

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Chaney offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 332-410 and insert:

6 **Section 6. Section 624.341, Florida Statutes, is created**
7 **to read:**

8 624.341 Authority of Department of Law Enforcement to
9 accept fingerprints of, and exchange criminal history records
10 with respect to, certain persons applying to the Office of
11 Insurance Regulation.—

12 (1) The Department of Law Enforcement must accept
13 fingerprints from key managerial personnel with the ultimate
14 authority of the financial and operational decisions of the
15 entities licensed, certified, registered, or holding a
16 certificate of authority under the Florida Insurance Code. This

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17 section applies to the following persons as required by the
18 office:

19 (a) Incorporators, stockholders, and attorneys in fact
20 under ss. 624.404(3)(c), 632.638(3), 641.22(6)(c), and
21 629.091(2).

22 (b) Individuals responsible for the management of and
23 conduct of the management of an arrangement including all
24 trustees, officers, and directors under s. 624.439(2).

25 (c) Individuals employed or retained by an administrator
26 who are responsible for the conduct of the affairs of the
27 administrator, including members of the board of directors,
28 board of trustees, executive committee, other governing board or
29 committee, and the principal officers in the case of a
30 corporation or the partners or members in the case of a
31 partnership or association of the administrator under s.
32 626.8805(2)(c).

33 (d) Individuals who are responsible for a viatical
34 settlement provider's affairs including but not limited to any
35 member of the viatical settlement provider's board of directors,
36 board of trustees, executive committee, or other governing board
37 or committee and any other person or entity owning or having the
38 right to acquire ten percent or more of the voting securities of
39 the viatical settlement provider under s. 626.9912(3)(d).

40 (e) Managers of a company under ss. 627.829(1),
41 627.832(1)(g) and (j).

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42 (f) Directors, officers, trustees, or other natural
43 persons performing duties similar to those of a director,
44 officer, or trustee for the corporation, association, or trust
45 under s. 628.461(3)(a).

46 (g) Directors, officers, trustees, partners, owners,
47 managers, or joint venturers, or others performing functions
48 similar to those of a director, officer, or trustee under s.
49 628.4615(5)(a)7.

50 (h) Managers of a company under ss. 634.041(2),
51 634.304(2), and 634.404(2).

52 (i) Members of the board of directors, board of trustees,
53 executive committee, other governing board or committee,
54 officers, contracted management company personnel, and any other
55 person or entity owning or having the right to acquire ten
56 percent or more of the voting securities under ss. 636.008(3)
57 and 636.204(2)(c).

58 (j) Persons who are to be responsible for the conduct of
59 the affairs of a clinic including all members of the governing
60 body, the officers and directors in the case of a corporation,
61 and the partners or associates in the case of a partnership or
62 association under s. 641.405(2)(c).

63 (k) All natural persons who are directors and officers,
64 and each shareholder who owns or controls ten percent or more of
65 the shares of the corporation under ss. 642.021, and 642.032.

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66 (1) Members, shareholders, and persons in charge of
67 providing care under a certificate of authority subject to s.
68 651.022(2)(c).

69 (2) The Department of Law Enforcement shall accept and
70 process fingerprints of individuals identified by the office
71 within subsection (1).

72 (3) Each person required to submit fingerprints to the
73 office, must provide a full set of fingerprints to the office or
74 to a vendor, an entity, or an agency authorized by s.
75 943.053(13). The office, vendor, entity, or agency shall forward
76 the fingerprints to the Department of Law Enforcement for state
77 processing, and the Department of Law Enforcement shall forward
78 the fingerprints to the Federal Bureau of Investigation for
79 national processing. Fees for state and federal fingerprint
80 processing must be borne by the person submitting the
81 fingerprints. The state cost for fingerprint processing is as
82 provided in s. 943.053(3)(e).

83 (4) The Department of Law Enforcement may, to the extent
84 provided by federal law, exchange any state or national criminal
85 history records with the office for the purpose of issuance or
86 continuation of a certificate of authority, certification,
87 registration, or license to operate in this state.

88 (5) Fingerprints must be submitted in accordance with
89 rules adopted by the commission.

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90 (a) Fingerprints may be submitted through a third-party
91 vendor authorized by the Department of Law Enforcement.

92 (b) The Department of Law Enforcement shall conduct the
93 state criminal history background check, and a federal criminal
94 history background check shall be conducted through the Federal
95 Bureau of Investigation.

96 (c) All fingerprints submitted to the Department of Law
97 Enforcement must be submitted and entered into the statewide
98 automated fingerprint identification system established in s.
99 943.05(2)(b) and available for use in accordance with s.
100 943.05(2)(g) and (h).

101 (d) The costs of fingerprint processing, including the
102 cost of retaining the fingerprints, must be borne by the person
103 subject to the background checks.

104 (e) The office shall review the results of the state and
105 federal criminal history background checks and determine whether
106 the applicant meets the requirements for the certificate of
107 authority, certification, registration, or license to operate in
108 this state.

109 (6) Statewide criminal records obtained through the
110 Department of Law Enforcement, federal criminal records obtained
111 through the Federal Bureau of Investigation, and local criminal
112 records obtained through local law enforcement agencies must be
113 used by the office for the purpose of issuance, denial,
114 suspension, or revocation of certificates of authority,

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115 certifications, registration, or licenses issued to operate in
116 this state.

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T I T L E A M E N D M E N T

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Remove lines 20-23 and insert:

121

Conduct Examiners Handbook; creating s. 624.341, F.S.;

122

requiring the Department of Law Enforcement to accept

123

and process fingerprints taken of certain persons;

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providing applicability;