

26 Workers' Compensation Law; revising reimbursement
 27 requirements for certain providers; requiring the
 28 department to annually notify carriers and self-
 29 insurers of certain schedules; requiring the
 30 publication of a schedule in a certain manner;
 31 providing construction; revising factors the panel
 32 must consider in establishing the uniform schedule of
 33 maximum reimbursement allowances; deleting certain
 34 standards for practice parameters; amending s.
 35 440.385, F.S.; revising eligibility requirements for
 36 the board of directors of the Florida Self-Insurers
 37 Guaranty Association, Incorporated; authorizing the
 38 Chief Financial Officer to remove a director under
 39 certain circumstances; specifying requirements for,
 40 and restrictions on, directors; prohibiting directors
 41 and employees of the association from knowingly
 42 accepting certain gifts or expenditures; providing
 43 penalties; amending s. 497.005, F.S.; adding and
 44 revising definitions for purposes of the Florida
 45 Funeral, Cemetery, and Consumer Services Act; amending
 46 s. 624.1265, F.S.; revising conditions for a nonprofit
 47 religious organization to be exempt from requirements
 48 of the Florida Insurance Code; amending s. 624.501,
 49 F.S.; deleting an application filing and license fee
 50 for reinsurance intermediaries; amending s. 626.015,

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

76 taken by the department against insurance
 77 representatives; amending s. 626.621, F.S.; adding
 78 grounds for discretionary disciplinary actions taken
 79 by the department against insurance representatives;
 80 amending s. 626.7492, F.S.; revising definitions of
 81 the terms "producer" and "reinsurance intermediary
 82 manager"; revising licensure requirements for
 83 reinsurance intermediary brokers and reinsurance
 84 intermediary managers; deleting the authority of the
 85 department to refuse to issue a reinsurance
 86 intermediary license under certain circumstances;
 87 amending s. 626.752, F.S.; requiring the department to
 88 suspend the authority of an insurer or employer to
 89 appoint licensees under certain circumstances relating
 90 to the exchange of insurance business; amending s.
 91 626.785, F.S.; authorizing certain persons to obtain a
 92 limited license to sell only policies of life
 93 insurance covering the expense of a prearrangement for
 94 funeral services or merchandise; amending ss. 626.793
 95 and 626.837, F.S.; requiring the department to suspend
 96 the authority of an insurer or employer to appoint
 97 licensees under certain circumstances relating to the
 98 acceptance of excess or rejected insurance business;
 99 amending s. 626.8411, F.S.; providing that certain
 100 notice requirements do not apply to title insurance

101 agents or title insurance agencies; amending s.
102 626.8437, F.S.; adding grounds for compulsory
103 disciplinary actions taken by the department against a
104 title insurance agent or agency; amending s. 626.844,
105 F.S.; adding grounds for discretionary disciplinary
106 actions taken by the department against a title
107 insurance agent or agency; amending s. 626.8473, F.S.;
108 revising requirements for engaging in the business as
109 an escrow agent in connection with real estate closing
110 transactions; amending s. 626.854, F.S.; revising
111 applicability of a prohibited act relating to public
112 insurance adjusters; amending s. 626.874, F.S.;
113 revising eligibility requirements for the department's
114 issuance of licenses to catastrophe or emergency
115 adjusters; revising grounds on which the department
116 may deny such license; amending s. 626.9892, F.S.;
117 revising a condition and adding violations for which
118 the department may pay rewards under the Anti-Fraud
119 Reward Program; amending s. 626.9957, F.S.; providing
120 for the expiration of a health coverage navigator's
121 registration under certain circumstances; specifying a
122 restriction on expired registrations; amending s.
123 627.351, F.S.; revising requirements for membership of
124 the Florida Medical Malpractice Joint Underwriting
125 Association; specifying a requirement for filling

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

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

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

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

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

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

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

291

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

293

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

296 20.121 Department of Financial Services.—There is created
297 a Department of Financial Services.

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

300 (e) The Division of Investigative and Forensic Services,

301 which shall function as a criminal justice agency for purposes
 302 of ss. 943.045-943.08. The division may initiate and conduct
 303 investigations into any matter under the jurisdiction of the
 304 Chief Financial Officer and Fire Marshal within or outside of
 305 this state as it deems necessary. If, during an investigation,
 306 the division has reason to believe that any criminal law of this
 307 state or the United States has or may have been violated, it
 308 shall refer any records tending to show such violation to state
 309 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
 310 prosecutorial agencies and shall provide investigative
 311 assistance to those agencies as appropriate ~~required~~. The
 312 division shall include the following bureaus and office:

- 313 1. The Bureau of Forensic Services;
- 314 2. The Bureau of Fire, Arson, and Explosives
 315 Investigations;
- 316 3. The Office of Fiscal Integrity, which shall have a
 317 separate budget;
- 318 4. The Bureau of Insurance Fraud; and
- 319 5. The Bureau of Workers' Compensation Fraud.

320 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~
 321 ~~Strategic Markets Research and Assessment Unit is established~~
 322 ~~within the Department of Financial Services. The Chief Financial~~
 323 ~~Officer or his or her designee shall report on September 1,~~
 324 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
 325 ~~the Senate, and the Speaker of the House of Representatives on~~

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

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

339 112.215 Government employees; deferred compensation
 340 program.—

341 (2) For the purposes of this section, the term "government
 342 employee" means any person employed, whether appointed, elected,
 343 or under contract, by providing services for the state or any
 344 governmental unit of the state, including, but not limited to, †
 345 any state agency; any ~~or~~ county, municipality, or other
 346 political subdivision of the state; any special district or
 347 water management district, as the terms are defined in s.
 348 189.012 municipality; any state university or Florida College
 349 System institution, as the terms are defined in s. 1000.21(6)
 350 and (3), respectively ~~board of trustees; or any constitutional~~

351 county officer under s. 1(d), Art. VIII of the State
352 Constitution for which compensation or statutory fees are paid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

425 (12) The Chief Financial Officer may adopt any rule

426 necessary to administer and implement this act with respect to
 427 the state deferred compensation plan or plans ~~for state~~
 428 ~~employees and persons employed by a state university as defined~~
 429 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
 430 ~~water management district as defined in s. 189.012.~~

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

433 215.55952 Triennial ~~Annual~~ report on economic impact of a
 434 1-in-100-year hurricane.—The Chief Financial Officer shall
 435 provide a report on the economic impact on the state of a 1-in-
 436 100-year hurricane to the Governor, the President of the Senate,
 437 and the Speaker of the House of Representatives by March 1,
 438 2025, and of each triennial year thereafter. The report shall
 439 include an estimate of the short-term and long-term fiscal
 440 impacts of such a storm on Citizens Property Insurance
 441 Corporation, the Florida Hurricane Catastrophe Fund, the private
 442 insurance and reinsurance markets, the state economy, and the
 443 state debt. The report shall also include an analysis of the
 444 average premium increase to fund a 1-in-100-year hurricane event
 445 and list the average cost, in both a percentage and dollar
 446 amount, impact to consumers on a county-level basis. The report
 447 may also include recommendations by the Chief Financial Officer
 448 for preparing for such a hurricane and reducing the economic
 449 impact of such a hurricane on the state. In preparing the
 450 analysis, the Chief Financial Officer shall coordinate with and

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

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

459 274.01 Definitions.—The following words as used in this
 460 act have the meanings set forth in the below subsections, unless
 461 a different meaning is required by the context:

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

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

471 440.13 Medical services and supplies; penalty for
 472 violations; limitations.—

473 (9) EXPERT MEDICAL ADVISORS.—

474 (c) If there is disagreement in the opinions of the health
 475 care providers, if two health care providers disagree on medical

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

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

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

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

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

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

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

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

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

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

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

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

571 (h)-(e) As to reimbursement for a prescription medication,
572 the reimbursement amount for a prescription shall be the average
573 wholesale price plus \$4.18 for the dispensing fee. For
574 repackaged or relabeled prescription medications dispensed by a
575 dispensing practitioner as provided in s. 465.0276, the fee

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

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

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

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

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

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

626 delivery system, and must be sufficient to ensure availability
627 of such medically necessary remedial treatment, care, and
628 attendance to injured workers; ~~and~~

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

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

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

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

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

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

650

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

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

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

672 440.385 Florida Self-Insurers Guaranty Association,
673 Incorporated.—

674 (2) BOARD OF DIRECTORS.—The board of directors of the
675 association shall consist of nine persons and shall be organized

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

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

693 (b) Directors are subject to the code of ethics under part
694 III of chapter 112, including, but not limited to, the code of
695 ethics and public disclosure and reporting of financial
696 interests, pursuant to s. 112.3145. For purposes of applying
697 part III of chapter 112 to activities of members of the board of
698 directors, those persons are considered public officers and the
699 association is considered their agency. Notwithstanding s.
700 112.3143(2), a director may not vote on any measure that he or

701 she knows would inure to his or her special private gain or
 702 loss; that he or she knows would inure to the special private
 703 gain or loss of any principal by which he or she is retained,
 704 other than an agency as defined in s. 112.312; or that he or she
 705 knows would inure to the special private gain or loss of a
 706 relative or business associate of the public officer. Before the
 707 vote is taken, such director shall publicly state to the board
 708 the nature of his or her interest in the matter from which he or
 709 she is abstaining from voting and, within 15 days after the vote
 710 occurs, disclose the nature of his or her interest as a public
 711 record in a memorandum filed with the person responsible for
 712 recording the minutes of the meeting, who shall incorporate the
 713 memorandum in the minutes.

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

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

724 Section 7. Present subsections (62) through (77) and (78)
 725 of section 497.005, Florida Statutes, are redesignated as

726 subsections (63) through (78) and (80), respectively, a new
727 subsection (62) and subsection (79) are added to that section,
728 and subsections (9) and (61) of that section are amended, to
729 read:

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

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

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

740 (62) "Preneed contract" means any arrangement or method
741 for which the provider of funeral merchandise or services
742 receives any payment in advance for funeral or burial
743 merchandise and services after the death of the contract
744 beneficiary. The term excludes a transportation protection
745 agreement and any payments received on a transportation
746 protection agreement.

747 (79) "Transportation protection agreement" means an
748 agreement that exclusively provides or arranges for services
749 related to the preparation for the purpose of transportation and
750 subsequent transportation of human remains or cremated remains.

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

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

756 624.1265 Nonprofit religious organization exemption;
 757 authority; notice.—

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

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

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

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

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

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

775 1. Among the participants; or

776 2. By the nonprofit religious organization to the
777 participants;

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

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

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

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

791 624.501 Filing, license, appointment, and miscellaneous
792 fees.—The department, commission, or office, as appropriate,
793 shall collect in advance, and persons so served shall pay to it
794 in advance, fees, licenses, and miscellaneous charges as
795 follows:

796 (25) Reinsurance intermediary:

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

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

800 Section 10. Subsection (5) of section 626.015, Florida

801 Statutes, is amended to read:

802 626.015 Definitions.—As used in this part:

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

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

814 626.171 Application for license as an agent, customer
 815 representative, adjuster, service representative, or reinsurance
 816 intermediary.—

817 (4) An applicant for a license issued by the department
 818 under this chapter must submit a set of the individual
 819 applicant's fingerprints, or, if the applicant is not an
 820 individual, a set of the fingerprints of the sole proprietor,
 821 majority owner, partners, officers, and directors, to the
 822 department and must pay the fingerprint processing fee set forth
 823 in s. 624.501. Fingerprints must be processed in accordance with
 824 s. 624.34 and used to investigate the applicant's qualifications
 825 pursuant to s. 626.201. The fingerprints must be taken by a law

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

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

837 626.173 Insurance agency closure; cancellation of
838 licenses.—

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

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

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

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

856 626.207 Disqualification of applicants and licensees;
 857 penalties against licensees; rulemaking authority.—

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

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

875 626.221 Examination requirement; exemptions.—

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

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

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

900 626.2815 Continuing education requirements.—

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

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

925 (f) Elective continuing education courses for public

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

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

936 | 626.321 Limited licenses and registration.—

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

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

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

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

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

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

995 (i) Preneed funeral agreement insurance.-Limited license
 996 for insurance covering only prearranged funeral, cremation, or
 997 cemetery agreements, or any combination thereof, funded by
 998 insurance and offered in connection with an establishment that
 999 holds a preneed license pursuant to s. 497.452. Such license may
 1000 be issued without examination only to an individual who has

1001 filed with the department an application for a license in a form
 1002 and manner prescribed by the department, who currently holds a
 1003 valid preneed sales agent license pursuant to s. 497.466, who
 1004 paid the applicable fees for a license as prescribed in s.
 1005 624.501, who has been appointed under s. 626.112, and who paid
 1006 the prescribed appointment fee under s. 624.501.

1007 Section 17. Paragraph (n) of subsection (1) of section
 1008 626.611, Florida Statutes, is amended to read:

1009 626.611 Grounds for compulsory refusal, suspension, or
 1010 revocation of agent's, title agency's, adjuster's, customer
 1011 representative's, service representative's, or managing general
 1012 agent's license or appointment.—

1013 (1) The department shall deny an application for, suspend,
 1014 revoke, or refuse to renew or continue the license or
 1015 appointment of any applicant, agent, title agency, adjuster,
 1016 customer representative, service representative, or managing
 1017 general agent, and it shall suspend or revoke the eligibility to
 1018 hold a license or appointment of any such person, if it finds
 1019 that as to the applicant, licensee, or appointee any one or more
 1020 of the following applicable grounds exist:

1021 (n) Having been found guilty of or having pleaded guilty
 1022 or nolo contendere to a misdemeanor directly related to the
 1023 financial services business, any felony, or any a crime
 1024 punishable by imprisonment of 1 year or more under the law of
 1025 the United States of America or of any state thereof or under

1026 | the law of any other country, without regard to whether a
 1027 | judgment of conviction has been entered by the court having
 1028 | jurisdiction of such cases.

1029 | Section 18. Subsection (18) is added to section 626.621,
 1030 | Florida Statutes, to read:

1031 | 626.621 Grounds for discretionary refusal, suspension, or
 1032 | revocation of agent's, adjuster's, customer representative's,
 1033 | service representative's, or managing general agent's license or
 1034 | appointment.—The department may, in its discretion, deny an
 1035 | application for, suspend, revoke, or refuse to renew or continue
 1036 | the license or appointment of any applicant, agent, adjuster,
 1037 | customer representative, service representative, or managing
 1038 | general agent, and it may suspend or revoke the eligibility to
 1039 | hold a license or appointment of any such person, if it finds
 1040 | that as to the applicant, licensee, or appointee any one or more
 1041 | of the following applicable grounds exist under circumstances
 1042 | for which such denial, suspension, revocation, or refusal is not
 1043 | mandatory under s. 626.611:

1044 | (18) Cancellation of the applicant's, licensee's, or
 1045 | appointee's resident license in a state other than Florida.

1046 | Section 19. Paragraphs (d) and (g) of subsection (2) and
 1047 | paragraphs (a), (b), and (e) through (j) of subsection (3) of
 1048 | section 626.7492, Florida Statutes, are amended to read:

1049 | 626.7492 Reinsurance intermediaries.—

1050 | (2) DEFINITIONS.—As used in this section:

1051 (d) "Producer" means a licensed ~~an~~ agent, broker, or
 1052 insurance agency that is appointed as a reinsurance intermediary
 1053 ~~licensed~~ pursuant to the applicable provision of the Florida
 1054 Insurance Code.

1055 (g) "Reinsurance intermediary manager" means any person
 1056 who has authority to bind, or manages all or part of, the
 1057 assumed reinsurance business of a reinsurer, including the
 1058 management of a separate division, department, or underwriting
 1059 office, and acts as a representative ~~an agent~~ for the reinsurer
 1060 whether known as a reinsurance intermediary manager, manager, or
 1061 other similar term. Notwithstanding the above, none of the
 1062 following persons is a reinsurance intermediary manager with
 1063 respect to the reinsurer for the purposes of this section:

- 1064 1. An employee of the reinsurer;
- 1065 2. A manager of the United States branch of an alien
 1066 reinsurer;
- 1067 3. An underwriting manager which, pursuant to contract,
 1068 manages all the reinsurance operations of the reinsurer, is
 1069 under common control with the reinsurer, subject to the holding
 1070 company act, and whose compensation is not based on the volume
 1071 of premiums written.
- 1072 4. The manager of a group, association, pool, or
 1073 organization of insurers which engage in joint underwriting or
 1074 joint reinsurance and who are subject to examination by the
 1075 insurance regulatory authority of the state in which the

1076 | manager's principal business office is located.

