

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 20.121, F.S.; revising duties of
4 the Division of Investigative and Forensic Services
5 within the Department of Financial Services;
6 authorizing the department to provide legal services
7 to certain boards and commissions; authorizing such
8 boards and commissions to retain independent legal
9 services under a specified circumstances; requiring
10 fees and costs of such independent legal services to
11 be paid from a specified trust fund; deleting
12 provisions relating to a specified unit within the
13 department; amending s. 39.6035, F.S.; deleting a
14 provision relating to the department's duty to provide
15 certain information for transition plans for children
16 with case plans prepared by the Department of Children
17 and Families; amending s. 110.113, F.S.; revising
18 circumstances under which persons appointed to state
19 government positions may request exemptions from the
20 direct deposit program; amending s. 112.215, F.S.;
21 defining the term "government employee" rather than
22 the term "employee"; specifying that the Chief
23 Financial Officer is required to establish state plans
24 of deferred compensation for government employees;
25 revising the membership of the Deferred Compensation

26 | Advisory Council; amending s. 215.422, F.S.; revising
27 | the timeframe that payments to health care providers
28 | must be made by state agencies or the judicial branch;
29 | amending s. 274.01, F.S.; revising the definition of
30 | the term "governmental unit"; amending s. 440.13,
31 | F.S.; revising the list of health care providers for
32 | the determination of statewide schedules of maximum
33 | reimbursement allowance under workers' compensation;
34 | deleting and revising provisions relating to maximum
35 | reimbursement allowances for health care services;
36 | deleting provisions relating to legislative intent;
37 | requiring the department to notify carriers and self-
38 | insurers of certain schedules of maximum reimbursement
39 | allowances; providing construction; revising factors
40 | that must be considered for the uniform schedule of
41 | maximum reimbursement allowances; deleting provisions
42 | relating to practice parameters and protocols for
43 | medical services and supplies under workers'
44 | compensation; amending s. 440.385, F.S.; limiting the
45 | number of years that members may serve on the board of
46 | directors of the Florida Self-Insurers Guaranty
47 | Association, Incorporated; revising the process for
48 | appointing members for the board; authorizing the
49 | Chief Financial Officer to remove board members from
50 | office for specified causes; providing that board

51 members are subject to a specified code of ethics;
52 prohibiting board members from certain acts; providing
53 penalties; providing that board meetings are subject
54 to public meetings requirements; providing that
55 certain documents are open to the public; providing
56 exceptions; providing notice requirements for board
57 meetings; providing exceptions; amending s. 473.312,
58 F.S.; providing rulemaking authority relating to
59 continuing education requirements for license renewals
60 for specified Florida certified public accountants;
61 requiring the Board of Accountancy to approve certain
62 subjects for continuing education requirements for
63 such public accountants; amending s. 624.424, F.S.;
64 revising requirements relating to the use by insurers
65 of accountants and accounting firm partners
66 responsible for preparing specified reports; amending
67 s. 624.501, F.S.; deleting a provision relating to the
68 application filing and license fee for reinsurance
69 intermediaries; amending s. 626.015, F.S.; revising
70 the definition of the term "association"; amending s.
71 631.716, F.S.; amending s. 626.171, F.S.; deleting
72 provisions relating to designated examination centers
73 that provided fingerprints for certain license
74 applications; amending s. 626.173, F.S.; providing
75 nonapplicability of certain requirements in cases of

76 | insurance agency closure; amending s. 626.221, F.S.;

77 | revising examination waivers for applicants for

78 | insurance agent or adjuster licenses; amending s.

79 | 626.2815, F.S.; revising continuing education

80 | requirements for certain licensees engaged in the

81 | sales of insurance or adjustments of insurance claims;

82 | amending s. 626.321, F.S.; deleting provisions

83 | prohibiting individuals holding specified insurance

84 | licenses from holding certain other insurance

85 | licenses; deleting a requirement for requests for

86 | duplicate licenses and for payments of a fee for

87 | credit insurance licensees under certain

88 | circumstances; amending s. 626.611, F.S.; providing

89 | additional grounds for refusal, suspension, and

90 | revocation of an agent's, title agency's, adjuster's,

91 | customer representative's, service representative's,

92 | and managing general agent's licenses and

93 | appointments; amending s. 626.621, F.S.; providing

94 | additional grounds for discretionary refusal,

95 | suspension, and revocation of an agent's, adjuster's,

96 | customer representative's, service representative's,

97 | and managing general agent's licenses and

98 | appointments; amending s. 626.7492, F.S.; revising the

99 | definition of the terms "producer" and "reinsurance

100 | intermediary manager"; revising circumstances under

101 which persons are prohibited from acting as
102 reinsurance intermediary brokers or reinsurance
103 intermediary managers; providing that specified
104 requirements apply to reinsurance intermediary
105 appointments rather than licenses; deleting the
106 Department of Financial Services' authority to refuse
107 to issue reinsurance intermediary licenses under
108 certain circumstances; deleting exemptions for
109 reinsurance intermediaries from certain requirements;
110 deleting reinsurance intermediary license fees;
111 conforming a provision to changes made by the act;
112 amending ss. 626.752, 626.793, and 626.837, F.S.;
113 requiring the department to cancel exchanges of
114 business appointment if fees for agents are not paid
115 by insurers within a specified timeframe under certain
116 circumstances; amending s. 626.841, F.S.; defining the
117 term "closing services"; amending s. 626.8411, F.S.;
118 providing that notice to policyholders of agency
119 closure does not apply to title insurance agents and
120 agencies; amending s. 626.8437, F.S.; providing
121 additional grounds for denial, suspension, revocation,
122 and refusal to renew or continue licenses and
123 appointments of title insurance agents and agencies;
124 amending s. 626.844, F.S.; providing additional
125 grounds for discretionary refusal, suspension, and

126 revocation of a title insurance agent's and agency's
127 licenses and appointments; amending s. 626.8473, F.S.;
128 providing circumstances under which title insurance
129 agencies may engage in business as escrow agents as to
130 certain funds; deleting provisions relating to title
131 insurance agents; providing disposition of funds
132 received by title insurance agencies and funds
133 required to be maintained in escrow trust accounts;
134 requiring separate records of specified receipts and
135 disbursements of escrow, settlement, and closing
136 funds; providing penalties; amending s. 626.854, F.S.;
137 exempting appointed public adjusters from certain
138 insurance activities' prohibitions; amending s.
139 626.874, F.S.; revising requirements for the
140 department to issue catastrophe and emergency adjuster
141 licenses; revising circumstances under which the
142 department may deny certain adjuster privileges;
143 amending s. 626.9957, F.S.; requiring navigators'
144 registrations to expire under certain circumstances;
145 prohibiting navigators with expired registrations from
146 being granted subsequent registrations; amending s.
147 627.351, F.S.; revising the process for selecting
148 members for the board of governors of the Joint
149 Underwriting Association; providing terms; limiting
150 the number of years that members may serve on the

151 board; providing for vacancy fillings; authorizing the
152 Chief Financial Officer to remove board members for
153 specified causes; providing that board members are
154 subject to specified code of ethics; prohibiting board
155 members from certain acts; providing penalties;
156 providing that board meetings are subject to public
157 meetings requirements; providing that certain
158 documents are confidential and exempt from public
159 records requirements; providing notice requirements
160 for board meetings; providing exceptions; amending s.
161 627.4133, F.S.; revising the timeframe of specified
162 insurers' insurance policy cancellation and
163 termination for a specified notice; amending s.
164 627.4215, F.S.; specifying that health insurers that
165 offer specified behavioral health insurance coverages,
166 rather than all health insurers, make certain
167 information available on their websites; requiring
168 health insurers to provide certain notice to insureds
169 who have specified behavioral health insurance
170 coverages, rather than to all insureds; amending s.
171 627.426, F.S.; prohibiting liability insurers from
172 denying coverage for property and bodily injury
173 liability claims up to specified limits based on a
174 specified reason; providing an exception; amending s.
175 627.7015, F.S.; providing requirements that insurers

176 must meet before participating in disputed property
177 insurance claims mediation; authorizing the department
178 to suspend property insurers' authority to appoint
179 licensees if the insurers do not timely pay certain
180 fees; deleting some requirements for special rules
181 adopted by the department in cases of an emergency;
182 creating s. 627.7155, F.S.; prohibiting insurers and
183 insurance agents from engaging in specified practices
184 relating to collateral protection property insurance
185 under certain circumstances; prohibiting insurers from
186 providing free or below-cost outsourced services and
187 from outsourcing their own functions on an above-cost
188 basis to specified entities; amending s. 627.745,
189 F.S.; increasing the amount limit in claims in which
190 either party may demand mediation for personal injury
191 or for property damage under motor vehicle insurance
192 policies; providing requirements for mediation costs
193 and fees and their payment; providing that the
194 insurers' authority to appoint licensees may be
195 suspended if the insurers do not timely pay
196 administrative fees; deleting certain requirements
197 relating to mediation and to department rules;
198 requiring the department to adopt a motor vehicle
199 insurance mediation program; requiring the department
200 to adopt special rules applicable in cases of state

