

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Chaney offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 339-443 and insert:

5 fingerprints from key managerial personnel with authority over
6 the financial and operational decisions of the entities
7 licensed, certified, registered, or holding a certificate of
8 authority under the Florida Insurance Code. This section applies
9 to the following persons as required by the office:

10 (a) Incorporators, stockholders, officers, directors, and
11 attorneys in fact under ss. 624.404(3)(c), 628.071(1)(c),
12 629.091(2), 632.638(3), and 641.22(6)(c).

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

16 (c) Individuals employed or retained by an administrator
17 who are responsible for the conduct of the affairs of the
18 administrator, including members of the board of directors,
19 board of trustees, executive committee, other governing board or
20 committee, and the principal officers in the case of a
21 corporation or the partners or members in the case of a
22 partnership or association of the administrator under s.
23 626.8805(2)(c).

24 (d) Individuals who are responsible for a viatical
25 settlement provider's affairs including but not limited to any
26 member of the viatical settlement provider's board of directors,
27 board of trustees, executive committee, or other governing board
28 or committee and any other person or entity owning or having the
29 right to acquire ten percent or more of the voting securities of
30 the viatical settlement provider under s. 626.9912(3)(d).

31 (e) Managers of a company under ss. 627.829(1),
32 627.832(1)(g) and (j).

33 (f) Directors, officers, trustees, or other natural
34 persons performing duties similar to those of a director,
35 officer, or trustee for the corporation, association, or trust
36 under s. 628.461(3)(a).

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37 (g) Directors, officers, trustees, partners, owners,
38 managers, or joint venturers, or others performing functions
39 similar to those of a director, officer, or trustee under s.
40 628.4615(5) (a) 7.

41 (h) Managers of a company under ss. 634.041(2),
42 634.304(2), and 634.404(2).

43 (i) Members of the board of directors, board of trustees,
44 executive committee, other governing board or committee,
45 officers, contracted management company personnel, and any other
46 person or entity owning or having the right to acquire ten
47 percent or more of the voting securities under ss. 636.008(3)
48 and 636.204(2) (c).

49 (j) Persons who are to be responsible for the conduct of
50 the affairs of a clinic including all members of the governing
51 body, the officers and directors in the case of a corporation,
52 and the partners or associates in the case of a partnership or
53 association under s. 641.405(2) (c).

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

57 (l) Members, shareholders, and persons in charge of
58 providing care under a certificate of authority subject to s.
59 651.022(2) (c).

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60 (2) The Department of Law Enforcement shall accept and
61 process fingerprints of individuals identified by the office in
62 subsection (1).

63 (3) Each person required to submit fingerprints to the
64 office must provide a full set of fingerprints to the office or
65 to a vendor, an entity, or an agency authorized by s.
66 943.053(13). The office, vendor, entity, or agency shall forward
67 the fingerprints to the Department of Law Enforcement for state
68 processing, and the Department of Law Enforcement shall forward
69 the fingerprints to the Federal Bureau of Investigation for
70 national processing. Fees for state and federal fingerprint
71 processing must be borne by the person submitting the
72 fingerprints. The state cost for fingerprint processing is as
73 provided in s. 943.053(3) (e).

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

76 (b) The Department of Law Enforcement shall conduct the
77 state criminal history background check, and a federal criminal
78 history background check shall be conducted through the Federal
79 Bureau of Investigation.

80 (c) All fingerprints submitted to the Department of Law
81 Enforcement must be submitted and entered into the statewide
82 automated biometric identification system established in s.
83 943.05(2) (b) and available for use in accordance with s.
84 943.05(2) (g) and (h).

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

88 (e) The office shall review the results of the state and
89 federal criminal history background checks and determine whether
90 the applicant meets the requirements for the certificate of
91 authority, certification, registration, or license to operate in
92 this state.

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

98 (5) Statewide criminal records obtained through the
99 Department of Law Enforcement, federal criminal records obtained
100 through the Federal Bureau of Investigation, and local criminal
101 records obtained through local law enforcement agencies must be
102 used by the office for the purpose of issuance or continuation
103 of certificates of authority, certifications, registrations, or
104 licenses issued to operate in this state.

105 (6) Fingerprints must be submitted in accordance with
106 rules adopted by the commission.

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

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110 Remove lines 24-37 and insert:
111 fingerprinting; specifying that fingerprints must be
112 submitted in accordance with certain rules; requiring
113 the Department of Law Enforcement and the Federal
114 Bureau of Investigation to conduct certain background
115 checks; requiring that certain fingerprints be
116 submitted and entered into a specified system;
117 specifying who bears the costs of fingerprint
118 processing; requiring the office to review criminal
119 history background checks and make certain
120 determinations; authorizing the Department of Law
121 Enforcement to exchange certain records with the
122 office; specifying that certain criminal

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