1077 | (3) LICENSURE.—

1078 | (a) No person shall act as a reinsurance intermediary
 1079 | broker in this state if the reinsurance intermediary broker
 1080 | maintains an office either directly or as a member or employee
 1081 | of a firm or association, or an officer, director, or employee
 1082 | of a corporation:

1083 | 1. In this state, unless the reinsurance intermediary
 1084 | broker is a licensed producer in this state; or

1085 | 2. In another state, unless the reinsurance intermediary
 1086 | broker is a licensed producer in this state or in another state
 1087 | having a law substantially similar to this section or the
 1088 | reinsurance intermediary broker is licensed in this state as an
 1089 | insurance agency and appointed as a ~~nonresident~~ reinsurance
 1090 | intermediary.

1091 | (b) No person shall act as a reinsurance intermediary
 1092 | manager:

1093 | 1. For a reinsurer domiciled in this state, unless the
 1094 | reinsurance intermediary manager is a licensed producer in this
 1095 | state;

1096 | 2. In this state, if the reinsurance intermediary manager
 1097 | maintains an office either directly or as a member or employee
 1098 | of a firm or association, or an officer, director, or employee
 1099 | of a corporation in this state, unless the reinsurance
 1100 | intermediary manager is a licensed producer in this state;

1101 3. In another state for a nondomestic insurer, unless the
1102 reinsurance intermediary manager is a licensed producer in this
1103 state or another state having a law substantially similar to
1104 this section, or the person is licensed in this state as a
1105 producer ~~nonresident reinsurance intermediary~~.

1106 (e) If the applicant for a reinsurance intermediary
1107 appointment ~~license~~ is a nonresident, the applicant, as a
1108 condition precedent to receiving or holding an appointment ~~a~~
1109 ~~license~~, must designate the Chief Financial Officer as agent for
1110 service of process in the manner, and with the same legal
1111 effect, provided for by this section for designation of service
1112 of process upon unauthorized insurers. Such applicant shall also
1113 furnish the department with the name and address of a resident
1114 of this state upon whom notices or orders of the department or
1115 process affecting the nonresident reinsurance intermediary may
1116 be served. The licensee shall promptly notify the department in
1117 writing of each change in its designated agent for service of
1118 process, and the change shall not become effective until
1119 acknowledged by the department.

1120 (f) ~~The department may refuse to issue a reinsurance~~
1121 ~~intermediary license if, in its judgment, the applicant, anyone~~
1122 ~~named on the application, or any member, principal, officer, or~~
1123 ~~director of the applicant, has demonstrated a lack of fitness~~
1124 ~~and trustworthiness, or that any controlling person of the~~
1125 ~~applicant is not fit or trustworthy to act as a reinsurance~~

1126 ~~intermediary, or that any of the foregoing has given cause for~~
 1127 ~~revocation or suspension of the license, or has failed to comply~~
 1128 ~~with any prerequisite for the issuance of the license.~~

1129 ~~(g)~~ Reinsurance intermediaries shall be ~~licensed,~~
 1130 appointed, renewed, continued, reinstated, or terminated as
 1131 prescribed in this chapter for insurance representatives in
 1132 general, ~~except that they shall be exempt from the photo,~~
 1133 ~~education, and examination provisions. License,~~ Appointment, and
 1134 other fees shall be those prescribed in s. 624.501.

1135 ~~(g)(h)~~ The grounds and procedures for refusal of an a
 1136 ~~license or~~ appointment or suspension or revocation of a license
 1137 or appointment issued to a reinsurance intermediary under this
 1138 section are as set forth in ss. 626.611-626.691 for insurance
 1139 representatives in general.

1140 ~~(h)(i)~~ An attorney licensed in this state, when acting in
 1141 a professional capacity, is exempt from this subsection.

1142 ~~(i)(j)~~ The department may develop necessary rules to carry
 1143 out this section.

1144 Section 20. Subsection (5) of section 626.752, Florida
 1145 Statutes, is amended to read:

1146 626.752 Exchange of business.—

1147 (5) Within 15 days after the last day of each month, any
 1148 insurer accepting business under this section shall report to
 1149 the department the name, address, telephone number, and social
 1150 security number of each agent from which the insurer received

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

1166 Section 21. Subsection (3) of section 626.785, Florida
 1167 Statutes, is amended to read:

1168 626.785 Qualifications for license.-

1169 (3) Notwithstanding any other provisions of this chapter,
 1170 a funeral director, a direct disposer, or an employee of a
 1171 funeral establishment that holds a preneed license pursuant to
 1172 s. 497.452 may obtain an agent's license or a limited license to
 1173 sell only policies of life insurance covering the expense of a
 1174 prearrangement for funeral services or merchandise so as to
 1175 provide funds at the time the services and merchandise are

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

1182 Section 22. Subsection (4) of section 626.793, Florida
1183 Statutes, is amended to read:

1184 626.793 Excess or rejected business.—

1185 (4) Within 15 days after the last day of each month, any
1186 insurer accepting business under this section shall report to
1187 the department the name, address, telephone number, and social
1188 security number of each agent from which the insurer received
1189 more than four risks during the calendar year. Once the insurer
1190 has reported an agent's name to the department pursuant to this
1191 subsection, additional reports on the same agent shall not be
1192 required. However, the fee set forth in s. 624.501 must be paid
1193 for the agent by the insurer for each year until the insurer
1194 notifies the department that the insurer is no longer accepting
1195 business from the agent pursuant to this section. The insurer
1196 may require that the agent reimburse the insurer for the fee. If
1197 the insurer or employer does not pay the fees and taxes due
1198 pursuant to this subsection within 21 days after notice by the
1199 department, the department must suspend the insurer's or
1200 employer's authority to appoint licensees until all outstanding

1201 fees and taxes have been paid.

1202 Section 23. Subsection (5) of section 626.837, Florida
 1203 Statutes, is amended to read:

1204 626.837 Excess or rejected business.—

1205 (5) Within 15 days after the last day of each month, any
 1206 insurer accepting business under this section shall report to
 1207 the department the name, address, telephone number, and social
 1208 security number of each agent from which the insurer received
 1209 more than four risks during the calendar year. Once the insurer
 1210 has reported pursuant to this subsection an agent's name to the
 1211 department, additional reports on the same agent shall not be
 1212 required. However, the fee set forth in s. 624.501 must be paid
 1213 for the agent by the insurer for each year until the insurer
 1214 notifies the department that the insurer is no longer accepting
 1215 business from the agent pursuant to this section. The insurer
 1216 may require that the agent reimburse the insurer for the fee. If
 1217 the insurer or employer does not pay the fees and taxes due
 1218 pursuant to this subsection within 21 days after notice by the
 1219 department, the department must suspend the insurer's or
 1220 employer's authority to appoint licensees until all outstanding
 1221 fees and taxes have been paid.

1222 Section 24. Paragraph (e) is added to subsection (2) of
 1223 section 626.8411, Florida Statutes, to read:

1224 626.8411 Application of Florida Insurance Code provisions
 1225 to title insurance agents or agencies.—

1226 (2) The following provisions of part I do not apply to
1227 title insurance agents or title insurance agencies:

1228 (e) Section 626.173(1)(c), relating to notifying
1229 policyholders of the agency closure.

1230 Section 25. Present subsections (8) through (11) of
1231 section 626.8437, Florida Statutes, are redesignated as
1232 subsections (9) through (12), respectively, and a new subsection
1233 (8) and subsection (13) are added to that section, to read:

1234 626.8437 Grounds for denial, suspension, revocation, or
1235 refusal to renew license or appointment.—The department shall
1236 deny, suspend, revoke, or refuse to renew or continue the
1237 license or appointment of any title insurance agent or agency,
1238 and it shall suspend or revoke the eligibility to hold a license
1239 or appointment of such person, if it finds that as to the
1240 applicant, licensee, appointee, or any principal thereof, any
1241 one or more of the following grounds exist:

1242 (8) Misappropriation, conversion, or improper withholding
1243 of funds not legally entitled thereto and which are received in
1244 a fiduciary capacity and held as part of an escrow agreement,
1245 real estate sales contract, or as provided on a settlement
1246 statement in a real estate transaction.

1247 (13) Revocation or cancellation of a licensee's resident
1248 license in a jurisdiction other than this state.

1249 Section 26. Subsections (7) and (8) are added to section
1250 626.844, Florida Statutes, to read:

1251 626.844 Grounds for discretionary refusal, suspension, or
 1252 revocation of license or appointment.—The department may, in its
 1253 discretion, deny, suspend, revoke, or refuse to renew or
 1254 continue the license or appointment of any title insurance agent
 1255 or agency, and it may suspend or revoke the eligibility to hold
 1256 a license or appointment of any such title insurance agent or
 1257 agency if it finds that as to the applicant or licensee or
 1258 appointee, or any principal thereof, any one or more of the
 1259 following grounds exist under circumstances for which such
 1260 denial, suspension, revocation, or refusal is not mandatory
 1261 under s. 626.8437:

1262 (7) Having been the subject of, or having had a license,
 1263 permit, appointment, registration, or other authority to conduct
 1264 business subject to, any decision, finding, injunction,
 1265 suspension, prohibition, revocation, denial, judgment, final
 1266 agency action, or administrative order by any court of competent
 1267 jurisdiction, administrative law proceeding, state agency,
 1268 federal agency, national securities, commodities, or option
 1269 exchange, or national securities, commodities, or option
 1270 association involving a violation of any federal or state
 1271 securities or commodities law or any rule or regulation adopted
 1272 thereunder, or a violation of any rule or regulation of any
 1273 national securities, commodities, or options exchange or
 1274 national securities, commodities, or options association.

1275 (8) Revocation or cancellation of a licensee's resident

1276 | license in a jurisdiction other than this state.

1277 | Section 27. Section 626.8473, Florida Statutes, is amended
 1278 | to read:

1279 | 626.8473 Escrow; trust fund.—

1280 | (1) A title insurance agency agent may engage in business
 1281 | as an escrow agent as to funds received from others to be
 1282 | subsequently disbursed ~~by the title insurance agent~~ in
 1283 | connection with real estate closing transactions involving the
 1284 | issuance of title ~~insurance binders~~, commitments, policies of
 1285 | title insurance, or guarantees of title, provided that a
 1286 | licensed and appointed title insurance agency agent complies
 1287 | with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
 1288 | requirements added after the initial licensure of the agency
 1289 | ~~agent~~.

1290 | (2) All funds received by a title insurance agency agent
 1291 | as described in subsection (1) shall be trust funds received in
 1292 | a fiduciary capacity by the title insurance agency agent and
 1293 | shall be the property of the person or persons entitled thereto.

1294 | (3) All funds received by a title insurance agency agent
 1295 | to be held in trust shall be immediately placed in a financial
 1296 | institution that is located within this state and is a member of
 1297 | the Federal Deposit Insurance Corporation or the National Credit
 1298 | Union Share Insurance Fund. These funds shall be invested in an
 1299 | escrow account in accordance with the investment requirements
 1300 | and standards established for deposits and investments of state

1301 funds in s. 17.57, where the funds shall be kept until
 1302 disbursement thereof is properly authorized.

1303 (4) Funds required to be maintained in escrow trust
 1304 accounts pursuant to this section shall not be subject to any
 1305 debts of the title insurance agency agent and shall be used only
 1306 in accordance with the terms of the individual, escrow,
 1307 settlement, or closing instructions under which the funds were
 1308 accepted.

1309 (5) The title insurance agency agents shall maintain
 1310 separate records of all receipts and disbursements of escrow,
 1311 settlement, or closing funds.

1312 (6) In the event that the department promulgates rules
 1313 necessary to implement the requirements of this section pursuant
 1314 to s. 624.308, the department shall consider reasonable
 1315 standards necessary for the protection of funds held in trust,
 1316 including, but not limited to, standards for accounting of
 1317 funds, standards for receipt and disbursement of funds, and
 1318 protection for the person or persons to whom the funds are to be
 1319 disbursed.

1320 (7) A title insurance agency agent, or any officer,
 1321 director, or employee thereof, or any person associated
 1322 therewith as an independent contractor for bookkeeping or
 1323 similar purposes, who converts or misappropriates funds received
 1324 or held in escrow or in trust by such title insurance agency
 1325 ~~agent~~, or any person who knowingly receives or conspires to

1326 receive such funds, commits:

1327 (a) If the funds converted or misappropriated are \$300 or
 1328 less, a misdemeanor of the first degree, punishable as provided
 1329 in s. 775.082 or s. 775.083.

1330 (b) If the funds converted or misappropriated are more
 1331 than \$300, but less than \$20,000, a felony of the third degree,
 1332 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1333 (c) If the funds converted or misappropriated are \$20,000
 1334 or more, but less than \$100,000, a felony of the second degree,
 1335 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1336 (d) If the funds converted or misappropriated are \$100,000
 1337 or more, a felony of the first degree, punishable as provided in
 1338 s. 775.082, s. 775.083, or s. 775.084.

1339 (8) An attorney shall deposit and maintain all funds
 1340 received in connection with transactions in which the attorney
 1341 is serving as a title or real estate settlement agent into a
 1342 separate trust account that is maintained exclusively for funds
 1343 received in connection with such transactions and permit the
 1344 account to be audited by its title insurers, unless maintaining
 1345 funds in the separate account for a particular client would
 1346 violate applicable rules of The Florida Bar.

1347 Section 28. Subsection (19) of section 626.854, Florida
 1348 Statutes, is amended to read:

1349 626.854 "Public adjuster" defined; prohibitions.—The
 1350 Legislature finds that it is necessary for the protection of the

1351 public to regulate public insurance adjusters and to prevent the
1352 unauthorized practice of law.

1353 (19) Except as otherwise provided in this chapter, no
1354 person, except an attorney at law or a licensed and appointed
1355 public adjuster, may for money, commission, or any other thing
1356 of value, directly or indirectly:

1357 (a) Prepare, complete, or file an insurance claim for an
1358 insured or a third-party claimant;

1359 (b) Act on behalf of or aid an insured or a third-party
1360 claimant in negotiating for or effecting the settlement of a
1361 claim for loss or damage covered by an insurance contract;

1362 (c) Offer to initiate or negotiate a claim on behalf of an
1363 insured;

1364 (d) Advertise services that require a license as a public
1365 adjuster; or

1366 (e) Solicit, investigate, or adjust a claim on behalf of a
1367 public adjuster, an insured, or a third-party claimant.

1368 Section 29. Section 626.874, Florida Statutes, is amended
1369 to read:

1370 626.874 Catastrophe or emergency adjusters.—

1371 (1) In the event of a catastrophe or emergency, the
1372 department may issue a license, for the purposes and under the
1373 conditions and for the period of emergency as it shall
1374 determine, to persons who are residents or nonresidents of this
1375 state, who are at least 18 years of age, who are United States

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

1386 (2) If any person not a licensed adjuster who has been
 1387 permitted to adjust such losses, claims, or damages under the
 1388 conditions and circumstances set forth in subsection (1),
 1389 engages in any of the misconduct described in or contemplated by
 1390 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without
 1391 notice and hearing, shall be authorized to issue its order
 1392 denying such person the privileges granted under this section;
 1393 and thereafter it shall be unlawful for any such person to
 1394 adjust any such losses, claims, or damages in this state.