201 emergencies; providing requirements for such rules;
202 authorizing the department to designate an entity or
203 person to serve as administrator; authorizing the
204 department to make such designation through a contract
205 or agreement; amending s. 631.141, F.S.; authorizing
206 the department to take certain actions to preserve the
207 right and interest of policyholders whose insurance
208 policies and similar contracts are affected by
209 receivership proceedings; amending s. 631.252, F.S.;
210 providing exceptions to cancellation of insurance
211 policies or similar contracts of coverage under
212 certain circumstances; revising the dates of such
213 cancellation; providing a cross-reference; providing
214 circumstances under which the insurance coverage
215 continuation period after the date of entry of a
216 liquidation order may be extended; amending ss.
217 631.56, 631.716, 631.816, and 631.912, F.S.; revising
218 the process for appointing members for the board of
219 directors of Florida Insurance Guaranty Association,
220 Incorporated, the Florida Life and Health Insurance
221 Guaranty Association, the Florida Health Maintenance
222 Organization Consumer Assistance Plan, and the Florida
223 Workers' Compensation Insurance Guaranty Association,
224 Incorporated, respectively; limiting the number of
225 years that members may serve on the board; authorizing

226 | the Chief Financial Officer to remove board members
227 | for specified causes; providing that board members are
228 | subject to specified code of ethics; prohibiting board
229 | members from certain acts; providing penalties;
230 | providing that board meetings are subject to public
231 | meetings requirements; providing that certain
232 | documents are open to the public; providing
233 | exceptions; providing notice requirements for board
234 | meetings; providing exceptions; creating s. 633.1423,
235 | F.S.; defining the term "organization"; authorizing
236 | the Division of State Fire Marshal to establish the
237 | State Fire Marshal Safety and Training Force for a
238 | specified purpose; providing requirements for the
239 | organization; requiring the organization to operate
240 | under written contract with the division; providing
241 | requirements for the contract; requiring the
242 | organization to be governed by a board of directors;
243 | requiring the State Fire Marshal to appoint the
244 | board's president; requiring board members to be
245 | appointed by the president; authorizing the
246 | organization to use the division's fixed property and
247 | facilities under certain circumstances; prohibiting
248 | the department from authorizing the organization to
249 | use the division's property and facilities under
250 | certain circumstances; requiring the department to

251 adopt rules; requiring moneys received by the
252 organization to be held in a separate depository
253 account in the name of the organization and to be
254 subject to the contract with the division; requiring
255 the organization to submit to the division certain
256 information and documents; requiring an annual
257 financial audit; requiring proceeds received by the
258 division from the organization to be deposited into a
259 specified trust fund; amending s. 634.171, F.S.;
260 authorizing the department to issue licenses as
261 salespersons for motor vehicle service agreements and
262 insurers to nonresident applicants under certain
263 circumstances; providing duties for such nonresident
264 licensees; providing requirements for resident
265 licenses within certain timeframes; amending s.
266 634.181, F.S.; providing additional grounds for the
267 department's compulsory refusal, suspension, and
268 revocation of licenses and appointments of certain
269 salespersons; requiring the department to temporarily
270 suspend licenses and appointments immediately upon
271 receipt of information on or indictment for certain
272 felonies; requiring such suspension to continue under
273 certain circumstances; authorizing the department to
274 adopt rules; amending s. 634.191, F.S.; revising
275 grounds for the department's discretionary refusal,

276 suspension, and revocation of licenses and
277 appointments of certain salespersons; requiring
278 certain salespersons to submit specified orders and
279 legal documents to the department; authorizing the
280 department to adopt rules; amending s. 634.320, F.S.;
281 providing additional grounds for the department's
282 compulsory refusal, suspension, and revocation of
283 licenses and appointments of certain sales
284 representatives; requiring the department to
285 temporarily suspend licenses and appointments
286 immediately upon receipt of information on or
287 indictment for certain felonies; requiring such
288 suspension to continue under certain circumstances;
289 authorizing the department to adopt rules; amending s.
290 634.321, F.S.; revising grounds for the department's
291 discretionary refusal, suspension, and revocation of
292 licenses and appointments of certain sales
293 representatives; requiring sales representatives to
294 submit certain orders and legal documents to the
295 department; authorizing the department to adopt rules;
296 amending s. 634.401, F.S.; revising the definition of
297 the term "manufacturer"; amending s. 634.406, F.S.;
298 deleting certain financial requirements for warranty
299 associations and parent corporations; amending s.
300 634.422, F.S.; providing additional grounds for the

301 department's compulsory refusal, suspension, and
302 revocation of licenses and appointments of certain
303 sales representatives; requiring the department to
304 temporarily suspend licenses and appointments
305 immediately upon receipt of information on or
306 indictment for certain felonies; requiring such
307 suspension to continue under certain circumstances;
308 authorizing the department to adopt rules; amending s.
309 634.423, F.S.; revising grounds for the department's
310 discretionary refusal, suspension, and revocation of
311 licenses and appointments of certain sales
312 representatives; requiring sales representatives to
313 submit certain orders and legal documents to the
314 department; authorizing the department to adopt rules;
315 amending s. 648.25, F.S.; defining the term
316 "appointment" and revising the definition of the term
317 "temporary bail bond agent"; amending s. 648.26, F.S.;
318 providing construction for certain investigatory
319 records of the department; amending s. 648.285, F.S.;
320 providing that persons who manage bail bond agencies
321 are subject to certain requirements; revising
322 requirements for persons who own, control, or have
323 pecuniary interests in bail bond agencies; authorizing
324 the department to issue bail bond agencies to certain
325 persons; providing requirements for applications for

326 | bail bond agency licenses; requiring public displays
327 | of such licenses; providing nonapplicability of
328 | licensing disqualification provisions based on
329 | criminal conviction; deleting provisions relating to
330 | temporary bail bond permits; amending s. 648.30, F.S.;
331 | conforming provisions to changes made by the act;
332 | revising requirements for persons to act or preform as
333 | bail bond agents; providing requirements for persons
334 | and entities to act or perform as bail bond agencies;
335 | prohibiting bail bond agents from selling certain bail
336 | bonds; amending s. 648.34, F.S.; conforming provisions
337 | to changes made by the act; revising requirements for
338 | bail bond agent qualifications; amending s. 648.355,
339 | F.S.; providing requirements for licensure, rather
340 | than temporary licensure, of limited surety agents and
341 | professional bail bond agents; providing the timeframe
342 | for an applicant's completion of specified coursework
343 | before applying for licensure; providing requirements
344 | and fees for license application; revising the
345 | conditions under which individuals licensed as
346 | temporary bail bond agents may take bail bond agent's
347 | licensure examinations and apply for bail bond agent's
348 | licenses; prohibiting the department from issuing
349 | temporary bail bond agent's licenses on or after a
350 | specified date; authorizing individuals licensed as

351 temporary bail bond agents to continue to be licensed;
352 prohibiting temporary bail bond's licenses from being
353 reinstated; amending s. 648.386, F.S.; defining the
354 term "classroom instruction"; revising criteria for
355 approval and certification as an approved limited
356 surety agent and professional bail bond agent
357 continuing education school to require continuing
358 education classes to be classroom instruction;
359 creating s. 648.3875, F.S.; specifying requirements
360 for applications for designation as primary bail bond
361 agents; specifying qualifications for primary bail
362 bond agents; repealing s. 648.41, F.S., relating to
363 termination of appointment of temporary bail bond
364 agents; amending s. 648.42, F.S.; revising the
365 entities from whom a bail bond agent must receive
366 appointment before registering as a bail bond agent;
367 conforming provisions to changes made by the act;
368 amending s. 648.44, F.S.; conforming provisions to
369 changes made by the act; revising activities that are
370 prohibited to bail bond agents; amending ss. 648.27,
371 648.31, 648.382, 648.39, 648.441, and 648.50, F.S.;
372 conforming provisions to changes made by the act;
373 repealing s. 651.123, F.S., relating to alternative
374 dispute resolutions; amending s. 843.021, F.S.;
375 conforming a provision to changes made by the act;

376 revising a defense to the charge of unlawful
377 possession of a concealed handcuff key; amending s.
378 903.28, F.S.; revising the amounts of forfeitures that
379 must be remitted; specifying procedures for remission
380 of forfeitures of deceased defendants; revising the
381 circumstances under which forfeitures must be
382 remitted; specifying procedures for remission of
383 forfeitures of defendants for whom the state is
384 unwilling to seek extradition; amending ss. 28.2221,
385 119.071, 631.152, 631.398, and 903.09, F.S.;
386 conforming cross-references; ratifying a specific rule
387 relating to the Florida Workers' Compensation Health
388 Care Provider Reimbursement Manual, for the sole and
389 exclusive purpose of satisfying any condition on
390 effectiveness pursuant to s. 120.541(3), F.S., which
391 requires ratification of any rule meeting any
392 specified thresholds for likely adverse impact or
393 increase in regulatory costs; providing applicability;
394 providing effective dates.

395

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

397

398 Section 1. Subsections (3), (4), and (5) of section
399 20.121, Florida Statutes, are renumbered as subsections (4),
400 (5), and (6), respectively, paragraph (e) of subsection (2) and

401 present subsection (6) are amended, and a new subsection (3) is
 402 added to that section, to read:

403 20.121 Department of Financial Services.—There is created
 404 a Department of Financial Services.

