funds no longer meets the definition of a
3328 qualified public depository on or after the effective date of
3329 this act.

3330 (2) The Chief Financial Officer must adopt emergency rules
3331 to implement this section. Any emergency rules adopted under
3332 this section are exempt from s. 120.54(4)(c) and shall remain in
3333 effect until replaced by rules adopted under the nonemergency
3334 rulemaking procedures of the Administrative Procedure Act. Any
3335 emergency rules adopted under this section or rules adopted
3336 under the nonemergency rulemaking procedures of the
3337 Administrative Procedure Act must not be more stringent for
3338 credit unions than the rules and requirements for current
3339 qualified public depositories.

3340 Section 77. The Division of Law Revision is directed to
3341 replace the phrase "the effective date of this act" wherever it
3342 occurs in this act with the date this act becomes a law.

3343 Section 78. Except as otherwise expressly provided in this
3344 act, this act shall take effect upon becoming a law.