1395 Section 30. Subsection (2) of section 626.9892, Florida
 1396 Statutes, is amended to read:

1397 626.9892 Anti-Fraud Reward Program; reporting of insurance
 1398 fraud.—

1399 (2) The department may pay rewards of up to \$25,000 to
 1400 persons providing information leading to the arrest ~~and~~

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

1408 Section 31. Present subsections (7) through (12) of
 1409 section 626.9957, Florida Statutes, are redesignated as
 1410 subsections (8) through (13), respectively, and a new subsection
 1411 (7) is added to that section, to read:

1412 626.9957 Conduct prohibited; denial, revocation,
 1413 termination, expiration, or suspension of registration.—

1414 (7) If a navigator registered under this part fails to
 1415 maintain an active, valid navigator's registration status with
 1416 the Federal Government or an exchange, the navigator's
 1417 registration issued under this part shall expire by operation of
 1418 law. A navigator with an expired registration may not be granted
 1419 subsequent registration until the navigator qualifies as a
 1420 first-time applicant.

1421 Section 32. Paragraph (c) of subsection (4) of section
 1422 627.351, Florida Statutes, is amended to read:

1423 627.351 Insurance risk apportionment plans.—

1424 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1425 (c) The Joint Underwriting Association shall operate

1426 subject to the supervision and approval of a board of governors
1427 consisting of representatives of five of the insurers
1428 participating in the Joint Underwriting Association, an attorney
1429 named by The Florida Bar, a physician named by the Florida
1430 Medical Association, a dentist named by the Florida Dental
1431 Association, and a hospital representative named by the Florida
1432 Hospital Association. The Chief Financial Officer shall select
1433 the representatives of the five insurers or other persons with
1434 experience in medical malpractice insurance as determined by the
1435 Chief Financial Officer. These appointments are deemed to be
1436 within the scope of the exemption provided in s. 112.313(7)(b).
1437 One insurer representative shall be selected from
1438 recommendations of the American Insurance Association. One
1439 insurer representative shall be selected from recommendations of
1440 the Property Casualty Insurers Association of America. One
1441 insurer representative shall be selected from recommendations of
1442 the Florida Insurance Council. Two insurer representatives shall
1443 be selected to represent insurers that are not affiliated with
1444 these associations. Vacancies on the board shall be filled for
1445 the remaining period of the term in the same manner as the
1446 initial appointments. During the first meeting of the board
1447 after June 30 of each year, the board shall choose one of its
1448 members to serve as chair of the board and another member to
1449 serve as vice chair of the board. There is no liability on the
1450 part of, and no cause of action shall arise against, any member

1451 insurer, self-insurer, or its agents or employees, the Joint
1452 Underwriting Association or its agents or employees, members of
1453 the board of governors, or the office or its representatives for
1454 any action taken by them in the performance of their powers and
1455 duties under this subsection.

1456 1. The Chief Financial Officer may remove a board member
1457 from office for misconduct, malfeasance, misfeasance, or neglect
1458 of duty. Any vacancy so created shall be filled as provided in
1459 this paragraph.

1460 2. Board members are subject to the code of ethics under
1461 part III of chapter 112, including, but not limited to, the code
1462 of ethics and public disclosure and reporting of financial
1463 interests, pursuant to s. 112.3145. For purposes of applying
1464 part III of chapter 112 to activities of members of the board of
1465 governors, those persons are considered public officers and the
1466 Joint Underwriting Association is considered their agency.
1467 Notwithstanding s. 112.3143(2), a board member may not vote on
1468 any measure that he or she knows would inure to his or her
1469 special private gain or loss; that he or she knows would inure
1470 to the special private gain or loss of any principal by which he
1471 or she is retained, other than an agency as defined in s.
1472 112.312; or that he or she knows would inure to the special
1473 private gain or loss of a relative or business associate of the
1474 public officer. Before the vote is taken, such board member
1475 shall publicly state to the board the nature of his or her

1476 interest in the matter from which he or she is abstaining from
 1477 voting and, within 15 days after the vote occurs, disclose the
 1478 nature of his or her interest as a public record in a memorandum
 1479 filed with the person responsible for recording the minutes of
 1480 the meeting, who shall incorporate the memorandum in the
 1481 minutes.

1482 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
 1483 law, a board member may not knowingly accept, directly or
 1484 indirectly, any gift or expenditure from a person or entity, or
 1485 an employee or representative of such person or entity, which
 1486 has a contractual relationship with the Joint Underwriting
 1487 Association or which is under consideration for a contract.

1488 4. A board member who fails to comply with subparagraph 2.
 1489 or subparagraph 3. is subject to the penalties provided under
 1490 ss. 112.317 and 112.3173.

1491 Section 31. Subsections (2) and (3) of section 627.7015,
 1492 Florida Statutes, are amended to read:

1493 627.7015 Alternative procedure for resolution of disputed
 1494 property insurance claims.—

1495 (2) At the time of issuance and renewal of a policy or at
 1496 the time a first-party claim within the scope of this section is
 1497 filed by the policyholder, the insurer shall notify the
 1498 policyholder of its right to participate in the mediation
 1499 program under this section. A claim is not eligible for
 1500 mediation until an insurer has made a claim determination or

1501 elected to repair pursuant to s. 627.70131. The department shall
 1502 prepare a consumer information pamphlet for distribution to
 1503 persons participating in mediation.

1504 (3) The costs of mediation must be reasonable, and the
 1505 insurer must bear all of the cost of conducting mediation
 1506 conferences, except as otherwise provided in this section. If a
 1507 policyholder fails to appear at the conference, the conference
 1508 must be rescheduled upon the policyholder's payment of the costs
 1509 of a rescheduled conference. If the insurer fails to appear at
 1510 the conference, the insurer must pay the policyholder's actual
 1511 cash expenses incurred in attending the conference if the
 1512 insurer's failure to attend was not due to a good cause
 1513 acceptable to the department. An insurer will be deemed to have
 1514 failed to appear if the insurer's representative lacks authority
 1515 to settle the full value of the claim. The insurer shall incur
 1516 an additional fee for a rescheduled conference necessitated by
 1517 the insurer's failure to appear at a scheduled conference. The
 1518 fees assessed by the department ~~administrator~~ must include a
 1519 charge necessary to defray the expenses of the department
 1520 related to its duties under this section and must be deposited
 1521 in the Insurance Regulatory Trust Fund. The department may
 1522 suspend the insurer's authority to appoint licensees if the
 1523 insurer does not timely pay the required fees.

1524 Section 34. Subsection (18) is added to section 627.7074,
 1525 Florida Statutes, to read:

1526 627.7074 Alternative procedure for resolution of disputed
1527 sinkhole insurance claims.—

1528 (18) The department may designate, by means of a written
1529 contract or agreement, an entity or a person to serve as
1530 administrator to carry out any of the provisions of this
1531 section.

1532 Section 35. Section 627.745, Florida Statutes, is amended
1533 to read:

1534 627.745 Mediation of claims.—

1535 (1)(a) In any claim filed with an insurer for personal
1536 injury in an amount of \$10,000 or less or any claim for property
1537 damage in any amount, arising out of the ownership, operation,
1538 use, or maintenance of a motor vehicle, either party may demand
1539 mediation of the claim prior to the institution of litigation.

1540 (b) The costs of mediation must be reasonable, and the
1541 insurer must bear all of the cost of conducting mediation
1542 conferences, except as otherwise provided in this section. If a
1543 policyholder fails to appear at the conference, the conference
1544 must be rescheduled upon the policyholder's payment of the costs
1545 of a rescheduled conference. If the insurer fails to appear at
1546 the conference, the insurer must pay the policyholder's actual
1547 cash expenses incurred in attending the conference if the
1548 insurer's failure to attend was not due to a good cause
1549 acceptable to the department. An insurer is deemed to have
1550 failed to appear if the insurer's representative lacks authority

1551 to settle the full value of the claim. The insurer shall incur
1552 an additional fee, paid to the mediator, for a rescheduled
1553 conference necessitated by the insurer's failure to appear at a
1554 scheduled conference. The fees assessed by the department or
1555 administrator must include a charge necessary to defray the
1556 expenses of the department related to its duties under this
1557 section and must be deposited in the Insurance Regulatory Trust
1558 Fund. The department or administrator may request that the
1559 department suspend the insurer's authority to appoint licensees
1560 if the insurer does not timely pay the per-mediation-event
1561 administrative fee. Mediation under this section is also
1562 available to litigants referred to the department by a county
1563 court or circuit court.

1564 ~~(b) A request for mediation shall be filed with the~~
1565 ~~department on a form approved by the department. The request for~~
1566 ~~mediation shall state the reason for the request for mediation~~
1567 ~~and the issues in dispute which are to be mediated. The filing~~
1568 ~~of a request for mediation tolls the applicable time~~
1569 ~~requirements for filing suit for a period of 60 days following~~
1570 ~~the conclusion of the mediation process or the time prescribed~~
1571 ~~in s. 95.11, whichever is later.~~

1572 ~~(c) The insurance policy must specify in detail the terms~~
1573 ~~and conditions for mediation of a first-party claim.~~

1574 ~~(d) The mediation shall be conducted as an informal~~
1575 ~~process in which formal rules of evidence and procedure need not~~

1576 ~~be observed. Any party participating in a mediation must have~~
1577 ~~the authority to make a binding decision. All parties must~~
1578 ~~mediate in good faith.~~

1579 ~~(c) The department shall randomly select mediators. Each~~
1580 ~~party may once reject the mediator selected, either originally~~
1581 ~~or after the opposing side has exercised its option to reject a~~
1582 ~~mediator.~~

1583 ~~(f) Costs of mediation shall be borne equally by both~~
1584 ~~parties unless the mediator determines that one party has not~~
1585 ~~mediated in good faith.~~

1586 ~~(g) Only one mediation may be requested for each claim,~~
1587 ~~unless all parties agree to further mediation.~~

1588 ~~(2) Upon receipt of a request for mediation, the~~
1589 ~~department shall refer the request to a mediator. The mediator~~
1590 ~~shall notify the applicant and all interested parties, as~~
1591 ~~identified by the applicant, and any other parties the mediator~~
1592 ~~believes may have an interest in the mediation, of the date,~~
1593 ~~time, and place of the mediation conference. The conference may~~
1594 ~~be held by telephone, if feasible. The mediation conference~~
1595 ~~shall be held within 45 days after the request for mediation.~~

1596 ~~(2) (a) (3) (a)~~ The department shall approve mediators to
1597 conduct mediations pursuant to this section. All mediators must
1598 file an application under oath for approval as a mediator.

1599 (b) To qualify for approval as a mediator, an individual
1600 must meet one of the following qualifications:

1601 1. Possess an active certification as a Florida Supreme
1602 Court certified circuit court mediator. A Florida Supreme Court
1603 certified circuit court mediator in a lapsed, suspended,
1604 sanctioned, or decertified status is not eligible to participate
1605 in the mediation program.

1606 2. Be an approved department mediator as of July 1, 2014,
1607 and have conducted at least one mediation on behalf of the
1608 department within 4 years immediately preceding that date.

1609 (3)~~(4)~~ The department shall deny an application, or
1610 suspend or revoke its approval, of a mediator to serve in such
1611 capacity if the department finds that one or more of the
1612 following grounds exist:

1613 (a) Lack of one or more of the qualifications specified in
1614 this section for approval.

1615 (b) Material misstatement, misrepresentation, or fraud in
1616 obtaining or attempting to obtain the approval.

1617 (c) Demonstrated lack of fitness or trustworthiness to act
1618 as a mediator.

1619 (d) Fraudulent or dishonest practices in the conduct of
1620 mediation or in the conduct of business in the financial
1621 services industry.

1622 (e) Violation of any provision of this code or of a lawful
1623 order or rule of the department, violation of the Florida Rules
1624 for Certified and Court-Appointed Mediators, or aiding,
1625 instructing, or encouraging another party in committing such a

1626 violation.

1627

1628 The department may adopt rules to administer this subsection.

1629 (4) The department shall adopt by rule a motor vehicle

1630 claims insurance mediation program to be administered by the

1631 department or its designee. The department may also adopt

1632 special rules that are applicable in cases of an emergency

1633 within the state. The rules shall be modeled after practices and

1634 procedures set forth in mediation rules of procedure adopted by

1635 the Supreme Court. The rules must include:

1636 (a) Reasonable requirements for processing and scheduling

1637 of requests for mediation.

1638 (b) Provisions governing who may attend mediation

1639 conferences.

1640 (c) Selection of mediators.

1641 (d) Criteria for the conduct of mediation conferences.

1642 (e) Right to legal counsel.

1643 ~~(5) The department must adopt rules of procedure for~~

1644 ~~claims mediation, taking into consideration a system which:~~

1645 ~~(a) Is fair.~~

1646 ~~(b) Promotes settlement.~~

1647 ~~(c) Avoids delay.~~

1648 ~~(d) Is nonadversarial.~~

1649 ~~(e) Uses a framework for modern mediating technique.~~

1650 (f) Controls of costs and expenses of mediation.

1651 (5) The department may designate an entity or person to
 1652 serve as an administrator to carry out any of the provisions of
 1653 this section and may take this action by means of a written
 1654 contract or agreement.

1655 (6) Disclosures and information divulged in the mediation
 1656 process are not admissible in any subsequent action or
 1657 proceeding relating to the claim or to the cause of action
 1658 giving rise to the claim. A person demanding mediation under
 1659 this section may not demand or request mediation after a suit is
 1660 filed relating to the same facts already mediated.

1661 Section 36. Present subsections (7) through (12) of
 1662 section 631.141, Florida Statutes, are redesignated as
 1663 subsections (8) through (13), respectively, and a new subsection
 1664 (7) is added to that section, to read:

1665 631.141 Conduct of delinquency proceeding; domestic and
 1666 alien insurers.—

1667 (7) In order to preserve as much as possible the right and
 1668 interest of the policyholders whose insurance policies or
 1669 similar contracts are affected by the receivership proceedings,
 1670 the department as a domiciliary receiver may:

1671 (a) Use the property of the estate of the insurer to
 1672 transfer the insurer's book of business, policies, or similar
 1673 contracts of coverage, in whole or in part, to a solvent
 1674 assuming insurer or insurers.

1675 (b) Notwithstanding s. 631.195, share records of the

1676 insurer with the prospective solvent assuming insurer or
 1677 insurers, but only to the extent necessary to undertake due
 1678 diligence for a transfer contemplated under this section.

1679 Section 37. Subsections (1) and (3) of section 631.252,
 1680 Florida Statutes, are amended to read:

1681 631.252 Continuation of coverage.—

1682 (1) Unless another insurer, with approval of the
 1683 receivership court, assumes or otherwise provides coverage for
 1684 the policies of the insolvent insurer, all insurance policies or
 1685 similar contracts of coverage, other than coverages defined in
 1686 s. 631.713 or health maintenance organization coverage under
 1687 part IV, issued by the insurer shall be canceled upon the
 1688 earlier ~~earliest to occur~~ of the following:

1689 (a) The date of entry of the liquidation or, if the court
 1690 so provides in its order, the expiration of 30 days from the
 1691 date of entry of the liquidation order;

1692 (b) The normal expiration of the policy or contract
 1693 coverage;

1694 (c) The replacement of the coverage by the insured, or the
 1695 replacement of the policy or contract of coverage, with a policy
 1696 or contract acceptable to the insured by the receiver with
 1697 another insurer; ~~or~~

1698 (d) The date proposed by the receiver and approved by the
 1699 receivership court to cancel coverage; or

1700 (e)-(d) The termination of the coverage by the insured.

1701 (3) The 30-day coverage continuation period provided in
 1702 paragraph (1)(a) and s. 631.57(1)(a)1. may not be extended
 1703 unless the Chief Financial Officer ~~office~~ determines, based on a
 1704 reasonable belief, that market conditions are such that policies
 1705 of residential property insurance coverage cannot be placed with
 1706 an authorized insurer within 30 days and that an additional 15
 1707 days is needed to place such coverage. ~~;~~ and Failure of actual
 1708 notice to the policyholder of the insolvency of the insurer, of
 1709 commencement of a delinquency proceeding, or of expiration of
 1710 the extension period does not affect such expiration.