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

407 (e) The Division of Investigative and Forensic Services,
 408 which shall function as a criminal justice agency for purposes
 409 of ss. 943.045–943.08. The division may initiate and conduct
 410 investigations into any matter under the jurisdiction of the
 411 Chief Financial Officer and Fire Marshal within or outside of
 412 this state as it deems necessary. If, during an investigation,
 413 the division has reason to believe that any criminal law of this
 414 state or the United States has or may have been violated, it
 415 shall refer any records tending to show such violation to state
 416 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
 417 prosecutorial agencies and shall provide investigative
 418 assistance to those agencies as appropriate ~~required~~. The
 419 division shall include the following bureaus and office:

- 420 1. The Bureau of Forensic Services;
- 421 2. The Bureau of Fire, Arson, and Explosives
 422 Investigations;
- 423 3. The Office of Fiscal Integrity, which shall have a
 424 separate budget;
- 425 4. The Bureau of Insurance Fraud; and

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426 5. The Bureau of Workers' Compensation Fraud.

427 (3) LEGAL SERVICES.—The Department of Financial Services
428 may provide legal services to any board or commission over which
429 the department or the Chief Financial Officer has appointment
430 authority. Upon approval of the Chief Financial Officer, the
431 board or commission may retain independent legal services to
432 provide legal services to the board or commission. Fees and
433 costs of such independent legal services shall be paid from the
434 Regulatory Trust Fund.

435 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT.—The~~
436 ~~Strategic Markets Research and Assessment Unit is established~~
437 ~~within the Department of Financial Services. The Chief Financial~~
438 ~~Officer or his or her designee shall report on September 1,~~
439 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
440 ~~the Senate, and the Speaker of the House of Representatives on~~
441 ~~the status of the state's financial services markets. At a~~
442 ~~minimum, the report must include a summary of issues, trends,~~
443 ~~and threats that broadly impact the condition of the financial~~
444 ~~services industries, along with the effect of such conditions on~~
445 ~~financial institutions, the securities industries, other~~
446 ~~financial entities, and the credit market. The Chief Financial~~
447 ~~Officer shall also provide findings and recommendations~~
448 ~~regarding regulatory and policy changes to the Cabinet, the~~
449 ~~President of the Senate, and the Speaker of the House of~~
450 ~~Representatives.~~

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451 Section 2. Paragraph (c) of subsection (1) of section
 452 39.6035, Florida Statutes, is amended to read:

453 39.6035 Transition plan.—

454 (1) During the year after a child reaches 16 years of age,
 455 the department and the community-based care lead agency, in
 456 collaboration with the caregiver and any other individual whom
 457 the child would like to include, shall assist the child in
 458 developing a transition plan. The required transition plan is in
 459 addition to standard case management requirements. The
 460 transition plan must address specific options for the child to
 461 use in obtaining services, including housing, health insurance,
 462 education, financial literacy, a driver license, and workforce
 463 support and employment services. The plan must also include
 464 tasks to establish and maintain naturally occurring mentoring
 465 relationships and other personal support services. The
 466 transition plan may be as detailed as the child chooses. This
 467 plan must be updated as needed before the child reaches 18 years
 468 of age and after the child reaches 18 years of age if he or she
 469 is receiving funding under s. 409.1451(2). In developing and
 470 updating the transition plan, the department and the community-
 471 based care lead agency shall:

472 ~~(c) Provide information for the financial literacy~~
 473 ~~curriculum for youth offered by the Department of Financial~~
 474 ~~Services.~~

475 Section 3. Subsection (2) of section 110.113, Florida

476 Statutes, is amended to read:

477 110.113 Pay periods for state officers and employees;
 478 salary payments by direct deposit.—

479 (2) As a condition of employment, a person appointed to a
 480 position in state government is required to participate in the
 481 direct deposit program pursuant to s. 17.076. An employee may
 482 request an exemption from the provisions of this subsection ~~when~~
 483 ~~such employee can demonstrate a hardship or~~ when such employee
 484 is in an other-personal-services position.

485 Section 4. Subsection (2), paragraphs (a), (c), and (d) of
 486 subsection (4), paragraph (a) of subsection (8), and subsection
 487 (12) of section 112.215, Florida Statutes, are amended to read:

488 112.215 Government employees; deferred compensation
 489 program.—

490 (2) For the purposes of this section, the term "government
 491 employee" means any person employed, whether appointed, elected,
 492 or under contract, by providing services for the state or any
 493 governmental unit of the state, including, but not limited to, ÷
 494 any state agency; any ~~or~~ county, municipality, or other
 495 political subdivision of the state; any special district or
 496 water management district, as the terms are defined in s.
 497 189.012 ~~municipality~~; any state university or Florida college
 498 system institution, as the terms are defined in s. 1000.21(6)
 499 and (3), respectively ~~board of trustees~~; or any constitutional
 500 county officer under s. 1(d), Art. VIII of the State

501 Constitution for which compensation or statutory fees are paid.

502 (4) (a) The Chief Financial Officer, with the approval of
 503 the State Board of Administration, shall establish a state ~~such~~
 504 plan or plans of deferred compensation for government ~~state~~
 505 employees and ~~may include persons employed by a state university~~
 506 ~~as defined in s. 1000.21, a special district as defined in s.~~
 507 ~~189.012, or a water management district as defined in s.~~
 508 ~~189.012~~, including all such investment vehicles or products
 509 incident thereto, as may be available through, or offered by,
 510 qualified companies or persons, and may approve one or more such
 511 plans for implementation ~~by and on behalf of the state and its~~
 512 ~~agencies and employees.~~

513 (c) The Chief Financial Officer, with the approval of the
 514 State Board of Administration, may delegate responsibility for
 515 administration of the state plan to a person the Chief Financial
 516 Officer determines to be qualified, compensate such person, and,
 517 directly or through such person or pursuant to a collective
 518 bargaining agreement, contract with a private corporation or
 519 institution to provide such services as may be part of any such
 520 plan or as may be deemed necessary or proper by the Chief
 521 Financial Officer or such person, including, but not limited to,
 522 providing consolidated billing, individual and collective
 523 recordkeeping and accountings, asset purchase, control, and
 524 safekeeping, and direct disbursement of funds to employees or
 525 other beneficiaries. The Chief Financial Officer may authorize a

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526 person, private corporation, or institution to make direct
527 disbursement of funds under the state plan to an employee or
528 other beneficiary.

529 (d) In accordance with such approved plan, and upon
530 contract or agreement with an eligible government employee,
531 deferrals of compensation may be accomplished by payroll
532 deductions made by the appropriate officer or officers of the
533 state, with such funds being thereafter held and administered in
534 accordance with the plan.

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

537 1. One member shall be appointed by the Speaker of the
538 House of Representatives and the President of the Senate jointly
539 and shall be an employee of the legislative branch.

540 2. One member shall be appointed by the Chief Justice of
541 the Supreme Court and shall be an employee of the judicial
542 branch.

543 3. One member shall be appointed by the chair of the
544 Public Employees Relations Commission and shall be a nonexempt
545 public employee.

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

548 a. One member shall be appointed by the Chancellor of the
549 State University System and shall be an employee of the
550 university system.

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

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

555 d. One member shall be appointed by the Executive Director
556 of the State Board of Administration and shall be an employee of
557 the State Board of Administration.

558 e. One member shall be appointed by the Chancellor of the
559 Florida College System and shall be an employee of the Florida
560 College System.

561 (12) The Chief Financial Officer may adopt any rule
562 necessary to administer and implement this act with respect to
563 the state deferred compensation plan or plans ~~for state~~
564 ~~employees and persons employed by a state university as defined~~
565 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
566 ~~water management district as defined in s. 189.012.~~

567 Section 5. Subsection (13) of section 215.422, Florida
568 Statutes, is amended to read:

569 215.422 Payments, warrants, and invoices; processing time
570 limits; dispute resolution; agency or judicial branch
571 compliance.-

572 (13) Notwithstanding the provisions of subsections (3) and
573 (12), in order to alleviate any hardship that may be caused to a
574 health care provider as a result of delay in receiving
575 reimbursement for services, any payment or payments for

576 hospital, medical, or other health care services which are to be
 577 reimbursed by a state agency or the judicial branch, either
 578 directly or indirectly, shall be made to the health care
 579 provider not more than 40 ~~35~~ days from the date eligibility for
 580 payment of such claim is determined. If payment is not issued to
 581 a health care provider within 40 ~~35~~ days after the date
 582 eligibility for payment of the claim is determined, the state
 583 agency or the judicial branch shall pay the health care provider
 584 interest at a rate of 1 percent per month calculated on a
 585 calendar day basis on the unpaid balance from the expiration of
 586 such 40-day ~~35-day~~ period until such time as payment is made to
 587 the health care provider, unless a waiver in whole has been
 588 granted by the Department of Financial Services pursuant to
 589 subsection (1) or subsection (2).