1711 Section 38. Subsection (1) of section 631.56, Florida
 1712 Statutes, is amended, and subsections (5) through (8) are added
 1713 to that section, to read:

1714 631.56 Board of directors.—

1715 (1) The board of directors of the association shall
 1716 consist of not less than five or more than nine persons serving
 1717 terms as established in the plan of operation. Three members of
 1718 the board must be representatives from domestic insurers and
 1719 appointed by the Chief Financial Officer. The department shall
 1720 approve and appoint to the board persons recommended by the
 1721 member insurers or other persons with experience in property and
 1722 casualty insurance or motor vehicle insurance as determined by
 1723 the Chief Financial Officer. These appointments are deemed to be
 1724 within the scope of the exemption provided in s. 112.313(7)(b).
 1725 ~~In the event the department finds that any recommended person~~

1726 ~~does not meet the qualifications for service on the board, the~~
1727 ~~department shall request the member insurers to recommend~~
1728 ~~another person.~~ Each member shall serve for a 4-year term and
1729 may be reappointed. Vacancies on the board shall be filled for
1730 the remaining period of the term in the same manner as initial
1731 appointments.

1732 (5) The Chief Financial Officer may remove a board member
1733 from office for misconduct, malfeasance, misfeasance, or neglect
1734 of duty. Any vacancy so created shall be filled as provided in
1735 subsection (1).

1736 (6) Board members are subject to the code of ethics under
1737 part III of chapter 112, including, but not limited to, the code
1738 of ethics and public disclosure and reporting of financial
1739 interests, pursuant to s. 112.3145. For purposes of applying
1740 part III of chapter 112 to activities of members of the board of
1741 directors, those persons are considered public officers and the
1742 association is considered their agency. Notwithstanding s.
1743 112.3143(2), a board member may not vote on any measure that he
1744 or she knows would inure to his or her special private gain or
1745 loss; that he or she knows would inure to the special private
1746 gain or loss of any principal by which he or she is retained,
1747 other than an agency as defined in s. 112.312; or that he or she
1748 knows would inure to the special private gain or loss of a
1749 relative or business associate of the public officer. Before the
1750 vote is taken, such member shall publicly state to the board the

1751 nature of his or her interest in the matter from which he or she
 1752 is abstaining from voting and, within 15 days after the vote
 1753 occurs, disclose the nature of his or her interest as a public
 1754 record in a memorandum filed with the person responsible for
 1755 recording the minutes of the meeting, who shall incorporate the
 1756 memorandum in the minutes.

1757 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1758 law, a board member may not knowingly accept, directly or
 1759 indirectly, any gift or expenditure from a person or entity, or
 1760 an employee or representative of such person or entity, which
 1761 has a contractual relationship with the association or which is
 1762 under consideration for a contract.

1763 (8) A board member who fails to comply with subsection (6)
 1764 or subsection (7) is subject to the penalties provided under ss.
 1765 112.317 and 112.3173.

1766 Section 39. Paragraph (a) of subsection (1) of section
 1767 631.716, Florida Statutes, is amended, and subsections (4)
 1768 through (7) are added to that section, to read:

1769 631.716 Board of directors.—

1770 (1)(a) The board of directors of the association shall
 1771 have at least 9, but no more than 11, members. The members shall
 1772 consist ~~be comprised~~ of member insurers serving terms as
 1773 established in the plan of operation and 1 Florida Health
 1774 Maintenance Organization Consumer Assistance Plan director
 1775 confirmed pursuant to paragraph (b), or other persons with

1776 experience in life and annuity or accident and health insurance
1777 as determined by the Chief Financial Officer. These appointments
1778 are deemed to be within the scope of the exemption provided in
1779 s. 112.313(7)(b). At all times, at least 1 ~~member of the board~~
1780 ~~member~~ must be a domestic insurer as defined in s. 624.06(1).
1781 The ~~members of the board~~ members who are member insurers shall
1782 be elected by member insurers, subject to the approval of the
1783 department. Each board member shall serve for a 4-year term and
1784 may be reappointed.

1785 (4) The Chief Financial Officer may remove a board member
1786 from office for misconduct, malfeasance, misfeasance, or neglect
1787 of duty. Any vacancy so created shall be filled as provided in
1788 subsection (1).

1789 (5) Board members are subject to the code of ethics under
1790 part III of chapter 112, including, but not limited to, the code
1791 of ethics and public disclosure and reporting of financial
1792 interests, pursuant to s. 112.3145. For purposes of applying
1793 part III of chapter 112 to activities of members of the board of
1794 directors, those persons are considered public officers and the
1795 association is considered their agency. Notwithstanding s.
1796 112.3143(2), a board member may not vote on any measure that he
1797 or she knows would inure to his or her special private gain or
1798 loss; that he or she knows would inure to the special private
1799 gain or loss of any principal by which he or she is retained,
1800 other than an agency as defined in s. 112.312; or that he or she

1801 knows would inure to the special private gain or loss of a
1802 relative or business associate of the public officer. Before the
1803 vote is taken, such member shall publicly state to the board the
1804 nature of his or her interest in the matter from which he or she
1805 is abstaining from voting and, within 15 days after the vote
1806 occurs, disclose the nature of his or her interest as a public
1807 record in a memorandum filed with the person responsible for
1808 recording the minutes of the meeting, who shall incorporate the
1809 memorandum in the minutes.

1810 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
1811 law, a board member may not knowingly accept, directly or
1812 indirectly, any gift or expenditure from a person or entity, or
1813 an employee or representative of such person or entity, which
1814 has a contractual relationship with the association or which is
1815 under consideration for a contract.

1816 (7) A board member who fails to comply with subsection (5)
1817 or subsection (6) is subject to the penalties provided under ss.
1818 112.317 and 112.3173.

1819 Section 40. Subsection (1) of section 631.816, Florida
1820 Statutes, is amended, and subsections (8) through (11) are added
1821 to that section, to read:

1822 631.816 Board of directors.—

1823 (1) The board of directors of the plan shall consist of
1824 not less than five or more than nine persons serving terms as
1825 established in the plan of operation. The department shall

1826 approve and appoint to the board persons recommended by the
1827 member HMOs or other persons with experience in health insurance
1828 as determined by the Chief Financial Officer. These appointments
1829 are deemed to be within the scope of the exemption provided in
1830 s. 112.313(7)(b). In the event the department finds that any
1831 ~~recommended person does not meet the qualifications for service~~
1832 ~~on the board, the department shall request the member HMOs to~~
1833 ~~recommend another person.~~ Each member shall serve for a 4-year
1834 term and may be reappointed, except that terms may be staggered
1835 as defined in the plan of operation. Vacancies on the board
1836 shall be filled for the remaining period of the term in the same
1837 manner as initial appointments. In determining voting rights,
1838 each HMO is entitled to vote on the basis of cumulative weighted
1839 voting based on the net written premium for non-Medicare and
1840 non-Medicaid policies.

1841 (8) The Chief Financial Officer may remove a board member
1842 from office for misconduct, malfeasance, misfeasance, or neglect
1843 of duty. Any vacancy so created shall be filled as provided in
1844 subsection (1).

1845 (9) Board members are subject to the code of ethics under
1846 part III of chapter 112, including, but not limited to, the code
1847 of ethics and public disclosure and reporting of financial
1848 interests, pursuant to s. 112.3145. For purposes of applying
1849 part III of chapter 112 to activities of members of the board of
1850 directors, those persons are considered public officers and the

1851 plan is considered their agency. Notwithstanding s. 112.3143(2),
1852 a board member may not vote on any measure that he or she knows
1853 would inure to his or her special private gain or loss; that he
1854 or she knows would inure to the special private gain or loss of
1855 any principal by which he or she is retained, other than an
1856 agency as defined in s. 112.312; or that he or she knows would
1857 inure to the special private gain or loss of a relative or
1858 business associate of the public officer. Before the vote is
1859 taken, such member shall publicly state to the board the nature
1860 of his or her interest in the matter from which he or she is
1861 abstaining from voting and, within 15 days after the vote
1862 occurs, disclose the nature of his or her interest as a public
1863 record in a memorandum filed with the person responsible for
1864 recording the minutes of the meeting, who shall incorporate the
1865 memorandum in the minutes.

1866 (10) Notwithstanding s. 112.3148, s. 112.3149, or any
1867 other law, a board member may not knowingly accept, directly or
1868 indirectly, any gift or expenditure from a person or entity, or
1869 an employee or representative of such person or entity, which
1870 has a contractual relationship with the plan or which is under
1871 consideration for a contract.

1872 (11) A board member who fails to comply with subsection
1873 (9) or subsection (10) is subject to the penalties provided
1874 under ss. 112.317 and 112.3173.

1875 Section 41. Subsection (1) of section 631.912, Florida

1876 Statutes, is amended, and subsections (4), (5), and (6) are
1877 added to that section, to read:

1878 631.912 Board of directors.—

1879 (1) The board of directors of the corporation shall
1880 consist of 11 persons, 1 of whom is the insurance consumer
1881 advocate appointed under s. 627.0613 or designee and 1 of whom
1882 is designated by the Chief Financial Officer. The department
1883 shall appoint to the board 6 persons selected by private
1884 carriers from among the 20 workers' compensation insurers with
1885 the largest amount of direct written premium as determined by
1886 the department, and 2 persons selected by the self-insurance
1887 funds or other persons with experience in workers' compensation
1888 insurance as determined by the Chief Financial Officer. These
1889 appointments are deemed to be within the scope of the exemption
1890 provided in s. 112.313(7)(b). The Governor shall appoint one
1891 person who has commercial insurance experience. At least two of
1892 the private carriers shall be foreign carriers authorized to do
1893 business in this state. The board shall elect a chairperson from
1894 among its members. The Chief Financial Officer may remove any
1895 board member for cause. Each board member shall be appointed to
1896 serve a 4-year term and may be reappointed. A vacancy on the
1897 board shall be filled for the remaining period of the term in
1898 the same manner by which the original appointment was made.

1899 (4) Board members are subject to the code of ethics under
1900 part III of chapter 112, including, but not limited to, the code

1901 of ethics and public disclosure and reporting of financial
 1902 interests, pursuant to s. 112.3145. For purposes of applying
 1903 part III of chapter 112 to activities of members of the board of
 1904 directors, those persons are considered public officers and the
 1905 corporation is considered their agency. Notwithstanding s.
 1906 112.3143(2), a board member may not vote on any measure that he
 1907 or she knows would inure to his or her special private gain or
 1908 loss; that he or she knows would inure to the special private
 1909 gain or loss of any principal by which he or she is retained,
 1910 other than an agency as defined in s. 112.312; or that he or she
 1911 knows would inure to the special private gain or loss of a
 1912 relative or business associate of the public officer. Before the
 1913 vote is taken, such member shall publicly state to the board the
 1914 nature of his or her interest in the matter from which he or she
 1915 is abstaining from voting and, within 15 days after the vote
 1916 occurs, disclose the nature of his or her interest as a public
 1917 record in a memorandum filed with the person responsible for
 1918 recording the minutes of the meeting, who shall incorporate the
 1919 memorandum in the minutes.

1920 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1921 law, a board member may not knowingly accept, directly or
 1922 indirectly, any gift or expenditure from a person or entity, or
 1923 an employee or representative of such person or entity, which
 1924 has a contractual relationship with the corporation or which is
 1925 under consideration for a contract.

1926 (6) A board member who fails to comply with subsection (4)
 1927 or subsection (5) is subject to the penalties provided under ss.
 1928 112.317 and 112.3173.

1929 Section 42. Section 633.1423, Florida Statutes, is created
 1930 to read:

1931 633.1423 State Fire Marshal direct-support organization.—

1932 (1) DEFINITION.—As used in this section, the term
 1933 "organization" means the direct-support organization established
 1934 under this section.

1935 (2) ORGANIZATION ESTABLISHED.—The division may establish a
 1936 direct-support organization, to be known as the "State Fire
 1937 Marshal Safety and Training Force," whose sole purpose is to
 1938 support the safety and training of firefighters and to recognize
 1939 exemplary service. The organization must:

1940 (a) Be a not-for-profit corporation incorporated under
 1941 chapter 617 and approved by the Department of State.

1942 (b) Be organized and operated to raise funds; request and
 1943 receive grants, gifts, and bequests of money; conduct programs
 1944 and activities; acquire, receive, hold, invest, and administer,
 1945 in its own name, securities, funds, or property; and make grants
 1946 and expenditures to or for the direct or indirect benefit of the
 1947 division. Grants and expenditures may include the cost of
 1948 education or training of firefighters, or the recognition of
 1949 exemplary service of firefighters.

1950 (c) Be determined by the division to operate in a manner

1951 | that is:

1952 | 1. Consistent with the goals of the division and laws

1953 | relating to the safety and training of firefighters.

1954 | 2. In the best interest of the state.

1955 | 3. In accordance with the adopted goals and mission of the

1956 | division.

1957 | (d) Use all of its grants and expenditures solely for the

1958 | purpose of educating, training, and recognizing firefighters,

1959 | and not for advertising using the likeness or name of any

1960 | elected official nor for the purpose of lobbying as defined in

1961 | s. 11.045(1).

1962 | (e) Be subject to an annual financial audit in accordance

1963 | with s. 215.981.

1964 | (3) CONTRACT.—The organization shall operate under written

1965 | contract with the division. The contract must provide for:

1966 | (a) Certification by the division that the organization is

1967 | complying with the terms of the contract and in a manner

1968 | consistent with the goals and purposes of the department and in

1969 | the best interest of the state. Such certification must be made

1970 | annually and reported in the official minutes of a meeting of

1971 | the organization.

1972 | (b) The reversion of moneys and property held by the

1973 | organization for firefighter safety, training, and recognition

1974 | to the division if the organization is no longer approved to

1975 | operate by the division or if the organization ceases to exist,

1976 | or to the state if the division ceases to exist.

1977 | (4) BOARD OF DIRECTORS.—The organization shall be governed

1978 | by a board of directors. The State Fire Marshal, or his or her

1979 | designee, shall appoint a president of the board. The board of

1980 | directors shall be appointed by the president of the board.

1981 | (5) USE OF PROPERTY.—The division may authorize, without

1982 | charge, appropriate use of fixed property and facilities of the

1983 | division by the organization, subject to this subsection.

1984 | (a) The department may prescribe any condition with which

1985 | the organization must comply in order to use the division's

1986 | property or facilities.

1987 | (b) The department may not authorize the use of the

1988 | division's property or facilities if the organization does not

1989 | provide equal membership and employment opportunities to all

1990 | persons regardless of race, religion, sex, age, or national

1991 | origin.

1992 | (c) The department shall adopt rules prescribing the

1993 | procedures by which the organization is governed and any

1994 | conditions with which the organization must comply to use the

1995 | division's property or facilities.

1996 | (6) DEPOSITORY ACCOUNT.—Any moneys received by the

1997 | organization may be held in a separate depository account in the

1998 | name of the organization and subject to the contract with the

1999 | division.

2000 | (7) ANNUAL BUDGETS AND REPORTS.—The organization shall

2001 submit to the division its annual budget and financial reports,
 2002 its federal Internal Revenue Service Application for Recognition
 2003 of Exemption Form 1023, and its federal Internal Revenue Service
 2004 Return of Organization Exempt from Income Tax Form 990.

2005 (8) ANNUAL AUDIT.—The organization shall provide for an
 2006 annual financial audit in accordance with s. 215.981.

2007 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
 2008 the division from the organization shall be deposited into the
 2009 Insurance Regulatory Trust Fund.

2010 (10) REPEAL.—This section is repealed October 1, 2028,
 2011 unless reviewed and saved from repeal by the Legislature.

2012 Section 43. Section 634.181, Florida Statutes, is amended
 2013 to read:

2014 634.181 Grounds for compulsory refusal, suspension, or
 2015 revocation of license or appointment of salespersons.—

2016 (1) The department shall deny, suspend, revoke, or refuse
 2017 to renew or continue the license or appointment of any such
 2018 salesperson if it finds that as to the salesperson any one or
 2019 more of the following applicable grounds exist:

2020 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2021 in obtaining or attempting to obtain the license or appointment.

2022 (b)~~(2)~~ If the license or appointment is willfully used, or
 2023 to be used, to circumvent any of the requirements or
 2024 prohibitions of this part, any applicable provision of the
 2025 Florida Insurance Code, or rule of the department or commission.

2026 (c)~~(3)~~ Willful misrepresentation of any service agreement
 2027 or willful deception with regard to any agreement, done either
 2028 in person or by any form of dissemination of information or
 2029 advertising.

2030 (d)~~(4)~~ If in the adjustment of claims arising out of
 2031 service agreements, she or he has materially misrepresented to a
 2032 service agreement holder or other interested party the terms and
 2033 coverage of a service agreement with intent and for the purpose
 2034 of effecting settlement of the claim on less favorable terms
 2035 than those provided in and contemplated by the service
 2036 agreement.

2037 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
 2038 to engage in the service agreement business.

2039 (f)~~(6)~~ For demonstrated lack of adequate knowledge and
 2040 technical competence to engage in the transactions authorized by
 2041 the license or appointment.

2042 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2043 business under the license or appointment.

2044 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2045 withholding of moneys belonging to a service agreement company,
 2046 insurer, or service agreement holder or to others and received
 2047 in the conduct of business under the license or appointment.

2048 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for
 2049 unlawfully dividing or offering to divide her or his commission
 2050 with another.

2051 (j)~~(10)~~ Willful failure to comply with, or willful
 2052 violation of any proper order of the department or office, or
 2053 willful violation of any provision of this part, or of any
 2054 applicable provision of the insurance code, or applicable rule
 2055 of the department or commission.

2056 (k)~~(11)~~ Having been found guilty of, or having pleaded
 2057 guilty or nolo contendere to, a felony or a crime punishable by
 2058 imprisonment of 1 year or more under the law of the United
 2059 States of America or any state thereof or under the law of any
 2060 other country which involves moral turpitude, without regard to
 2061 whether a judgment of conviction has been entered by the court
 2062 having jurisdiction of the cases.

2063 (l)~~(12)~~ Failure to refund unearned pro rata commission to
 2064 the agreement holder or the service agreement company, if the
 2065 service agreement company is making a full unearned pro rata
 2066 refund to the agreement holder.

2067 (m) Having been the subject of, or having had a license,
 2068 permit, appointment, registration, or other authority to conduct
 2069 business subject to, any decision, finding, injunction,
 2070 suspension, prohibition, revocation, denial, judgment, final
 2071 agency action, or administrative order by any court of competent
 2072 jurisdiction, administrative law proceeding, state agency,
 2073 federal agency, national securities, commodities, or options
 2074 exchange, or national securities, commodities, or options
 2075 association involving a violation of any federal or state

2076 securities or commodities law or any rule or regulation adopted
 2077 thereunder, or a violation of any rule or regulation of any
 2078 national securities, commodities, or options exchange or
 2079 national securities, commodities, or options association.

2080 (2) When a licensee is charged with a felony enumerated in
 2081 s. 626.207(2), the department shall, immediately upon receipt of
 2082 information on or indictment for the felony, temporarily suspend
 2083 a license or appointment issued under this chapter. Such
 2084 suspension shall continue if the licensee is found guilty of, or
 2085 pleads guilty or nolo contendere to, the crime, regardless of
 2086 whether a judgment or conviction is entered, during a pending
 2087 appeal. A person may not transact insurance business after
 2088 suspension of his or her license or appointment.

2089 (3) The department may adopt rules to administer this
 2090 section.

2091 Section 44. Section 634.191, Florida Statutes, is amended
 2092 to read:

2093 634.191 Grounds for discretionary refusal, suspension, or
 2094 revocation of license or appointment of salespersons.—

2095 (1) The department may, in its discretion, deny, suspend,
 2096 revoke, or refuse to renew or continue the license or
 2097 appointment of any salesperson if it finds that as to the
 2098 salesperson any one or more of the following applicable grounds
 2099 exist under circumstances for which such denial, suspension,
 2100 revocation, or refusal is not mandatory under s. 634.181:

2101 (a)~~(1)~~ For any cause for which granting of the license or
 2102 appointment could have been refused had it then existed and been
 2103 known to the department.

2104 (b)~~(2)~~ Violation of any provision of this part or of any
 2105 other law applicable to the business of service agreements in
 2106 the course of dealings under the license or appointment.

2107 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule
 2108 of the department or commission.

2109 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any
 2110 company or insurer the salesperson represents or has represented
 2111 any money coming into her or his hands belonging to the company
 2112 or insurer.

2113 (e)~~(5)~~ If, in the conduct of business under the license or
 2114 appointment, the salesperson has engaged in unfair methods of
 2115 competition or in unfair or deceptive acts or practices, as such
 2116 methods, acts, or practices are or may be defined under this
 2117 part, or has otherwise shown herself or himself to be a source
 2118 of injury or loss to the public or detrimental to the public
 2119 interest.

2120 (f)~~(6)~~ Failure to report to the department within 30 days
 2121 the final disposition of an administrative action taken against
 2122 a salesperson by a governmental agency or other regulatory
 2123 agency in this state or any other state or jurisdiction relating
 2124 to the business of insurance, the sale of securities, or an
 2125 activity involving fraud, dishonesty, trustworthiness, or breach

2126 of a fiduciary duty. The salesperson must submit a copy of the
 2127 order, consent to order, or other relevant legal documents to
 2128 the department ~~Having been found guilty of, or having pleaded~~
 2129 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
 2130 ~~imprisonment of 1 year or more under the law of the United~~
 2131 ~~States of America or any state thereof or under the law of any~~
 2132 ~~other country, without regard to whether a judgment of~~
 2133 ~~conviction has been entered by the court having jurisdiction of~~
 2134 ~~the cases.~~

2135 (2) The department may adopt rules to administer this
 2136 section.

2137 Section 45. Section 634.320, Florida Statutes, is amended
 2138 to read:

2139 634.320 Grounds for compulsory refusal, suspension, or
 2140 revocation of license or appointment of sales representatives.—

2141 (1) The department shall deny, suspend, revoke, or refuse
 2142 to renew or continue the license or appointment of any sales
 2143 representative if it is found that any one or more of the
 2144 following grounds applicable to the sales representative exist:

2145 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2146 in obtaining or attempting to obtain a license or appointment.

2147 (b)~~(2)~~ The license or appointment is willfully used, or to
 2148 be used, to circumvent any of the requirements or prohibitions
 2149 of this part.

2150 (c)~~(3)~~ Willful misrepresentation of any warranty contract

2151 or willful deception with regard to any such contract, done
2152 either in person or by any form of dissemination of information
2153 or advertising.

2154 (d)~~(4)~~ In the adjustment of claims arising out of
2155 warranties, material misrepresentation to a warranty holder or
2156 other interested party of the terms and coverage of a contract,
2157 with the intent and for the purpose of effecting settlement of
2158 such claim on less favorable terms than those provided in and
2159 contemplated by the contract.

2160 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2161 engage in the business of home warranty.

2162 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
2163 technical competence to engage in the transactions authorized by
2164 the license or appointment.

2165 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2166 business under the license or appointment.

2167 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2168 withholding of moneys belonging to an association, insurer, or
2169 warranty holder, or to others, and received in the conduct of
2170 business under the license or appointment.

2171 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
2172 rebate, or unlawfully dividing, or offering to divide, her or
2173 his commission with another.

2174 (j)~~(10)~~ Willful failure to comply with, or willful
2175 violation of, any proper order or rule of the department or

2176 commission or willful violation of any provision of this part.

2177 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo
 2178 contendere to a felony or a crime punishable by imprisonment of
 2179 1 year or more under the law of the United States of America or
 2180 any state thereof or under the law of any other country
 2181 ~~involving moral turpitude~~, without regard to whether judgment of
 2182 conviction has been entered by the court.

2183 (1) Having been the subject of, or having had a license,
 2184 permit, appointment, registration, or other authority to conduct
 2185 business subject to, any decision, finding, injunction,
 2186 suspension, prohibition, revocation, denial, judgment, final
 2187 agency action, or administrative order by any court of competent
 2188 jurisdiction, administrative law proceeding, state agency,
 2189 federal agency, national securities, commodities, or options
 2190 exchange, or national securities, commodities, or options
 2191 association involving a violation of any federal or state
 2192 securities or commodities law or any rule or regulation adopted
 2193 thereunder, or a violation of any rule or regulation of any
 2194 national securities, commodities, or options exchange or
 2195 national securities, commodities, or options association.

2196 (2) When a licensee is charged with a felony enumerated in
 2197 s. 626.207(2), the department shall, immediately upon receipt of
 2198 information on or indictment for the felony, temporarily suspend
 2199 a license or appointment issued under this chapter. Such
 2200 suspension shall continue if the licensee is found guilty of, or

2201 pleads guilty or nolo contendere to, the crime, regardless of
 2202 whether a judgment or conviction is entered, during a pending
 2203 appeal. A person may not transact insurance business after
 2204 suspension of his or her license or appointment.

2205 (3) The department may adopt rules to administer this
 2206 section.

2207 Section 46. Section 634.321, Florida Statutes, is amended
 2208 to read:

2209 634.321 Grounds for discretionary refusal, suspension, or
 2210 revocation of license or appointment of sales representatives.—

2211 (1) The department may, in its discretion, deny, suspend,
 2212 revoke, or refuse to renew or continue the license or
 2213 appointment of any sales representative if it is found that any
 2214 one or more of the following grounds applicable to the sales
 2215 representative exist under circumstances for which such denial,
 2216 suspension, revocation, or refusal is not mandatory under s.
 2217 634.320:

2218 (a)~~(1)~~ Any cause for which granting of the license or
 2219 appointment could have been refused had it then existed and been
 2220 known to the department.

2221 (b)~~(2)~~ Violation of any provision of this part, or of any
 2222 other law applicable to the business of warranties, in the
 2223 course of dealings under the license or appointment.

2224 (c)~~(3)~~ Violation of any lawful order or rule of the
 2225 department or commission.

2226 (d)-(4) Failure or refusal to pay over, upon demand, to any
 2227 home warranty association or insurer the sales representative
 2228 represents or has represented any money coming into her or his
 2229 hands which belongs to the association or insurer.

2230 (e)-(5) In the conduct of business under the license or
 2231 appointment, engaging in unfair methods of competition or in
 2232 unfair or deceptive acts or practices, as such methods, acts, or
 2233 practices are or may be defined under this part, or otherwise
 2234 showing herself or himself to be a source of injury or loss to
 2235 the public or detriment to the public interest.

2236 (f)-(6) Failure to report to the department within 30 days
 2237 the final disposition of an administrative action taken against
 2238 a sales representative by a governmental agency or other
 2239 regulatory agency in this state or any other state or
 2240 jurisdiction relating to the business of insurance, the sale of
 2241 securities, or an activity involving fraud, dishonesty,
 2242 trustworthiness, or breach of a fiduciary duty. The sales
 2243 representative must submit a copy of the order, consent to
 2244 order, or other relevant legal documents to the department ~~Being~~
 2245 ~~found guilty of or pleading guilty or nolo contendere to a~~
 2246 ~~felony or a crime punishable by imprisonment of 1 year or more~~
 2247 ~~under the law of the United States of America or any state~~
 2248 ~~thereof or under the law of any other country, without regard to~~
 2249 ~~whether a judgment of conviction has been entered by the court.~~

2250 (2) The department may adopt rules to administer this

2251 section.

2252 Section 47. Section 634.419, Florida Statutes, is amended
2253 to read:

2254 634.419 License and appointment required.—No person or
2255 entity shall solicit, negotiate, advertise, or effectuate
2256 service warranty contracts in this state unless such person or
2257 entity is licensed and appointed as a sales representative.
2258 Sales representatives shall be responsible for the actions of
2259 persons under their supervision. However, a service warranty
2260 association licensed as such under this part shall not be
2261 required to be licensed and appointed as a sales representative
2262 to solicit, negotiate, advertise, or effectuate its products.
2263 Sections 501.021-501.055 do not apply to persons or entities
2264 licensed and appointed under this section, or their affiliates,
2265 which solicit the sale of a service warranty or related service
2266 or product in connection with a prearranged appointment at the
2267 request of the consumer.

2268 Section 48. Section 634.422, Florida Statutes, is amended
2269 to read:

2270 634.422 Grounds for compulsory refusal, suspension, or
2271 revocation of license or appointment of sales representatives.—

2272 (1) The department shall deny, suspend, revoke, or refuse
2273 to renew or continue the license or appointment of any sales
2274 representative if it is found that any one or more of the
2275 following grounds applicable to the sales representative exist:

2276 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2277 in obtaining or attempting to obtain a license or appointment.

2278 (b)~~(2)~~ The license or appointment is willfully used, or to
 2279 be used, to circumvent any of the requirements or prohibitions
 2280 of this part.

2281 (c)~~(3)~~ Willful misrepresentation of any service warranty
 2282 contract or willful deception with regard to any such contract,
 2283 done either in person or by any form of dissemination of
 2284 information or advertising.

2285 (d)~~(4)~~ In the adjustment of claims arising out of
 2286 warranties, material misrepresentation to a service warranty
 2287 holder or other interested party of the terms and coverage of a
 2288 contract with the intent and for the purpose of effecting
 2289 settlement of the claim on less favorable terms than those
 2290 provided in and contemplated by the contract.

2291 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
 2292 engage in the business of service warranty.

2293 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
 2294 technical competence to engage in the transactions authorized by
 2295 the license or appointment.

2296 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2297 business under the license or appointment.

2298 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2299 withholding of moneys belonging to an association, insurer, or
 2300 warranty holder, or to others, and received in the conduct of

2301 business under the license or appointment.

2302 ~~(i)-(9)~~ Unlawfully rebating, or attempting to unlawfully
 2303 rebate, or unlawfully dividing, or offering to divide, her or
 2304 his commission with another.

2305 ~~(j)-(10)~~ Willful failure to comply with, or willful
 2306 violation of, any proper order or rule of the department or
 2307 commission, or willful violation of any provision of this part.

2308 ~~(k)-(11)~~ Being found guilty of or pleading nolo contendere
 2309 to a felony or a crime punishable by imprisonment of 1 year or
 2310 more under the law of the United States of America or any state
 2311 thereof or under the law of any other country ~~involving moral~~
 2312 ~~turpitude~~, without regard to whether judgment of conviction has
 2313 been entered by the court having jurisdiction of the case.

2314 (l) Having been the subject of, or having had a license,
 2315 permit, appointment, registration, or other authority to conduct
 2316 business subject to, any decision, finding, injunction,
 2317 suspension, prohibition, revocation, denial, judgment, final
 2318 agency action, or administrative order by any court of competent
 2319 jurisdiction, administrative law proceeding, state agency,
 2320 federal agency, national securities, commodities, or options
 2321 exchange, or national securities, commodities, or options
 2322 association involving a violation of any federal or state
 2323 securities or commodities law or any rule or regulation adopted
 2324 thereunder, or a violation of any rule or regulation of any
 2325 national securities, commodities, or options exchange or

2326 national securities, commodities, or options association.
 2327 (2) When a licensee is charged with a felony enumerated in
 2328 s. 626.207(2), the department shall, immediately upon receipt of
 2329 information on or indictment for the felony, temporarily suspend
 2330 a license or appointment issued under this chapter. Such
 2331 suspension shall continue if the licensee is found guilty of, or
 2332 pleads guilty or nolo contendere to, the crime, regardless of
 2333 whether a judgment or conviction is entered, during a pending
 2334 appeal. A person may not transact insurance business after
 2335 suspension of his or her license or appointment.

2336 (3) The department may adopt rules to administer this
 2337 section.

2338 Section 49. Section 634.423, Florida Statutes, is amended
 2339 to read:

2340 634.423 Grounds for discretionary refusal, suspension, or
 2341 revocation of license or appointment of sales representatives.—

2342 (1) The department may deny, suspend, revoke, or refuse to
 2343 renew or continue the license or appointment of any sales
 2344 representative if it is found that any one or more of the
 2345 following grounds applicable to the sales representative exist
 2346 under circumstances for which such denial, suspension,
 2347 revocation, or refusal is not mandatory under s. 634.422:

2348 (a)~~(1)~~ Any cause for which granting of the license or
 2349 appointment could have been refused had it then existed and been
 2350 known to the department.

2351 ~~(b)(2)~~ Violation of any provision of this part, or of any
 2352 other law applicable to the business of service warranties, in
 2353 the course of dealings under the license or appointment.