590 Section 6. Subsection (1) of section 274.01, Florida
 591 Statutes, is amended to read:

592 274.01 Definitions.—The following words as used in this
 593 act have the meanings set forth in the below subsections, unless
 594 a different meaning is required by the context:

595 (1) "Governmental unit" means the governing board,
 596 commission, or authority of a county, a county agency, a
 597 municipality, a special district as defined in s. 189.012 or
 598 taxing district of the state, or the sheriff of the county.

599 Section 7. Subsections (15) and (16) of section 440.13,
 600 Florida Statutes, are renumbered as subsections (14) and (15),

601 respectively, and subsection (12) and present subsection (14) of
 602 that section are amended, to read:

603 440.13 Medical services and supplies; penalty for
 604 violations; limitations.—

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

607 (a) A three-member panel is created, consisting of the
 608 Chief Financial Officer, or the Chief Financial Officer's
 609 designee, and two members to be appointed by the Governor,
 610 subject to confirmation by the Senate, one member who, on
 611 account of present or previous vocation, employment, or
 612 affiliation, shall be classified as a representative of
 613 employers, the other member who, on account of previous
 614 vocation, employment, or affiliation, shall be classified as a
 615 representative of employees. The panel shall determine statewide
 616 schedules of maximum reimbursement allowances for medically
 617 necessary treatment, care, and attendance provided by
 618 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
 619 ~~hardening programs, pain programs, and durable medical~~
 620 ~~equipment~~. The maximum reimbursement allowances for inpatient
 621 hospital care shall be based on a schedule of per diem rates, to
 622 be approved by the three-member panel no later than March 1,
 623 1994, to be used in conjunction with a precertification manual
 624 as determined by the department, including maximum hours in
 625 which an outpatient may remain in observation status, which

626 shall not exceed 23 hours. All compensable charges for hospital
 627 outpatient care shall be reimbursed at 75 percent of usual and
 628 customary charges, except as otherwise provided by this
 629 subsection. Annually, the three-member panel shall adopt
 630 schedules of maximum reimbursement allowances for ~~physicians,~~
 631 hospital inpatient care, hospital outpatient care, and
 632 ambulatory surgical centers, ~~work-hardening programs, and pain~~
 633 ~~programs.~~ A ~~An individual physician,~~ hospital or, ambulatory
 634 surgical center, ~~pain program, or work-hardening program~~ shall
 635 be reimbursed:

- 636 1. ~~either~~ The agreed-upon contract price; or
- 637 2. If there is no agreed-upon contract price, the lesser
 638 of the provider's billed charge or the maximum reimbursement
 639 allowance in the appropriate schedule.

640 ~~(b) It is the intent of the Legislature to increase the~~
 641 ~~schedule of maximum reimbursement allowances for selected~~
 642 ~~physicians effective January 1, 2004, and to pay for the~~
 643 ~~increases through reductions in payments to hospitals. Revisions~~
 644 ~~developed pursuant to this subsection are limited to the~~
 645 following:

646 (b)1. Payments for outpatient physical, occupational, and
 647 speech therapy provided by hospitals shall be ~~reduced to~~ the
 648 schedule of maximum reimbursement allowances for these services
 649 which applies to nonhospital providers.

650 (c)2. Payments for scheduled outpatient nonemergency

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651 radiological and clinical laboratory services that are not
652 provided in conjunction with a surgical procedure shall be
653 ~~reduced to~~ the schedule of maximum reimbursement allowances for
654 these services which applies to nonhospital providers.

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

658 (e)1. By July 1 of each year, the department shall notify
659 carriers and self-insurers of the physician and nonhospital
660 services schedule of maximum reimbursement allowances. The
661 notice must include publication of this schedule of maximum
662 reimbursement allowances on the division's website. This
663 schedule is not subject to approval by the three-member panel
664 and does not include reimbursement for prescription medication.

665 2. Subparagraph 1. shall take effect January 1, following
666 the July 1, 2024, notice of the physician and nonhospital
667 services schedule of maximum reimbursement allowances that the
668 department provides to carriers and self-insurers.

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

674 (g)5. Maximum reimbursement for surgical procedures shall
675 be ~~increased to~~ 140 percent of the reimbursement allowed by

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676 Medicare ~~or the medical reimbursement level adopted by the~~
677 ~~three-member panel as of January 1, 2003, whichever is greater.~~

678 (h)-(e) As to reimbursement for a prescription medication,
679 the reimbursement amount for a prescription shall be the average
680 wholesale price plus \$4.18 for the dispensing fee. For
681 repackaged or relabeled prescription medications dispensed by a
682 dispensing practitioner as provided in s. 465.0276, the fee
683 schedule for reimbursement shall be 112.5 percent of the average
684 wholesale price, plus \$8.00 for the dispensing fee. For purposes
685 of this subsection, the average wholesale price shall be
686 calculated by multiplying the number of units dispensed times
687 the per-unit average wholesale price set by the original
688 manufacturer of the underlying drug dispensed by the
689 practitioner, based upon the published manufacturer's average
690 wholesale price published in the Medi-Span Master Drug Database
691 as of the date of dispensing. All pharmaceutical claims
692 submitted for repackaged or relabeled prescription medications
693 must include the National Drug Code of the original
694 manufacturer. Fees for pharmaceuticals and pharmaceutical
695 services shall be reimbursable at the applicable fee schedule
696 amount except where the employer or carrier, or a service
697 company, third party administrator, or any entity acting on
698 behalf of the employer or carrier directly contracts with the
699 provider seeking reimbursement for a lower amount.

700 (i)-(d) Reimbursement for all fees and other charges for

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701 such treatment, care, and attendance, including treatment, care,
702 and attendance provided by any hospital or other health care
703 provider, ambulatory surgical center, work-hardening program, or
704 pain program, must not exceed the amounts provided by the
705 uniform schedule of maximum reimbursement allowances as
706 determined by the panel or as otherwise provided in this
707 section. This subsection also applies to independent medical
708 examinations performed by health care providers under this
709 chapter. In determining the uniform schedule, the panel shall
710 first approve the data which it finds representative of
711 prevailing charges in the state for similar treatment, care, and
712 attendance of injured persons. Each health care provider, health
713 care facility, ambulatory surgical center, work-hardening
714 program, or pain program receiving workers' compensation
715 payments shall maintain records verifying their usual charges.
716 In establishing the uniform schedule of maximum reimbursement
717 allowances, the panel must consider:

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

721 2. The impact upon cost to employers for providing a level
722 of reimbursement for treatment, care, and attendance which will
723 ensure the availability of treatment, care, and attendance
724 required by injured workers; and

725 3. The financial impact of the reimbursement allowances

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726 upon health care providers and health care facilities, including
727 trauma centers as defined in s. 395.4001, and its effect upon
728 their ability to make available to injured workers such
729 medically necessary remedial treatment, care, and attendance.
730 The uniform schedule of maximum reimbursement allowances must be
731 reasonable, must promote health care cost containment and
732 efficiency with respect to the workers' compensation health care
733 delivery system, and must be sufficient to ensure availability
734 of such medically necessary remedial treatment, care, and
735 attendance to injured workers; ~~and~~

736 ~~4. The most recent average maximum allowable rate of~~
737 ~~increase for hospitals determined by the Health Care Board under~~
738 ~~chapter 408.~~

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

741 1. Take testimony, receive records, and collect data to
742 evaluate the adequacy of the workers' compensation fee schedule,
743 nationally recognized fee schedules and alternative methods of
744 reimbursement to health care providers and health care
745 facilities for inpatient and outpatient treatment and care.

746 2. Survey health care providers and health care facilities
747 to determine the availability and accessibility of workers'
748 compensation health care delivery systems for injured workers.

749 3. Survey carriers to determine the estimated impact on
750 carrier costs and workers' compensation premium rates by

751 implementing changes to the carrier reimbursement schedule or
752 implementing alternative reimbursement methods.

753 4. Submit recommendations on or before January 15, 2017,
754 and biennially thereafter, to the President of the Senate and
755 the Speaker of the House of Representatives on methods to
756 improve the workers' compensation health care delivery system.

757
758 The department, as requested, shall provide data to the panel,
759 including, but not limited to, utilization trends in the
760 workers' compensation health care delivery system. The
761 department shall provide the panel with an annual report
762 regarding the resolution of medical reimbursement disputes and
763 any actions pursuant to subsection (8). The department shall
764 provide administrative support and service to the panel to the
765 extent requested by the panel. For prescription medication
766 purchased under the requirements of this subsection, a
767 dispensing practitioner shall not possess such medication unless
768 payment has been made by the practitioner, the practitioner's
769 professional practice, or the practitioner's practice management
770 company or employer to the supplying manufacturer, wholesaler,
771 distributor, or drug repackager within 60 days of the dispensing
772 practitioner taking possession of that medication.