2354 ~~(c)(3)~~ Violation of any lawful order or rule of the
 2355 department or commission.

2356 ~~(d)(4)~~ Failure or refusal to pay over, upon demand, to any
 2357 service warranty association or insurer the sales representative
 2358 represents or has represented any money coming into her or his
 2359 hands which belongs to the association or insurer.

2360 ~~(e)(5)~~ In the conduct of business under the license or
 2361 appointment, engaging in unfair methods of competition or in
 2362 unfair or deceptive acts or practices, as such methods, acts, or
 2363 practices are or may be defined under this part, or otherwise
 2364 showing herself or himself to be a source of injury or loss to
 2365 the public or detriment to the public interest.

2366 ~~(f)(6)~~ Failure to report to the department within 30 days
 2367 the final disposition of an administrative action taken against
 2368 a sales representative by a governmental agency or other
 2369 regulatory agency in this state or any other state or
 2370 jurisdiction relating to the business of insurance, the sale of
 2371 securities, or an activity involving fraud, dishonesty,
 2372 trustworthiness, or breach of a fiduciary duty. The sales
 2373 representative must submit a copy of the order, consent to
 2374 order, or other relevant legal documents to the department ~~Being~~
 2375 ~~found guilty of or pleading guilty or nolo contendere to a~~

2376 ~~felony or a crime punishable by imprisonment of 1 year or more~~
 2377 ~~under the law of the United States of America or any state~~
 2378 ~~thereof or under the law of any other country, without regard to~~
 2379 ~~whether judgment of conviction has been entered by the court~~
 2380 ~~having jurisdiction of such case.~~

2381 (2) The department may adopt rules to administer this
 2382 section.

2383 Section 50. Section 648.25, Florida Statutes, is reordered
 2384 and amended to read:

2385 648.25 Definitions.—As used in this chapter, the term:

2386 (1) "Appointment" means the authority given by an insurer
 2387 or the managing general agent of an insurer through the
 2388 department to a licensee to transact insurance or adjust claims
 2389 on behalf of the insurer or managing general agent.

2390 (2)-(1) "Bail bond agency" means:

2391 (a) The building where a licensee maintains an office and
 2392 where all records required by ss. 648.34 and 648.36 are
 2393 maintained; or

2394 (b) An entity that:

2395 1. Charges a fee or premium to release an accused
 2396 defendant or detainee from jail; or

2397 2. Engages in or employs others to engage in any activity
 2398 that may be performed only by a licensed and appointed bail bond
 2399 agent.

2400 (3)-(2) "Bail bond agent" means a limited surety agent or a

2401 professional bail bond agent as hereafter defined.

2402 (7)~~(3)~~ "Managing general agent" means any individual,
2403 partnership, association, or corporation appointed or employed
2404 by an insurer to supervise or manage the bail bond business
2405 written in this state by limited surety agents appointed by the
2406 insurer.

2407 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien
2408 surety company which has been authorized to transact surety
2409 business in this state.

2410 (6)~~(5)~~ "Limited surety agent" means any individual
2411 appointed by an insurer by power of attorney to execute or
2412 countersign bail bonds in connection with judicial proceedings
2413 who receives or is promised money or other things of value
2414 therefor.

2415 (4)~~(6)~~ "Primary Bail bond agent in charge" means a
2416 licensed bail bond agent who is responsible for the overall
2417 operation and management of a bail bond agency location and
2418 whose responsibilities include hiring and supervising all
2419 individuals within that location. A bail bond agent may be
2420 designated as the primary bail bond agent in charge for only one
2421 bail bond agency location.

2422 (8)~~(7)~~ "Professional bail bond agent" means any person who
2423 pledges United States currency, United States postal money
2424 orders, or cashier's checks as security for a bail bond in
2425 connection with a judicial proceeding and receives or is

2426 | promised therefor money or other things of value.

2427 | (9)~~(8)~~ "Temporary bail bond agent" means a person licensed
 2428 | before January 1, 2024, who is employed by a bail bond agent or
 2429 | agency, insurer, or managing general agent, and such licensee
 2430 | has the same authority as a licensed bail bond agent, including
 2431 | presenting defendants in court; apprehending, arresting, and
 2432 | surrendering defendants to the proper authorities, while
 2433 | accompanied by a supervising bail bond agent or an agent from
 2434 | the same agency; and keeping defendants under necessary
 2435 | surveillance. However, a temporary licensee may not execute or
 2436 | sign bonds, handle collateral receipts, or deliver bonds to
 2437 | appropriate authorities. A temporary licensee may not operate an
 2438 | agency or branch agency separate from the location of the
 2439 | supervising bail bond agent, managing general agent, or insurer
 2440 | by whom the licensee is employed. This does not affect the right
 2441 | of a bail bond agent or insurer to hire counsel or to obtain the
 2442 | assistance of law enforcement officers. A temporary bail bond
 2443 | agent license expires 18 months after issuance and is no longer
 2444 | valid on or after June 30, 2025.

2445 | Section 51. Subsection (3) of section 648.26, Florida
 2446 | Statutes, is amended to read:

2447 | 648.26 Department of Financial Services; administration.—

2448 | (3) The papers, documents, reports, or any other
 2449 | investigatory records of the department are confidential and
 2450 | exempt from ~~the provisions of~~ s. 119.07(1) until such

2451 investigation is completed or ceases to be active. For the
 2452 purpose of this section, an investigation is considered active
 2453 ~~"active"~~ while the investigation is being conducted by the
 2454 department with a reasonable, good faith belief that it may lead
 2455 to the filing of administrative, civil, or criminal proceedings.
 2456 An investigation does not cease to be active if the department
 2457 is proceeding with reasonable dispatch and there is good faith
 2458 belief that action may be initiated by the department or other
 2459 administrative or law enforcement agency. This subsection does
 2460 not prevent the department or office from disclosing the content
 2461 of a complaint or such information as it deems necessary to
 2462 conduct the investigation, to update the complainant as to the
 2463 status and outcome of the complaint, or to share such
 2464 information with any law enforcement agency or other regulatory
 2465 body.

2466 Section 52. Subsection (5) of section 648.27, Florida
 2467 Statutes, is amended to read:

2468 648.27 Licenses and appointments; general.—

2469 (5) ~~(a)~~ The license of a bail bond agent shall continue in
 2470 force, without further examination unless deemed necessary by
 2471 the department, until suspended, revoked, or otherwise
 2472 terminated.

2473 ~~(b) The license of a temporary bail bond agent shall~~
 2474 ~~continue in force until suspended, revoked, or otherwise~~
 2475 ~~terminated.~~

2476 Section 53. Section 648.285, Florida Statutes, is amended
2477 to read:

2478 648.285 Bond agency; ownership requirements; applications
2479 for bail bond agency licenses.—

2480 (1) A person may not own, control, manage, or otherwise
2481 have a pecuniary interest in a bail bond agency unless such
2482 individual is ~~a~~ licensed pursuant to s. 648.27, and appointed
2483 through the department, and actively engaged as a bail bond
2484 agent for at least the preceding 24 months. Any agency that is
2485 not in compliance with this subsection is ~~shall be~~ subject to
2486 the issuance of an immediate final order of suspension of its
2487 license and all operations until the agency achieves compliance.

2488 (2) Effective January 1, 2024, the department may issue a
2489 bail bond agency license to any person only after such person
2490 files a written application with the department and qualifies
2491 for such license.

2492 (3) An application for a bail bond agency license must be
2493 signed by an individual required to be listed in the application
2494 under paragraph (a). A bail bond agency license may permit a
2495 third party to complete, submit, and sign an application on the
2496 bail bond agency's behalf; however, the bail bond agency is
2497 responsible for ensuring that the information on the application
2498 is true and correct, and the bail bond agency is accountable for
2499 any misstatements or misrepresentations. The application for a
2500 bail bond agency license must include:

2501 (a) The name and license number of each owner, partner,
2502 officer, director, president, senior vice president, secretary,
2503 treasurer, and limited liability company member who directs or
2504 participates in the management or control of the bail bond
2505 agency, whether through ownership of voting securities, by
2506 contract, by ownership of any agency bank account, or otherwise.

2507 (b) The residence address of each person required to be
2508 listed in the application under paragraph (a).

2509 (c) The name, principal business street address, and valid
2510 e-mail address of the bail bond agency and the name, address,
2511 and e-mail address of the agency's registered agent or person or
2512 company authorized to accept service on behalf of the bail bond
2513 agency.

2514 (d) The physical address of each branch bail bond agency,
2515 including its name, e-mail address, and telephone number, and
2516 the date that the branch location began transacting bail bond
2517 business.

2518 (e) The name of the full-time bail bond agent in charge of
2519 the agency office, including branch locations, and his or her
2520 corresponding location.

2521 (f) Such additional information as the department requires
2522 by rule to ascertain the trustworthiness and competence of
2523 persons required to be listed on the application and to
2524 ascertain that such persons meet the requirements of this code.
2525 However, the department may not require that credit or character

2526 reports be submitted for persons required to be listed on the
2527 application.

2528 (4) The department must issue a license to each agency
2529 upon approval of the application, and each agency location must
2530 display the license prominently in a manner that makes it
2531 clearly visible to any customer or potential customer who enters
2532 the agency location.

2533 (5) A bail bond agency that holds a current and valid
2534 registration number with the department shall have its
2535 registration automatically converted to a license on July 1,
2536 2024.

2537 (6) Section 112.011 does not apply to bail bond agencies
2538 or to applicants for licensure as owners of bail bond agencies.

2539 (7)-(2) If the owner of a bail bond agency dies or becomes
2540 mentally incapacitated, a personal representative or legal
2541 guardian may be issued a temporary permit to manage the affairs
2542 of the bail bond agency. Such person must appoint or maintain
2543 the appointment of a ~~primary~~ bail bond agent in charge, as
2544 provided in s. 648.387, and may not engage in any activities as
2545 a licensed bail bond agent but must comply with s. 648.387
2546 during the administration of the estate or guardianship. A
2547 temporary permit is valid for a maximum of 24 months.

2548 (8)-(3) Application for a temporary permit must be made by
2549 the personal representative or legal guardian upon statements
2550 and affidavits filed with the department on forms prescribed and

2551 furnished by it. The applicant must meet the qualifications for
 2552 licensure as a bail bond agent, except for the residency,
 2553 examination, education, and experience requirements.

2554 Section 54. Subsection (1) of section 648.30, Florida
 2555 Statutes, is amended to read:

2556 648.30 Licensure and appointment required; prohibited
 2557 acts; penalties.—

2558 (1)(a) A person or entity may not act in the capacity of a
 2559 bail bond agent or ~~temporary~~ bail bond agency agent or perform
 2560 any of the functions, duties, or powers prescribed for bail bond
 2561 agents or ~~temporary~~ bail bond agencies agents under this chapter
 2562 unless that person or entity is qualified, licensed, and
 2563 appointed as provided in this chapter and employed by a bail
 2564 bond agency.

2565 (b) A bail bond agent may not sell a bail bond issued by
 2566 an insurer for which the agent and the agent's bail bond agency
 2567 do not hold a current appointment.

2568 (c) Except as otherwise provided in this part, a person or
 2569 entity, other than a bail bond agency or an employee of a bail
 2570 bond agency, may not perform any of the functions of a bail bond
 2571 agency without a bail bond agency license.

2572 Section 55. Section 648.31, Florida Statutes, is amended
 2573 to read:

2574 648.31 Appointment taxes and fees.—The department shall
 2575 collect in advance all appointment taxes and fees for the

2576 issuance of any appointment to a bail bond agent ~~or temporary~~
 2577 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for
 2578 the issuance of any appointment to a bail bond agency.

2579 Section 56. Subsection (2) of section 648.34, Florida
 2580 Statutes, is amended to read:

2581 648.34 Bail bond agents; qualifications.—

2582 (2) To qualify as a bail bond agent, it must affirmatively
 2583 appear at the time of application and throughout the period of
 2584 licensure that the applicant ~~has complied with the provisions of~~
 2585 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
 2586 ~~section and:~~

2587 (a) ~~The applicant~~ Is a natural person who has reached the
 2588 age of 18 years and holds a high school diploma or its
 2589 equivalent.

2590 (b) ~~The applicant~~ Is a United States citizen or legal
 2591 alien who possesses work authorization from the United States
 2592 Bureau of Citizenship and Immigration Services and is a resident
 2593 of this state. An individual who is a resident of this state
 2594 shall be deemed to meet the residence requirement of this
 2595 paragraph, notwithstanding the existence, at the time of
 2596 application for license, of a license in the applicant's name on
 2597 the records of another state as a resident licensee of such
 2598 other state, if the applicant furnishes a letter of clearance
 2599 satisfactory to the department that his or her resident licenses
 2600 have been canceled or changed to a nonresident basis and that he

2601 or she is in good standing.

2602 (c) Will maintain his or her ~~The place of business of the~~
 2603 ~~applicant will be located~~ in this state and in the county where
 2604 the applicant will maintain his or her records and be actively
 2605 engaged in the bail bond business and work with a licensed
 2606 ~~maintain an~~ agency accessible to the public which is open for
 2607 reasonable business hours.

2608 (d) ~~The applicant~~ Is vouched for and recommended upon
 2609 sworn statements filed with the department by at least three
 2610 reputable citizens who are residents of the same counties in
 2611 which the applicant proposes to engage in the bail bond
 2612 business.

2613 (e) ~~The applicant~~ Is a person of high character and
 2614 approved integrity and has not been convicted of or pleaded
 2615 guilty or no contest to a felony, a crime involving moral
 2616 turpitude, or a crime punishable by imprisonment of 1 year or
 2617 more under the law of any state, territory, or country, whether
 2618 or not a judgment or conviction has been entered.

2619 (f) Within 2 years immediately before applying for the
 2620 license, has successfully completed a basic certification course
 2621 in the criminal justice system which consists of at least 120
 2622 hours of classroom instruction with a passing grade of 80
 2623 percent or higher and has successfully completed a
 2624 correspondence course for bail bond agents approved by the
 2625 department.