773 ~~(14) PRACTICE PARAMETERS. The practice parameters and~~
774 ~~protocols mandated under this chapter shall be the practice~~
775 ~~parameters and protocols adopted by the United States Agency for~~

776 ~~Healthcare Research and Quality in effect on January 1, 2003.~~

777 Section 8. Effective January 1, 2024, subsection (2) of
778 section 440.385, Florida Statutes, is amended to read:

779 440.385 Florida Self-Insurers Guaranty Association,
780 Incorporated.—

781 (2) BOARD OF DIRECTORS; MEETINGS.—

782 (a) The board of directors of the association shall
783 consist of nine persons and shall be organized as established in
784 the plan of operation. Each director must ~~All board members~~
785 ~~shall~~ be experienced in self-insurance in this state. Each
786 director shall serve for a 4-year term and may be reappointed;
787 however, a director may not serve for more than 8 consecutive
788 years. Appointments after January 1, 2002, shall be made by the
789 department upon recommendation of members of the association or
790 other persons with experience in self-insurance as determined by
791 the Chief Financial Officer. Any vacancy on the board shall be
792 filled for the remaining period of the term in the same manner
793 as appointments other than initial appointments are made. Each
794 director shall be reimbursed for expenses incurred in carrying
795 out the duties of the board on behalf of the association.

796 1. The Chief Financial Officer may remove a director from
797 office for misconduct, malfeasance, misfeasance, or neglect of
798 duty. Any vacancy so created shall be filled as provided in this
799 paragraph.

800 2. Directors are subject to the code of ethics under part

801 III of chapter 112, including, but not limited to, the code of
802 ethics and public disclosure and reporting of financial
803 interests, pursuant to s. 112.3145. For purposes of applying
804 part III of chapter 112 to activities of members of the board of
805 directors, those persons are considered public officers and the
806 association is considered their agency. Notwithstanding s.
807 112.3143(2), a director may not vote on any measure that he or
808 she knows would inure to his or her special private gain or
809 loss; that he or she knows would inure to the special private
810 gain or loss of any principal by which he or she is retained,
811 other than an agency as defined in s. 112.312; or that he or she
812 knows would inure to the special private gain or loss of a
813 relative or business associate of the public officer. Before the
814 vote is taken, such director shall publicly state to the board
815 the nature of his or her interest in the matter from which he or
816 she is abstaining from voting and, within 15 days after the vote
817 occurs, disclose the nature of his or her interest as a public
818 record in a memorandum filed with the person responsible for
819 recording the minutes of the meeting, who shall incorporate the
820 memorandum in the minutes.

821 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
822 law, an employee of the association or a director may not
823 knowingly accept, directly or indirectly, any gift or
824 expenditure from a person or entity, or an employee or
825 representative of such person or entity, which has a contractual

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826 relationship with the association or which is under
827 consideration for a contract.

828 4. A director who fails to comply with subparagraph 2. or
829 subparagraph 3. is subject to the penalties provided under ss.
830 112.317 and 112.3173.

831 (b)1. All meetings of the board of directors are subject
832 to the requirements of s. 286.011, and all books, records, and
833 audits of the plan are open to the public for reasonable
834 inspection, except that a claim file in the possession of the
835 association or its representative is confidential and exempt
836 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
837 State Constitution until termination of litigation and
838 settlement of all claims, although medical records and other
839 portions of the claim file may remain confidential and exempt as
840 otherwise provided by law.

841 2. Except in the case of emergency meetings, the
842 association shall give notice of any board meeting by
843 publication on the association's website at least 7 days before
844 the meeting. The association shall prepare and publish a meeting
845 agenda on its website, along with any meeting materials,
846 excluding confidential and exempt information, at least 7 days
847 before the meeting. The agenda shall contain the items to be
848 considered in order of presentation and a telephone number for
849 members of the public to participate telephonically at the board
850 meeting, or login information for members of the public to

851 participate in a live video conference of the board meeting.
852 After the agenda has been made available, a change shall be made
853 only for good cause, as determined by the person designated to
854 preside, and must be stated in the record. Notification of such
855 change shall be at the earliest practicable time.

856 Section 9. Subsection (3) of section 473.312, Florida
857 Statutes, is amended to read:

858 473.312 Continuing education.—

859 (3) The board shall adopt rules establishing the
860 continuing education requirements for Florida certified public
861 accountants who are engaged in the audit of:

862 (a) A governmental entity. The board shall approve
863 subjects directly related to the governmental environment and to
864 governmental auditing for purposes of satisfying the requirement
865 of this paragraph subsection.

866 (b) Insurers. The board shall approve subjects directly
867 related to statutory accounting, indications of fraud, and
868 indications of insolvency for purposes of satisfying the
869 requirement of this paragraph.

870 Section 10. Paragraph (d) of subsection (8) of section
871 624.424, Florida Statutes, is amended to read:

872 624.424 Annual statement and other information.—

873 (8)

874 (d) An insurer may not use the same ~~accountant or partner~~
875 ~~of an~~ accounting firm responsible for preparing the report

876 required by this subsection for more than 5 consecutive years.
 877 ~~Following this period, the insurer may not use such accountant~~
 878 ~~or partner for a period of 5 years, but may use another~~
 879 ~~accountant or partner of the same firm. An insurer may request~~
 880 ~~the office to waive this prohibition based upon an unusual~~
 881 ~~hardship to the insurer and a determination that the accountant~~
 882 ~~is exercising independent judgment that is not unduly influenced~~
 883 ~~by the insurer considering such factors as the number of~~
 884 ~~partners, expertise of the partners or the number of insurance~~
 885 ~~clients of the accounting firm; the premium volume of the~~
 886 ~~insurer; and the number of jurisdictions in which the insurer~~
 887 ~~transacts business.~~

888 Section 11. Subsection (25) of section 624.501, Florida
 889 Statutes, is amended to read:

890 624.501 Filing, license, appointment, and miscellaneous
 891 fees.—The department, commission, or office, as appropriate,
 892 shall collect in advance, and persons so served shall pay to it
 893 in advance, fees, licenses, and miscellaneous charges as
 894 follows:

- 895 (25) Reinsurance intermediary:
- 896 ~~(a) Application filing and license fee.....\$50.00~~
- 897 ~~(b) Original appointment and biennial renewal or~~
 898 continuation thereof, appointment fee \$60.00

899 Section 12. Subsection (5) of section 626.015, Florida
 900 Statutes, is amended to read:

901 626.015 Definitions.—As used in this part:

902 (5) "Association" includes the Florida Association of
 903 Insurance Agents (FAIA), the National Association of Insurance
 904 and Financial Advisors (NAIFA), the National Association of
 905 Benefits and Insurance Professionals Florida Chapter (NABIP
 906 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the
 907 Latin American Association of Insurance Agencies (LAAIA), the
 908 Florida Association of Public Insurance Adjusters (FAPIA), the
 909 Florida Bail Agents Association (FBAA), or the Professional Bail
 910 Agents of the United States (PBUS).

911 Section 13. Subsection (4) of section 626.171, Florida
 912 Statutes, is amended to read:

913 626.171 Application for license as an agent, customer
 914 representative, adjuster, service representative, or reinsurance
 915 intermediary.—

916 (4) An applicant for a license issued by the department
 917 under this chapter must submit a set of the individual
 918 applicant's fingerprints, or, if the applicant is not an
 919 individual, a set of the fingerprints of the sole proprietor,
 920 majority owner, partners, officers, and directors, to the
 921 department and must pay the fingerprint processing fee set forth
 922 in s. 624.501. Fingerprints must be processed in accordance with
 923 s. 624.34 and used to investigate the applicant's qualifications
 924 pursuant to s. 626.201. The fingerprints must be taken by a law
 925 enforcement agency, ~~designated examination center,~~ or other

926 department-approved entity. ~~The department shall require all~~
927 ~~designated examination centers to have fingerprinting equipment~~
928 ~~and to take fingerprints from any applicant or prospective~~
929 ~~applicant who pays the applicable fee.~~ The department may not
930 approve an application for licensure as an agent, customer
931 service representative, adjuster, service representative, or
932 reinsurance intermediary if fingerprints have not been
933 submitted.

934 Section 14. Paragraph (c) of subsection (1) of section
935 626.173, Florida Statutes, is amended to read:

936 626.173 Insurance agency closure; cancellation of
937 licenses.—

938 (1) If a licensed insurance agency permanently ceases the
939 transacting of insurance or ceases the transacting of insurance
940 for more than 30 days, the agent in charge, the director of the
941 agency, or other officer listed on the original application for
942 licensure must, within 35 days after the agency first ceases the
943 transacting of insurance, do all of the following:

944 (c) Notify all policyholders currently insured by a policy
945 written, produced, or serviced by the agency of the agency's
946 cessation of operations; the date on which operations ceased;
947 and the identity of the agency or agent to which the agency's
948 current book of business has been transferred or, if no transfer
949 has occurred, a statement directing the policyholder to contact
950 the insurance company for assistance in locating a licensed

951 agent to service the policy. This paragraph does not apply to
 952 title insurance, life insurance, or annuity contracts.

953 Section 15. Paragraph (j) of subsection (2) of section
 954 626.221, Florida Statutes, is amended to read:

955 626.221 Examination requirement; exemptions.—

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

958 (j) An applicant for license as an all-lines adjuster who
 959 has the designation of Accredited Claims Adjuster (ACA) from a
 960 regionally accredited postsecondary institution in this state;
 961 Certified All Lines Adjuster (CALA) from Kaplan Financial
 962 Education; Associate in Claims (AIC) from the Insurance
 963 Institute of America; Professional Claims Adjuster (PCA) from
 964 the Professional Career Institute; Professional Property
 965 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
 966 Certified Adjuster (CA) from ALL LINES Training; Certified
 967 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
 968 Certified Professional (CACP) from WebCE, Inc.; Accredited
 969 Insurance Claims Specialist (AICS) from Encore Claim Services;
 970 Professional in Claims (PIC) from 2021 Training, LLC; or
 971 Universal Claims Certification (UCC) from Claims and Litigation
 972 Management Alliance (CLM) whose curriculum has been approved by
 973 the department and which includes comprehensive analysis of
 974 basic property and casualty lines of insurance and testing at
 975 least equal to that of standard department testing for the all-

976 | lines adjuster license. The department shall adopt rules
 977 | establishing standards for the approval of curriculum.