2626 ~~(g)(f)~~ The applicant Has passed any required examination.
 2627 Section 57. Section 648.355, Florida Statutes, is amended
 2628 to read:

2629 648.355 ~~Temporary limited license as~~ Limited surety agents
 2630 ~~and agent or~~ professional bail bond agents ~~agent~~; qualifications
 2631 ~~pending examination.~~

2632 (1) ~~The department may, in its discretion, issue a~~
 2633 ~~temporary license as a limited surety agent or professional bail~~
 2634 ~~bond agent, subject to the following conditions:~~

2635 ~~(a) The applicant is a natural person at least 18 years of~~
 2636 ~~age and holds a high school diploma or its equivalent.~~

2637 ~~(b) The applicant is a United States citizen or legal~~
 2638 ~~alien who possesses work authorization from the United States~~
 2639 ~~Bureau of Citizenship and Immigration Services and is a resident~~
 2640 ~~of this state. An individual who is a resident of this state~~
 2641 ~~shall be deemed to meet the residence requirement of this~~
 2642 ~~paragraph, notwithstanding the existence, at the time of~~
 2643 ~~application for temporary license, of a license in the~~
 2644 ~~individual's name on the records of another state as a resident~~
 2645 ~~licensee of such other state, if the applicant furnishes a~~
 2646 ~~letter of clearance satisfactory to the department that the~~
 2647 ~~individual's resident licenses have been canceled or changed to~~
 2648 ~~a nonresident basis and that the individual is in good standing.~~

2649 ~~(c) The applicant is a person of high character and~~
 2650 ~~approved integrity and has never been convicted of or pleaded~~

2651 ~~guilty or no contest to a felony, a crime involving moral~~
2652 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
2653 ~~more under the law of any state, territory, or country, whether~~
2654 ~~or not a judgment or conviction is entered.~~

2655 ~~(d) Within 4 years prior to the date of application for a~~
2656 ~~temporary license, the applicant has successfully completed a~~
2657 ~~basic certification course in the criminal justice system,~~
2658 ~~consisting of not less than 120 hours of classroom instruction~~
2659 ~~with a passing grade of 80 percent or higher and has~~
2660 ~~successfully completed a correspondence course for bail bond~~
2661 ~~agents approved by the department.~~

2662 ~~(e) The applicant must be employed full time at the time~~
2663 ~~of licensure, and at all times throughout the existence of the~~
2664 ~~temporary license, by only one licensed and appointed~~
2665 ~~supervising bail bond agent, who supervises the work of the~~
2666 ~~applicant and is responsible for the licensee's conduct in the~~
2667 ~~bail bond business. The applicant must be appointed by the same~~
2668 ~~insurers as the supervising bail bond agent. The supervising~~
2669 ~~bail bond agent shall certify monthly to the department under~~
2670 ~~oath, on a form prescribed by the department, the names and~~
2671 ~~hours worked each week of all temporary bail bond agents. Filing~~
2672 ~~a false certification is grounds for the immediate suspension of~~
2673 ~~the license and imposition of a \$5,000 administrative fine. The~~
2674 ~~department may adopt rules that establish standards for the~~
2675 ~~employment requirements.~~

2676 ~~(f) The application must be accompanied by an affidavit~~
2677 ~~verifying proposed employment and a report as to the applicant's~~
2678 ~~integrity and moral character on a form prescribed by the~~
2679 ~~department and executed by the proposed employer.~~

2680 ~~(g) The applicant must file with the department statements~~
2681 ~~by at least three reputable citizens who are residents of the~~
2682 ~~same counties in which the applicant proposes to engage as a~~
2683 ~~temporary licensee.~~

2684 ~~(h) The applicant's employer is responsible for the bail~~
2685 ~~bonding acts of any licensee under this section.~~

2686 ~~(2) All applicable license fees, as prescribed in s.~~
2687 ~~624.501, must be paid before issuance of the temporary license.~~

2688 ~~(3) The temporary license shall be effective for 18~~
2689 ~~months, subject to earlier termination at the request of the~~
2690 ~~employer or if suspended or revoked by the department.~~

2691 ~~(4)~~ The applicant shall furnish, with the application for
2692 ~~temporary~~ license, a complete set of the applicant's
2693 fingerprints in accordance with s. 626.171(4) and a recent
2694 credential-sized, fullface photograph of the applicant. The
2695 department may ~~shall~~ not issue a ~~temporary~~ license under this
2696 section until the department has received a report from the
2697 Department of Law Enforcement and the Federal Bureau of
2698 Investigation relative to the existence or nonexistence of a
2699 criminal history report based on the applicant's fingerprints.

2700 ~~(2)-(5)~~ The department may collect a fee necessary to cover

2701 the cost of a character and credit report made by an established
 2702 and reputable independent reporting service. The fee shall be
 2703 deposited to the credit of the Insurance Regulatory Trust Fund.

2704 (3)(6) Effective July 1, 2023, any individual licensed by
 2705 the department as a temporary bail bond agent may take the
 2706 required bail bond agent's licensure examination, may file an
 2707 application for a bail bond agent's license if otherwise
 2708 qualified for licensure, and may take the required bail bond
 2709 agent's licensure examination After licensure as a temporary
 2710 licensee for at least 12 months, such licensee may file an
 2711 application for and become eligible for a regular bail bond
 2712 agent's license based on the licensee's experience in the bail
 2713 bond business and education pursuant to paragraph (1)(d) and, if
 2714 otherwise qualified, take the required bail bond agent's
 2715 licensure examination. The applicant and supervising bail bond
 2716 agent must each file an affidavit under oath, on a form
 2717 prescribed by the department, verifying the required employment
 2718 of the temporary agent before issuance of the license.

2719 ~~(7) In no event shall a temporary licensee licensed under~~
 2720 ~~this section perform any of the functions for which a bail bond~~
 2721 ~~agent's license is required after expiration of the temporary~~
 2722 ~~license without having passed the written examination as for a~~
 2723 ~~regular bail bond agent's license.~~

2724 ~~(8)(a) A temporary licensee has the same authority as a~~
 2725 ~~licensed bail bond agent, including presenting defendants in~~

2726 ~~court; apprehending, arresting, and surrendering defendants to~~
2727 ~~the proper authorities; and keeping defendants under necessary~~
2728 ~~surveillance. However, a temporary licensee must be accompanied~~
2729 ~~by a supervising bail bond agent or an agent from the same~~
2730 ~~agency when apprehending, arresting, or surrendering defendants~~
2731 ~~to authorities.~~

2732 ~~(b) A temporary licensee may not execute or sign bonds,~~
2733 ~~handle collateral receipts, deliver bonds to appropriate~~
2734 ~~authorities, or operate an agency or branch agency separate from~~
2735 ~~the location of the supervising bail bond agent, managing~~
2736 ~~general agent, or insurer by whom the licensee is employed.~~

2737 (4)(9) Effective July 1, 2023, the department may not
2738 issue a temporary bail bond agent's license. An individual
2739 currently licensed as a temporary bail bond agent may continue
2740 to be licensed in accordance with this chapter. A temporary bail
2741 bond agent's license may not be reinstated if the license
2742 expires or is terminated, suspended, or revoked ~~The department~~
2743 ~~shall not issue a temporary bail bond agent's license to any~~
2744 ~~individual who has held such a temporary license in this state~~
2745 ~~within 2 years after the expiration of such temporary bail bond~~
2746 ~~agent's license.~~

2747 Section 58. Subsections (1) through (4) of section
2748 648.382, Florida Statutes, are amended to read:

2749 648.382 Appointment of bail bond agents and bail bond
2750 agencies ~~temporary bail bond agents~~; effective date of

2751 appointment.—

2752 (1) (a) Each insurer ~~or appointing a bail bond agent and~~
2753 ~~each insurer,~~ managing general agent, ~~or bail bond agent~~
2754 appointing a ~~temporary~~ bail bond agent or bail bond agency in
2755 this state must file the appointment with the department and, at
2756 the same time, pay the applicable appointment fees and taxes. A
2757 person appointed under this section must hold a valid bail bond
2758 agent's or ~~temporary~~ bail bond agency's agent's license. There
2759 is no fee for the issuance of any appointment of a bail bond
2760 agency.

2761 (b) Effective July 1, 2025, each insurer or managing
2762 general agent appointing a bail bond agency in this state must
2763 file the appointment with the department. An entity appointed
2764 under this section must hold a valid bail bond agency's license.

2765 (2) Before ~~Prior to~~ any appointment, an appropriate
2766 officer or official of the appointing insurer ~~in the case of a~~
2767 ~~bail bond agent or an insurer, managing general agent, or bail~~
2768 ~~bond agent in the case of a temporary bail bond agent~~ must
2769 submit:

2770 (a) A certified statement or affidavit to the department
2771 stating what investigation has been made concerning the proposed
2772 appointee and the proposed appointee's background and the
2773 appointing person's opinion to the best of his or her knowledge
2774 and belief as to the moral character and reputation of the
2775 proposed appointee. In lieu of such certified statement or

2776 affidavit, by authorizing the effectuation of an appointment for
2777 a licensee, the appointing entity certifies to the department
2778 that such investigation has been made and that the results of
2779 the investigation and the appointing person's opinion is that
2780 the proposed appointee is a person of good moral character and
2781 reputation and is fit to engage in the bail bond business;

2782 (b) An affidavit under oath on a form prescribed by the
2783 department, signed by the proposed appointee, stating that
2784 premiums are not owed to any insurer and that the appointee will
2785 discharge all outstanding forfeitures and judgments on bonds
2786 previously written. If the appointee does not satisfy or
2787 discharge such forfeitures or judgments, the former insurer
2788 shall file a notice, with supporting documents, with the
2789 appointing insurer, the former agent or agency, and the
2790 department, stating under oath that the licensee has failed to
2791 timely satisfy forfeitures and judgments on bonds written and
2792 that the insurer has satisfied the forfeiture or judgment from
2793 its own funds. Upon receipt of such notification and supporting
2794 documents, the appointing insurer shall immediately cancel the
2795 licensee's appointment. The licensee may be reappointed only
2796 upon certification by the former insurer that all forfeitures
2797 and judgments on bonds written by the licensee have been
2798 discharged. The appointing insurer or former agent or agency
2799 may, within 10 days, file a petition with the department seeking
2800 relief from this paragraph. Filing of the petition stays the

2801 duty of the appointing insurer to cancel the appointment until
 2802 the department grants or denies the petition; ~~and~~

2803 (c) Any other information that the department reasonably
 2804 requires concerning the proposed appointee; and

2805 (d) Effective January 1, 2025, a certification that the
 2806 appointing entity obtained from each appointee the following
 2807 sworn statement:

2808
 2809 Pursuant to section 648.382(2)(b), Florida Statutes, I
 2810 do solemnly swear that I owe no premium to any insurer
 2811 or agency and that I will discharge all outstanding
 2812 forfeitures and judgments on bonds that have been
 2813 previously written. I acknowledge that failure to do
 2814 this will result in my active appointments being
 2815 canceled.

2816
 2817 An appointed bail bond agency must have the attestation under
 2818 this paragraph signed by its owner.

2819 (3) By authorizing the effectuation of an appointment for
 2820 a licensee, the appointing insurer certifies to the department
 2821 that the insurer will be bound by the acts of the bail bond
 2822 agent or bail bond agency acting within the scope of the agent's
 2823 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
 2824 ~~temporary bail bond agent, the appointing insurer, managing~~
 2825 ~~general agent, or bail bond agent, as the case may be, must~~

2826 ~~certify to the department that he or she will supervise the~~
 2827 ~~temporary bail bond agent's activities.~~

2828 (4) Each appointing insurer ~~or~~ managing general agent, ~~or~~
 2829 ~~bail bond agent~~ must advise the department in writing within 5
 2830 days after receiving notice or learning that an appointee has
 2831 been arrested for, pled guilty or nolo contendere to, or been
 2832 found guilty of, a felony or other offense punishable by
 2833 imprisonment of 1 year or more under the law of any
 2834 jurisdiction, whether judgment was entered or withheld by the
 2835 court.

2836 Section 59. Present subsections (1) through (4) of section
 2837 648.386, Florida Statutes, are redesignated as subsections (2)
 2838 through (5), respectively, a new subsection (1) is added to that
 2839 section, and present subsection (2) of that section is amended,
 2840 to read:

2841 648.386 Qualifications for prelicensing and continuing
 2842 education schools and instructors.—

2843 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
 2844 section, the term "classroom instruction" means a course
 2845 designed to be presented to a group of students by a live
 2846 instructor using lecture, video, webcast, or virtual or other
 2847 audio-video presentation.

2848 (3) ~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
 2849 SCHOOLS.—In order to be considered for approval and
 2850 certification as an approved limited surety agent and

2851 professional bail bond agent continuing education school, such
 2852 entity must:

2853 (a) Provide a minimum of three classroom-instruction
 2854 continuing education classes per calendar year.

2855 (b) Submit a course curriculum to the department for
 2856 approval.

2857 (c) Offer continuing education classes that comprise ~~which~~
 2858 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
 2859 instruction coursework and are taught by an approved supervising
 2860 instructor or guest lecturer approved by the entity or the
 2861 supervising instructor.

2862 Section 60. Section 648.387, Florida Statutes, is amended
 2863 to read:

2864 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2865 (1) The owner or operator of a bail bond agency shall
 2866 designate a ~~primary~~ bail bond agent in charge for each location,
 2867 and shall file with the department the name and license number
 2868 of the person and the address of the location on a form approved
 2869 by the department. The designation of the ~~primary~~ bail bond
 2870 agent in charge may be changed if the department is notified
 2871 immediately. Failure to notify the department within 10 working
 2872 days after such change is grounds for disciplinary action
 2873 pursuant to s. 648.45.

2874 (2) The ~~primary~~ bail bond agent in charge is responsible
 2875 for the overall operation and management of a bail bond agency

2876 location, whose responsibilities may include, without
2877 limitations, hiring and supervising of all individuals within
2878 the location, whether they deal with the public in the
2879 solicitation or negotiation of bail bond contracts or in the
2880 collection or accounting of moneys. A person may be designated
2881 as the primary bail bond agent in charge for only one agency and
2882 location.

2883 (3) The department may suspend or revoke the license of
2884 the owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail
2885 bond agency agent if the a bail bond agency employs, contracts
2886 with, or uses the services of a person who has had a license
2887 denied or whose license is currently suspended or revoked.
2888 However, a person who has been denied a license for failure to
2889 pass a required examination may be employed to perform clerical
2890 or administrative functions for which licensure is not required.

2891 (4) An owner, a bail bond agent in charge ~~operator~~, or a
2892 bail bond agency ~~primary agent~~ may not employ, contract with, or
2893 use the services of any person in a bail bond agency who has
2894 been charged with, found guilty of, or pled guilty or nolo
2895 contendere to a felony or a crime punishable by imprisonment of
2896 1 year or more under the law of any jurisdiction, without regard
2897 to whether judgment was entered or withheld by the court.

2898 (5) A bail bond agency location may not conduct surety
2899 business unless a ~~primary~~ bail bond agent in charge is
2900 designated by, and provides services to, the bail bond agency at

2901 all times. If the bail bond agent in charge designated with the
 2902 department ends his or her affiliation with the bail bond agency
 2903 for any reason, and the bail bond agency fails to designate
 2904 another bail bond agent in charge within the 10-day period under
 2905 subsection (1) and such failure continues for 90 days, the bail
 2906 bond agency license automatically expires on the 91st day after
 2907 the date the designated bail bond agent in charge ended his or
 2908 her affiliation with the agency ~~The failure to designate a~~
 2909 ~~primary agent on a form prescribed by the department, within 10~~
 2910 ~~working days after an agency's inception or a change of primary~~
 2911 ~~agent, is a violation of this chapter, punishable as provided in~~
 2912 ~~s. 648.45.~~

2913 Section 61. Section 648.3875, Florida Statutes, is created
 2914 to read:

2915 648.3875 Bail bond agent in charge; qualifications.-

2916 (1) An application for designation as a bail bond agent in
 2917 charge must be submitted on forms prescribed by the department.
 2918 The application must include the applicant's full name and the
 2919 applicant's license number issued pursuant to s. 648.27.

2920 (2) To qualify as a bail bond agent in charge, it must
 2921 affirmatively appear that, at the time of application and
 2922 throughout the period of licensure, the applicant has complied
 2923 with s. 648.285 and that the applicant has been licensed as a
 2924 bail bond agent for the 24 months immediately preceding the
 2925 appointment as the bail bond agent in charge.

2926 Section 62. Section 648.39, Florida Statutes, is amended
 2927 to read:

2928 648.39 Termination of appointment of managing general
 2929 agents, bail bond agents, and ~~temporary~~ bail bond agencies
 2930 ~~agents.~~

2931 (1) An insurer that ~~who~~ terminates the appointment of a
 2932 managing general agent, bail bond agent, or ~~temporary~~ bail bond
 2933 agency ~~agent~~ shall, within 10 days after such termination, file
 2934 written notice thereof with the department together with a
 2935 statement that it has given or mailed notice to the terminated
 2936 agent or agency. Such notice filed with the department must
 2937 state the reasons, if any, for such termination. Information so
 2938 furnished to the department is confidential and exempt from ~~the~~
 2939 ~~provisions of~~ s. 119.07(1).

2940 (2) Each insurer shall, within 5 days after terminating
 2941 the appointment of any managing general agent, bail bond agent,
 2942 or ~~temporary~~ bail bond agency ~~agent~~, give written notice thereof
 2943 to each clerk of the circuit court and sheriff with whom such
 2944 person is registered.

2945 (3) An insurer that terminates the appointment of a
 2946 managing general agent or, bail bond agent, ~~or temporary bail~~
 2947 ~~bond agent~~ may authorize such person to continue to attempt the
 2948 arrest and surrender of a defendant for whom a surety bond had
 2949 been written by the bail bond agent before ~~prior to~~ termination
 2950 and to seek discharge of forfeitures and judgments as provided

2951 in chapter 903.