978 | Section 16. Paragraphs (c) and (f) of subsection (3) of
 979 | section 626.2815, Florida Statutes, are amended to read:

980 | 626.2815 Continuing education requirements.—

981 | (3) Each licensee except a title insurance agent must
 982 | complete a 4-hour update course every 2 years which is specific
 983 | to the license held by the licensee. The course must be
 984 | developed and offered by providers and approved by the
 985 | department. The content of the course must address all lines of
 986 | insurance for which examination and licensure are required and
 987 | include the following subject areas: insurance law updates,
 988 | ethics for insurance professionals, disciplinary trends and case
 989 | studies, industry trends, premium discounts, determining
 990 | suitability of products and services, and other similar
 991 | insurance-related topics the department determines are relevant
 992 | to legally and ethically carrying out the responsibilities of
 993 | the license granted. A licensee who holds multiple insurance
 994 | licenses must complete an update course that is specific to at
 995 | least one of the licenses held. Except as otherwise specified,
 996 | any remaining required hours of continuing education are
 997 | elective and may consist of any continuing education course
 998 | approved by the department under this section.

999 | (c) A licensee who has been licensed for 25 years or more
 1000 | and is a CLU or a CPCU or has a Bachelor of Science degree or

1001 higher in risk management or insurance with evidence of 18 or
 1002 more semester hours in insurance-related courses must also
 1003 complete a minimum of 6 hours of elective continuing education
 1004 courses every 2 years.

1005 (f) Elective continuing education courses for public
 1006 adjusters may ~~must~~ be any course related to commercial and
 1007 residential property coverages, claim adjusting practices, and
 1008 any other adjuster elective courses specifically designed for
 1009 ~~public adjusters and~~ approved by the department. Notwithstanding
 1010 this subsection, public adjusters for workers' compensation
 1011 insurance or health insurance are not required to take
 1012 continuing education courses pursuant to this section.

1013 Section 17. Paragraphs (a), (b), and (e) of subsection (1)
 1014 of section 626.321, Florida Statutes, are amended to read:

1015 626.321 Limited licenses and registration.—

1016 (1) The department shall issue to a qualified applicant a
 1017 license as agent authorized to transact a limited class of
 1018 business in any of the following categories of limited lines
 1019 insurance:

1020 (a) Motor vehicle physical damage and mechanical breakdown
 1021 insurance.—License covering insurance against only the loss of
 1022 or damage to a motor vehicle that is designed for use upon a
 1023 highway, including trailers and semitrailers designed for use
 1024 with such vehicles. Such license also covers insurance against
 1025 the failure of an original or replacement part to perform any

1026 function for which it was designed. ~~A licensee under this~~
 1027 ~~paragraph may not hold a license as an agent for any other or~~
 1028 ~~additional kind or class of insurance coverage except a limited~~
 1029 ~~license for credit insurance as provided in paragraph (c).~~
 1030 Effective October 1, 2012, all licensees holding such limited
 1031 license and appointment may renew the license and appointment,
 1032 but no new or additional licenses may be issued pursuant to this
 1033 paragraph, and a licensee whose limited license under this
 1034 paragraph has been terminated, suspended, or revoked may not
 1035 have such license reinstated.

1036 (b) Industrial fire insurance or burglary insurance.—
 1037 License covering only industrial fire insurance or burglary
 1038 insurance. ~~A licensee under this paragraph may not hold a~~
 1039 ~~license as an agent for any other or additional kind or class of~~
 1040 ~~insurance coverage except for life insurance and health~~
 1041 ~~insurance.~~ Effective July 1, 2019, all licensees holding such
 1042 limited license and appointment may renew the license and
 1043 appointment, but no new or additional licenses may be issued
 1044 pursuant to this paragraph, and a licensee whose limited license
 1045 under this paragraph has been terminated, suspended, or revoked
 1046 may not have such license reinstated.

1047 (e) Credit insurance.—License covering credit life, credit
 1048 disability, credit property, credit unemployment, involuntary
 1049 unemployment, mortgage life, mortgage guaranty, mortgage
 1050 disability, guaranteed automobile protection (GAP) insurance,

1051 and any other form of insurance offered in connection with an
 1052 extension of credit which is limited to partially or wholly
 1053 extinguishing a credit obligation that the department determines
 1054 should be designated a form of limited line credit insurance.
 1055 Effective October 1, 2012, all valid licenses held by persons
 1056 for any of the lines of insurance listed in this paragraph shall
 1057 be converted to a credit insurance license. ~~Licenseses who wish~~
 1058 ~~to obtain a new license reflecting such change must request a~~
 1059 ~~duplicate license and pay a \$5 fee as specified in s.~~
 1060 ~~624.501(15).~~ The license may be issued only to an individual
 1061 employed by a life or health insurer as an officer or other
 1062 salaried or commissioned representative, to an individual
 1063 employed by or associated with a lending or financial
 1064 institution or creditor, or to a lending or financial
 1065 institution or creditor, and may authorize the sale of such
 1066 insurance only with respect to borrowers or debtors of such
 1067 lending or financing institution or creditor. However, only the
 1068 individual or entity whose tax identification number is used in
 1069 receiving or is credited with receiving the commission from the
 1070 sale of such insurance shall be the licensed agent of the
 1071 insurer. ~~No individual while so licensed shall hold a license as~~
 1072 ~~an agent as to any other or additional kind or class of life or~~
 1073 ~~health insurance coverage.~~

1074 Section 18. Paragraph (n) of subsection (1) of section
 1075 626.611, Florida Statutes, is amended to read:

1076 626.611 Grounds for compulsory refusal, suspension, or
 1077 revocation of agent's, title agency's, adjuster's, customer
 1078 representative's, service representative's, or managing general
 1079 agent's license or appointment.—

1080 (1) The department shall deny an application for, suspend,
 1081 revoke, or refuse to renew or continue the license or
 1082 appointment of any applicant, agent, title agency, adjuster,
 1083 customer representative, service representative, or managing
 1084 general agent, and it shall suspend or revoke the eligibility to
 1085 hold a license or appointment of any such person, if it finds
 1086 that as to the applicant, licensee, or appointee any one or more
 1087 of the following applicable grounds exist:

1088 (n) Having been found guilty of or having pleaded guilty
 1089 or nolo contendere to a misdemeanor directly related to the
 1090 financial services business, any felony, or any ~~a~~ crime
 1091 punishable by imprisonment of 1 year or more under the law of
 1092 the United States of America or of any state thereof or under
 1093 the law of any other country, without regard to whether a
 1094 judgment of conviction has been entered by the court having
 1095 jurisdiction of such cases.

1096 Section 19. Subsection (18) is added to section 626.621,
 1097 Florida Statutes, to read:

1098 626.621 Grounds for discretionary refusal, suspension, or
 1099 revocation of agent's, adjuster's, customer representative's,
 1100 service representative's, or managing general agent's license or

1101 appointment.—The department may, in its discretion, deny an
 1102 application for, suspend, revoke, or refuse to renew or continue
 1103 the license or appointment of any applicant, agent, adjuster,
 1104 customer representative, service representative, or managing
 1105 general agent, and it may suspend or revoke the eligibility to
 1106 hold a license or appointment of any such person, if it finds
 1107 that as to the applicant, licensee, or appointee any one or more
 1108 of the following applicable grounds exist under circumstances
 1109 for which such denial, suspension, revocation, or refusal is not
 1110 mandatory under s. 626.611:

1111 (18) Cancellation of the applicant's, licensee's, or
 1112 appointee's resident license in a state other than Florida.

1113 Section 20. Paragraphs (d) and (g) of subsection (2),
 1114 paragraphs (a), (b), and (e) through (j) of subsection (3) of
 1115 section 626.7492, Florida Statutes, are amended to read:

1116 626.7492 Reinsurance intermediaries.—

1117 (2) DEFINITIONS.—As used in this section:

1118 (d) "Producer" means a licensed ~~an~~ agent, broker, or
 1119 insurance agency that is appointed as a reinsurance intermediary
 1120 ~~licensed~~ pursuant to the applicable provision of the Florida
 1121 Insurance Code.

1122 (g) "Reinsurance intermediary manager" means any person
 1123 who has authority to bind, or manages all or part of, the
 1124 assumed reinsurance business of a reinsurer, including the
 1125 management of a separate division, department, or underwriting

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1126 office, and acts as a representative ~~an agent~~ for the reinsurer
1127 whether known as a reinsurance intermediary manager, manager, or
1128 other similar term. Notwithstanding the above, none of the
1129 following persons is a reinsurance intermediary manager with
1130 respect to the reinsurer for the purposes of this section:

1131 1. An employee of the reinsurer;

1132 2. A manager of the United States branch of an alien
1133 reinsurer;

1134 3. An underwriting manager which, pursuant to contract,
1135 manages all the reinsurance operations of the reinsurer, is
1136 under common control with the reinsurer, subject to the holding
1137 company act, and whose compensation is not based on the volume
1138 of premiums written.