2952 Section 63. Section 648.41, Florida Statutes, is repealed.

2953 Section 64. Section 648.42, Florida Statutes, is amended
2954 to read:

2955 648.42 Registration of bail bond agents.—A bail bond agent
2956 may not become a surety on an undertaking unless he or she has
2957 registered in the office of the sheriff and with the clerk of
2958 the circuit court in the county in which the bail bond agent
2959 resides. The bail bond agent may register in a like manner in
2960 any other county, and any bail bond agent shall file a certified
2961 copy of his or her appointment by power of attorney from each
2962 insurer which he or she represents as a bail bond agent with
2963 each of such officers. Registration and filing of a certified
2964 copy of renewed power of attorney shall be performed by April 1
2965 of each odd-numbered year. The clerk of the circuit court and
2966 the sheriff may ~~shall~~ not permit the registration of a bail bond
2967 agent unless such bail bond agent is currently licensed by the
2968 department and appointed by an insurer ~~the department~~. ~~Nothing~~
2969 ~~in this section shall prevent the registration of a temporary~~
2970 ~~licensee at the jail for the purposes of enabling the licensee~~
2971 ~~to perform the duties under such license as set forth in this~~
2972 ~~chapter.~~

2973 Section 65. Subsections (1) and (2) and paragraphs (c) and
2974 (d) of subsection (8) of section 648.44, Florida Statutes, are
2975 amended to read:

2976 648.44 Prohibitions; penalty.—
 2977 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
 2978 may not:
 2979 (a) Suggest or advise the employment of, or name for
 2980 employment, any particular attorney or attorneys to represent
 2981 his or her principal.
 2982 (b) Directly or indirectly solicit business in or on the
 2983 property or grounds of a jail, prison, or other place where
 2984 prisoners are confined or in or on the property or grounds of
 2985 any court. The term "solicitation" includes the distribution of
 2986 business cards, print advertising, or other written or oral
 2987 information directed to prisoners or potential indemnitors,
 2988 unless a request is initiated by the prisoner or a potential
 2989 indemnitor. Permissible print advertising in the jail is
 2990 strictly limited to a listing in a telephone directory and the
 2991 posting of the bail bond agent's or agency's name, address, e-
 2992 mail address, web address, and telephone number in a designated
 2993 location within the jail.
 2994 (c) Initiate in-person or telephone solicitation after
 2995 9:00 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
 2996 ~~eases,~~ at the residence of the detainee or the detainee's
 2997 family. Any solicitation ~~not prohibited by this chapter~~ must
 2998 comply with the telephone solicitation requirements in ss.
 2999 501.059(2) and (4), 501.613, and 501.616(6).
 3000 (d) Wear or display any identification other than the

3001 department issued or approved license or approved department
 3002 identification, which includes a citation of the licensee's
 3003 arrest powers, in or on the property or grounds of a jail,
 3004 prison, or other place where prisoners are confined or in or on
 3005 the property or grounds of any court.

3006 (e) Pay a fee or rebate or give or promise anything of
 3007 value to a jailer, police officer, peace officer, or committing
 3008 trial court judge or any other person who has power to arrest or
 3009 to hold in custody or to any public official or public employee
 3010 in order to secure a settlement, compromise, remission, or
 3011 reduction of the amount of any bail bond or estreatment thereof.

3012 (f) Pay a fee or rebate or give anything of value to an
 3013 attorney in a bail bond matter, except in defense of any action
 3014 on a bond.

3015 (g) Pay a fee or rebate or give or promise anything of
 3016 value to the principal or anyone in his or her behalf.

3017 (h) Participate in the capacity of an attorney at a trial
 3018 or hearing of one on whose bond he or she is surety.

3019 (i) Loiter in or about a jail, courthouse, or where
 3020 prisoners are confined.

3021 (j) Accept anything of value from a principal for
 3022 providing a bail bond except the premium and transfer fee
 3023 authorized by the office, except that the bail bond agent or
 3024 bail bond agency may accept collateral security or other
 3025 indemnity from the principal or another person in accordance

3026 | with ~~the provisions of~~ s. 648.442, together with documentary
 3027 | stamp taxes, if applicable. No fees, expenses, or charges of any
 3028 | kind shall be permitted to be deducted from the collateral held
 3029 | or any return premium due, except as authorized by this chapter
 3030 | or rule of the department or commission. A bail bond agent or
 3031 | bail bond agency may, upon written agreement with another party,
 3032 | receive a fee or compensation for returning to custody an
 3033 | individual who has fled the jurisdiction of the court or caused
 3034 | the forfeiture of a bond.

3035 | (k) Write more than one power of attorney per charge on a
 3036 | bond, except in the case of a cosurety, unless the power of
 3037 | attorney prohibits a cosurety.

3038 | (l) Execute a bond in this state on his or her own behalf.

3039 | (m) Execute a bond in this state if a judgment has been
 3040 | entered on a bond executed by the bail bond agent or the bail
 3041 | bond agency is a named party on the judgment, which has remained
 3042 | unpaid for 35 days, unless the full amount of the judgment is
 3043 | deposited with the clerk in accordance with s. 903.27(5).

3044 | (n) Make a statement or representation to a court, unless
 3045 | such statement or representation is under oath. Such statement
 3046 | or representation may not be false, misleading, or deceptive.

3047 | (o) Attempt to collect, through threat or coercion,
 3048 | amounts due for the payment of any indebtedness related to the
 3049 | issuance of a bail bond in violation of s. 559.72.

3050 | (p) Conduct bail bond business with any person, other than

3051 the defendant, on the grounds of the jail or courthouse for the
 3052 purpose of executing a bond.

3053 (2) The following persons or classes may ~~shall~~ not be bail
 3054 bond agents, ~~temporary bail bond agents,~~ or employees of a bail
 3055 bond agent or a bail bond agency ~~business~~ and may ~~shall~~ not
 3056 directly or indirectly receive any benefits from the execution
 3057 of any bail bond:

3058 (a) Jailers or persons employed in any jail.

3059 (b) Police officers or employees of any police department
 3060 or law enforcement agency.

3061 (c) Committing trial court judges, employees of a court,
 3062 or employees of the clerk of any court.

3063 (d) Sheriffs and deputy sheriffs or employees of any
 3064 sheriff's department.

3065 (e) Attorneys.

3066 (f) Persons having the power to arrest or persons who have
 3067 authority over or control of federal, state, county, or
 3068 municipal prisoners.

3069 (8)

3070 (c) Any law enforcement agency, state attorney's office,
 3071 court clerk, or insurer that is aware that a bail bond agent ~~or~~
 3072 ~~temporary bail bond agent~~ has been convicted of or who has
 3073 pleaded guilty or no contest to a crime as described in
 3074 paragraph (a) shall notify the department of this fact.

3075 (d) Upon the filing of an information or indictment

3076 against a bail bond agent ~~or temporary bail bond agent~~, the
 3077 state attorney or clerk of the circuit court shall immediately
 3078 furnish the department a certified copy of the information or
 3079 indictment.

3080 Section 66. Subsection (1) of section 648.441, Florida
 3081 Statutes, is amended to read:

3082 648.441 Furnishing supplies to unlicensed bail bond agent
 3083 prohibited; civil liability and penalty.—

3084 (1) An insurer, managing general agent, bail bond agent,
 3085 or ~~temporary~~ bail bond agency ~~agent~~ appointed under this chapter
 3086 may not furnish to any person any blank forms, applications,
 3087 stationery, business card, or other supplies to be used in
 3088 soliciting, negotiating, or effecting bail bonds until such
 3089 person has received from the department a license to act as a
 3090 bail bond agent and is appointed by the insurer. This section
 3091 does not prohibit an unlicensed employee, under the direct
 3092 supervision and control of a licensed and appointed bail bond
 3093 agent, from possessing or executing in the bail bond agency, any
 3094 forms, except for powers of attorney, bond forms, and collateral
 3095 receipts, while acting within the scope of his or her
 3096 employment.

3097 Section 67. Subsection (3) of section 648.46, Florida
 3098 Statutes, is amended to read:

3099 648.46 Procedure for disciplinary action against
 3100 licensees.—

3101 (3) The complaint and all information obtained pursuant to
 3102 the investigation of the department are confidential and exempt
 3103 from the provisions of s. 119.07(1) until such investigation is
 3104 completed or ceases to be active. For the purpose of this
 3105 section, an investigation is considered "active" while the
 3106 investigation is being conducted by the department with a
 3107 reasonable, good faith belief that it may lead to the filing of
 3108 administrative, civil, or criminal proceedings. An investigation
 3109 does not cease to be active if the department is proceeding with
 3110 reasonable dispatch and there is good faith belief that action
 3111 may be initiated by the department or other administrative or
 3112 law enforcement agency. This subsection does not prevent the
 3113 department or office from disclosing the complaint or such
 3114 information as it deems necessary to conduct the investigation,
 3115 to update the complainant as to the status and outcome of the
 3116 complaint, or to share such information with any law enforcement
 3117 agency or other regulatory body.

3118 Section 68. Section 648.50, Florida Statutes, is amended
 3119 to read:

3120 648.50 Effect of suspension, revocation upon associated
 3121 licenses and licensees.—

3122 (1) Upon the suspension, revocation, or refusal to renew
 3123 or continue any license or appointment or the eligibility to
 3124 hold a license or appointment of a bail bond agent or ~~temporary~~
 3125 bail bond agency agent, the department shall at the same time

3126 likewise suspend or revoke all other licenses or appointments
 3127 and the eligibility to hold any other such licenses or
 3128 appointments which may be held by the licensee under the Florida
 3129 Insurance Code.

3130 (2) In case of the suspension or revocation of the license
 3131 or appointment, or the eligibility to hold a license or
 3132 appointment, of any bail bond agent, the license, appointment,
 3133 or eligibility of any and all bail bond agents who are members
 3134 of a bail bond agency, whether incorporated or unincorporated,
 3135 ~~and any and all temporary bail bond agents employed by such bail~~
 3136 ~~bond agency,~~ who knowingly are parties to the act which formed
 3137 the ground for the suspension or revocation may likewise be
 3138 suspended or revoked.

3139 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
 3140 ~~temporary bail bond agent~~ has been revoked or suspended may not
 3141 ~~shall~~ be employed by any bail bond agent, have any ownership
 3142 interest in any business involving bail bonds, or have any
 3143 financial interest of any type in any bail bond business during
 3144 the period of revocation or suspension.

3145 Section 69. Subsections (4) and (6) of section 717.135,
 3146 Florida Statutes, are amended to read:

3147 717.135 Recovery agreements and purchase agreements for
 3148 claims filed by a claimant's representative; fees and costs.—

3149 (4) A claimant's representative must use the Unclaimed
 3150 Property Recovery Agreement or the Unclaimed Property Purchase

3151 Agreement as the exclusive means of entering into an agreement
 3152 or a contract ~~engaging~~ with a claimant or seller to file a claim
 3153 with the department.

3154 (6) A claimant's representative may not use or distribute
 3155 any other agreement of any type, conveyed by any method, form,
 3156 ~~or other media~~ with respect to the claimant or seller which
 3157 relates, directly or indirectly, to unclaimed property accounts
 3158 held by the department or the Chief Financial Officer other than
 3159 the agreements authorized by this section. Any engagement,
 3160 authorization, recovery, or fee agreement that is not authorized
 3161 by this section is void. A claimant's representative is subject
 3162 to administrative and civil enforcement under s. 717.1322 if he
 3163 or she uses an agreement that is not authorized by this section.
 3164 This subsection does not prohibit lawful nonagreement,
 3165 noncontractual, or advertising communications between or among
 3166 the parties.

3167 Section 70. Paragraph (a) of subsection (4) of section
 3168 843.021, Florida Statutes, is amended to read:

3169 843.021 Unlawful possession of a concealed handcuff key.—

3170 (4)(a) It is a defense to a charge of violating this
 3171 section that the person in custody and in possession of a
 3172 concealed handcuff key is:

3173 1. A federal, state, or local law enforcement officer,
 3174 including a reserve or auxiliary officer, a licensed security
 3175 officer, or a private investigator as defined in s. 493.6101; or

3176 2. A professional bail bond agent, ~~temporary bail bond~~
 3177 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3178 Section 71. Subsection (4) of section 631.152, Florida
 3179 Statutes, is amended to read:

3180 631.152 Conduct of delinquency proceeding; foreign
 3181 insurers.—

3182 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
 3183 ancillary delinquency proceedings opened for the purpose of
 3184 obtaining records necessary to adjudicate the covered claims of
 3185 Florida policyholders.

3186 Section 72. Paragraph (b) of subsection (3) of section
 3187 631.398, Florida Statutes, is amended to read:

3188 631.398 Prevention of insolvencies.—To aid in the
 3189 detection and prevention of insurer insolvencies or impairments:

3190 (3)

3191 (b) For an insolvency involving a domestic property
 3192 insurer, the department shall:

3193 1. Begin an analysis of the history and causes of the
 3194 insolvency once the department is appointed by the court as
 3195 receiver.

3196 2. Submit an initial report analyzing the history and
 3197 causes of the insolvency to the Governor, the President of the
 3198 Senate, the Speaker of the House of Representatives, and the
 3199 office. The initial report must be submitted no later than 4
 3200 months after the department is appointed as receiver. The

3201 initial report shall be updated at least annually until the
 3202 submission of the final report. The report may not be used as
 3203 evidence in any proceeding brought by the department or others
 3204 to recover assets on behalf of the receivership estate as part
 3205 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
 3206 of a report under this subparagraph shall not be considered a
 3207 waiver of any evidentiary privilege the department may assert
 3208 under state or federal law.

3209 3. Provide a special report to the Governor, the President
 3210 of the Senate, the Speaker of the House of Representatives, and
 3211 the office, within 10 days upon identifying any condition or
 3212 practice that may lead to insolvency in the property insurance
 3213 marketplace.

3214 4. Submit a final report analyzing the history and causes
 3215 of the insolvency and the review of the Office of Insurance
 3216 Regulation's regulatory oversight of the insurer to the
 3217 Governor, the President of the Senate, the Speaker of the House
 3218 of Representatives, and the office within 30 days of the
 3219 conclusion of the insolvency proceeding.

3220 5. Review the Office of Insurance Regulation's regulatory
 3221 oversight of the insurer.

3222 Section 73. Subsection (2) of section 903.09, Florida
 3223 Statutes, is amended to read:

3224 903.09 Justification of sureties.—

3225 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,

3226 shall justify her or his suretyship by attaching a copy of the
3227 power of attorney issued by the company to the bond or by
3228 attaching to the bond United States currency, a United States
3229 postal money order, or a cashier's check in the amount of the
3230 bond; but the United States currency, United States postal money
3231 order, or cashier's check cannot be used to secure more than one
3232 bond. Nothing herein shall prohibit two or more qualified
3233 sureties from each posting any portion of a bond amount, and
3234 being liable for only that amount, so long as the total posted
3235 by all cosureties is equal to the amount of bond required.

3236 Section 74. (1) The following rule is ratified for the
3237 sole and exclusive purpose of satisfying any condition on the
3238 effectiveness imposed under s. 120.541(3), Florida Statutes:
3239 Rule 69L-7.020, Florida Administrative Code, titled "Florida
3240 Workers' Compensation Health Care Provider Reimbursement Manual"
3241 as filed for adoption with the Department of State pursuant to
3242 the certification package dated October 22, 2021.

3243 (2) This section serves no other purpose and may not be
3244 codified in the Florida Statutes. After this section becomes
3245 law, its enactment and effective dates shall be noted in the
3246 Florida Administrative Code, the Florida Administrative
3247 Register, or both, as appropriate. This section does not alter
3248 rulemaking additions delegated by prior law, does not constitute
3249 legislative preemption of or exception to any provision of law
3250 governing adoption or enforcement of the rule cited, and is

3251 intended to preserve the status of any cited rule as a rule
3252 under chapter 120, Florida Statutes. This section does not cure
3253 any rulemaking defect or preempt any challenge based on a lack
3254 of authority or a violation of the legal requirements governing
3255 the adoption of any rule cited.

3256 (3) This section takes effect July 1, 2023.

3257 Section 75. Except as otherwise expressly provided in this
3258 act, this act shall take effect upon becoming a law.