1139 4. The manager of a group, association, pool, or
1140 organization of insurers which engage in joint underwriting or
1141 joint reinsurance and who are subject to examination by the
1142 insurance regulatory authority of the state in which the
1143 manager's principal business office is located.

1144 (3) LICENSURE.—

1145 (a) No person shall act as a reinsurance intermediary
1146 broker in this state if the reinsurance intermediary broker
1147 maintains an office either directly or as a member or employee
1148 of a firm or association, or an officer, director, or employee
1149 of a corporation:

1150 1. In this state, unless the reinsurance intermediary

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1151 broker is a licensed producer in this state; or

1152 2. In another state, unless the reinsurance intermediary
 1153 broker is a licensed producer in this state or in another state
 1154 having a law substantially similar to this section or the
 1155 reinsurance intermediary broker is licensed in this state as an
 1156 insurance agency and appointed as a ~~nonresident~~ reinsurance
 1157 intermediary.

1158 (b) No person shall act as a reinsurance intermediary
 1159 manager:

1160 1. For a reinsurer domiciled in this state, unless the
 1161 reinsurance intermediary manager is a licensed producer in this
 1162 state;

1163 2. In this state, if the reinsurance intermediary manager
 1164 maintains an office either directly or as a member or employee
 1165 of a firm or association, or an officer, director, or employee
 1166 of a corporation in this state, unless the reinsurance
 1167 intermediary manager is a licensed producer in this state;

1168 3. In another state for a nondomestic insurer, unless the
 1169 reinsurance intermediary manager is a licensed producer in this
 1170 state or another state having a law substantially similar to
 1171 this section, or the person is licensed in this state as a
 1172 producer ~~nonresident reinsurance intermediary~~.

1173 (e) If the applicant for a reinsurance intermediary
 1174 appointment ~~license~~ is a nonresident, the applicant, as a
 1175 condition precedent to receiving or holding an appointment a

1176 ~~license~~, must designate the Chief Financial Officer as agent for
1177 service of process in the manner, and with the same legal
1178 effect, provided for by this section for designation of service
1179 of process upon unauthorized insurers. Such applicant shall also
1180 furnish the department with the name and address of a resident
1181 of this state upon whom notices or orders of the department or
1182 process affecting the nonresident reinsurance intermediary may
1183 be served. The licensee shall promptly notify the department in
1184 writing of each change in its designated agent for service of
1185 process, and the change shall not become effective until
1186 acknowledged by the department.

1187 ~~(f) The department may refuse to issue a reinsurance~~
1188 ~~intermediary license if, in its judgment, the applicant, anyone~~
1189 ~~named on the application, or any member, principal, officer, or~~
1190 ~~director of the applicant, has demonstrated a lack of fitness~~
1191 ~~and trustworthiness, or that any controlling person of the~~
1192 ~~applicant is not fit or trustworthy to act as a reinsurance~~
1193 ~~intermediary, or that any of the foregoing has given cause for~~
1194 ~~revocation or suspension of the license, or has failed to comply~~
1195 ~~with any prerequisite for the issuance of the license.~~

1196 (f)-(g) Reinsurance intermediaries shall be licensed,
1197 appointed, renewed, continued, reinstated, or terminated as
1198 prescribed in this chapter for insurance representatives in
1199 general, ~~except that they shall be exempt from the photo,~~
1200 ~~education, and examination provisions. License, Appointment, and~~

1201 other fees shall be those prescribed in s. 624.501.

1202 (g)~~(h)~~ The grounds and procedures for refusal of an a
 1203 ~~license or~~ appointment or suspension or revocation of a license
 1204 or appointment issued to a reinsurance intermediary under this
 1205 section are as set forth in ss. 626.611-626.691 for insurance
 1206 representatives in general.

1207 (h)~~(i)~~ An attorney licensed in this state, when acting in
 1208 a professional capacity, is exempt from this subsection.

1209 (i)~~(j)~~ The department may develop necessary rules to carry
 1210 out this section.

1211 Section 21. Subsection (5) of section 626.752, Florida
 1212 Statutes, is amended to read:

1213 626.752 Exchange of business.—

1214 (5) Within 15 days after the last day of each month, any
 1215 insurer accepting business under this section shall report to
 1216 the department the name, address, telephone number, and social
 1217 security number of each agent from which the insurer received
 1218 more than four personal lines risks during the calendar year,
 1219 except for risks being removed from the Citizens Property
 1220 Insurance Corporation and placed with that insurer by a
 1221 brokering agent. Once the insurer has reported pursuant to this
 1222 subsection an agent's name to the department, additional reports
 1223 on the same agent shall not be required. However, the fee set
 1224 forth in s. 624.501 must be paid for the agent by the insurer
 1225 for each year until the insurer notifies the department that the

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1226 insurer is no longer accepting business from the agent pursuant
1227 to this section. The insurer may require that the agent
1228 reimburse the insurer for the fee. If the fee is not paid to the
1229 department within 30 days after the renewal date, the department
1230 shall cancel the exchange of business appointment.

1231 Section 22. Subsection (4) of section 626.793, Florida
1232 Statutes, is amended to read:

1233 626.793 Excess or rejected business.—

1234 (4) Within 15 days after the last day of each month, any
1235 insurer accepting business under this section shall report to
1236 the department the name, address, telephone number, and social
1237 security number of each agent from which the insurer received
1238 more than four risks during the calendar year. Once the insurer
1239 has reported an agent's name to the department pursuant to this
1240 subsection, additional reports on the same agent shall not be
1241 required. However, the fee set forth in s. 624.501 must be paid
1242 for the agent by the insurer for each year until the insurer
1243 notifies the department that the insurer is no longer accepting
1244 business from the agent pursuant to this section. The insurer
1245 may require that the agent reimburse the insurer for the fee. If
1246 the fee is not paid to the department within 30 days after the
1247 renewal date, the department shall cancel the exchange of
1248 business appointment.

1249 Section 23. Subsection (5) of section 626.837, Florida
1250 Statutes, is amended to read:

1251 626.837 Excess or rejected business.—
 1252 (5) Within 15 days after the last day of each month, any
 1253 insurer accepting business under this section shall report to
 1254 the department the name, address, telephone number, and social
 1255 security number of each agent from which the insurer received
 1256 more than four risks during the calendar year. Once the insurer
 1257 has reported pursuant to this subsection an agent's name to the
 1258 department, additional reports on the same agent shall not be
 1259 required. However, the fee set forth in s. 624.501 must be paid
 1260 for the agent by the insurer for each year until the insurer
 1261 notifies the department that the insurer is no longer accepting
 1262 business from the agent pursuant to this section. The insurer
 1263 may require that the agent reimburse the insurer for the fee. If
 1264 the fee is not paid to the department within 30 days after the
 1265 renewal date, the department shall cancel the exchange of
 1266 business appointment.

1267 Section 24. Section 626.841, Florida Statutes, is amended
 1268 to read:

1269 626.841 Definitions.—As used in this part, the term:

1270 (1) "Closing services" means services performed by a title
 1271 insurance agent or title insurance agency, or attorney agent in
 1272 the agent's or agency's capacity as such, including, but not
 1273 limited to, preparing documents necessary to close the
 1274 transaction, conducting the closing, or handling the disbursing
 1275 of funds related to the closing in a real estate closing

1276 transaction.

1277 (2) "Title insurance agency" means an insurance agency
1278 under which title insurance agents and other employees determine
1279 insurability in accordance with underwriting rules and standards
1280 prescribed by the title insurer represented by the agency, and
1281 issue and countersign commitments, endorsements, or policies of
1282 title insurance, on behalf of the appointing title insurer. The
1283 term does not include a title insurer.

1284 (3)~~(1)~~ "Title insurance agent" means a person appointed in
1285 writing by a title insurer to issue and countersign commitments
1286 or policies of title insurance in its behalf.

1287 Section 25. Paragraph (e) is added to subsection (2) of
1288 section 626.8411, Florida Statutes, to read:

1289 626.8411 Application of Florida Insurance Code provisions
1290 to title insurance agents or agencies.—

1291 (2) The following provisions of part I do not apply to
1292 title insurance agents or title insurance agencies:

1293 (e) Section 626.173(1)(c), relating to notifying
1294 policyholders of the agency closure.

1295 Section 26. Subsections (8) through (11) of section
1296 626.8437, Florida Statutes, are renumbered as subsection (9)
1297 through (12), respectively, and a new subsection (8) is added to
1298 that section, read:

1299 626.8437 Grounds for denial, suspension, revocation, or
1300 refusal to renew license or appointment.—The department shall

1301 deny, suspend, revoke, or refuse to renew or continue the
 1302 license or appointment of any title insurance agent or agency,
 1303 and it shall suspend or revoke the eligibility to hold a license
 1304 or appointment of such person, if it finds that as to the
 1305 applicant, licensee, appointee, or any principal thereof, any
 1306 one or more of the following grounds exist:

1307 (8) Misappropriation, conversion, or unlawful withholding
 1308 of funds received in a fiduciary capacity and held as part of an
 1309 escrow agreement, real estate sales contract, or as provided on
 1310 a settlement statement in a real estate transaction.

1311 Section 27. Subsections (7) and (8) are added to section
 1312 626.844, Florida Statutes, to read:

1313 626.844 Grounds for discretionary refusal, suspension, or
 1314 revocation of license or appointment.—The department may, in its
 1315 discretion, deny, suspend, revoke, or refuse to renew or
 1316 continue the license or appointment of any title insurance agent
 1317 or agency, and it may suspend or revoke the eligibility to hold
 1318 a license or appointment of any such title insurance agent or
 1319 agency if it finds that as to the applicant or licensee or
 1320 appointee, or any principal thereof, any one or more of the
 1321 following grounds exist under circumstances for which such
 1322 denial, suspension, revocation, or refusal is not mandatory
 1323 under s. 626.8437:

1324 (7) Having been the subject of, or having had a license,
 1325 permit, appointment, registration, or other authority to conduct

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1326 business subject to, any decision, finding, injunction,
 1327 suspension, prohibition, revocation, denial, judgment, final
 1328 agency action, or administrative order by any court of competent
 1329 jurisdiction, administrative law proceeding, state agency,
 1330 federal agency, national securities, commodities, or option
 1331 exchange, or national securities, commodities, or option
 1332 association involving a violation of any federal or state
 1333 securities or commodities law or any rule or regulation adopted
 1334 thereunder, or a violation of any rule or regulation of any
 1335 national securities, commodities, or options exchange or
 1336 national securities, commodities, or options association.

1337 (8) Cancellation of the applicant's, licensee's, or
 1338 appointee's resident license in a state other than Florida.

1339 Section 28. Section 626.8473, Florida Statutes, is amended
 1340 to read:

1341 626.8473 Escrow; trust fund.—

1342 (1) A title insurance agency agent may engage in business
 1343 as an escrow agent as to funds received from others to be
 1344 subsequently disbursed ~~by the title insurance agent~~ in
 1345 connection with real estate closing transactions ~~involving the~~
 1346 ~~issuance of title insurance binders, commitments, policies of~~
 1347 ~~title insurance, or guarantees of title,~~ provided that a
 1348 licensed and appointed title insurance agency agent complies
 1349 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
 1350 requirements added after the initial licensure of the agency

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1351 ~~agent.~~

1352 (2) All funds received by a title insurance agency agent
1353 as described in subsection (1) shall be trust funds received in
1354 a fiduciary capacity by the title insurance agency agent and
1355 shall be the property of the person or persons entitled thereto.

1356 (3) All funds received by a title insurance agency agent
1357 to be held in trust shall be immediately placed in a financial
1358 institution that is located within this state and is a member of
1359 the Federal Deposit Insurance Corporation or the National Credit
1360 Union Share Insurance Fund. ~~These funds shall be invested in an~~
1361 ~~escrow account in accordance with the investment requirements~~
1362 ~~and standards established for deposits and investments of state~~
1363 ~~funds in s. 17.57, where the funds shall be kept until~~
1364 disbursement thereof is properly authorized.

1365 (4) Funds required to be maintained in escrow trust
1366 accounts pursuant to this section shall not be subject to any
1367 debts of the title insurance agency agent and shall be used only
1368 in accordance with the terms of the individual, escrow,
1369 settlement, or closing instructions under which the funds were
1370 accepted.

1371 (5) The title insurance agency agents shall maintain
1372 separate records of all receipts and disbursements of escrow,
1373 settlement, or closing funds.

1374 (6) In the event that the department promulgates rules
1375 necessary to implement the requirements of this section pursuant

1376 to s. 624.308, the department shall consider reasonable
 1377 standards necessary for the protection of funds held in trust,
 1378 including, but not limited to, standards for accounting of
 1379 funds, standards for receipt and disbursement of funds, and
 1380 protection for the person or persons to whom the funds are to be
 1381 disbursed.

1382 (7) A title insurance agency ~~agent~~, or any officer,
 1383 director, or employee thereof, or any person associated
 1384 therewith as an independent contractor for bookkeeping or
 1385 similar purposes, who converts or misappropriates funds received
 1386 or held in escrow or in trust by such title insurance agency
 1387 ~~agent~~, or any person who knowingly receives or conspires to
 1388 receive such funds, commits:

1389 (a) If the funds converted or misappropriated are \$300 or
 1390 less, a misdemeanor of the first degree, punishable as provided
 1391 in s. 775.082 or s. 775.083.

1392 (b) If the funds converted or misappropriated are more
 1393 than \$300, but less than \$20,000, a felony of the third degree,
 1394 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1395 (c) If the funds converted or misappropriated are \$20,000
 1396 or more, but less than \$100,000, a felony of the second degree,
 1397 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1398 (d) If the funds converted or misappropriated are \$100,000
 1399 or more, a felony of the first degree, punishable as provided in
 1400 s. 775.082, s. 775.083, or s. 775.084.

1401 (8) An attorney shall deposit and maintain all funds
 1402 received in connection with transactions in which the attorney
 1403 is serving as a title or real estate settlement agent into a
 1404 separate trust account that is maintained exclusively for funds
 1405 received in connection with such transactions and permit the
 1406 account to be audited by its title insurers, unless maintaining
 1407 funds in the separate account for a particular client would
 1408 violate applicable rules of The Florida Bar.

1409 Section 29. Subsection (19) of section 626.854, Florida
 1410 Statutes, is amended to read:

1411 626.854 "Public adjuster" defined; prohibitions.—The
 1412 Legislature finds that it is necessary for the protection of the
 1413 public to regulate public insurance adjusters and to prevent the
 1414 unauthorized practice of law.

1415 (19) Except as otherwise provided in this chapter, no
 1416 person, except an attorney at law or a licensed and appointed
 1417 public adjuster, may for money, commission, or any other thing
 1418 of value, directly or indirectly:

1419 (a) Prepare, complete, or file an insurance claim for an
 1420 insured or a third-party claimant;

1421 (b) Act on behalf of or aid an insured or a third-party
 1422 claimant in negotiating for or effecting the settlement of a
 1423 claim for loss or damage covered by an insurance contract;

1424 (c) Offer to initiate or negotiate a claim on behalf of an
 1425 insured;

1426 (d) Advertise services that require a license as a public
 1427 adjuster; or

1428 (e) Solicit, investigate, or adjust a claim on behalf of a
 1429 public adjuster, an insured, or a third-party claimant.

1430 Section 30. Section 626.874, Florida Statutes, is amended
 1431 to read:

1432 626.874 Catastrophe or emergency adjusters.—

1433 (1) In the event of a catastrophe or emergency, the
 1434 department may issue a license, for the purposes and under the
 1435 conditions and for the period of emergency as it shall
 1436 determine, to persons who are residents or nonresidents of this
 1437 state, who are at least 18 years of age, who are United States
 1438 citizens or legal aliens who possess work authorization from the
 1439 United States Bureau of Citizenship and Immigration Services,
 1440 and who are not licensed adjusters under this part but who have
 1441 been designated and certified to it as qualified to act as
 1442 adjusters by an authorized insurer to adjust claims, losses, or
 1443 damages under policies or contracts of insurance issued by such
 1444 insurers, or by a licensed ~~the primary adjuster of an~~
 1445 independent adjusting firm contracted with an authorized insurer
 1446 to adjust claims on behalf of the insurer. The fee for the
 1447 license is as provided in s. 624.501(12)(c).

1448 (2) If any person not a licensed adjuster who has been
 1449 permitted to adjust such losses, claims, or damages under the
 1450 conditions and circumstances set forth in subsection (1),

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1451 engages in any of the misconduct described in or contemplated by
1452 chapter 626 ss. ~~626.611 and 626.621~~, the department, without
1453 notice and hearing, shall be authorized to issue its order
1454 denying such person the privileges granted under this section;
1455 and thereafter it shall be unlawful for any such person to
1456 adjust any such losses, claims, or damages in this state.

1457 Section 31. Subsections (7) through (12) of section
1458 626.9957, Florida Statutes, are renumbered as subsections (8)
1459 through (13), respectively, and a new subsection (7) is added to
1460 that section, to read:

1461 626.9957 Conduct prohibited; denial, revocation,
1462 termination, expiration, or suspension of registration.—

1463 (7) If a navigator registered under this part fails to
1464 maintain an active, valid navigator's registration status with
1465 the federal government or an exchange, the navigator's
1466 registration issued under this part shall expire by operation of
1467 law. A navigator with an expired registration may not be granted
1468 subsequent registration until the navigator qualifies as a
1469 first-time applicant.

1470 Section 32. Paragraphs (c) and (g) of subsection (4) of
1471 section 627.351, Florida Statutes, are amended to read:

1472 627.351 Insurance risk apportionment plans.—

1473 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1474 (c) The Joint Underwriting Association shall operate
1475 subject to the supervision and approval of a board of governors

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1476 consisting of representatives of five of the insurers
1477 participating in the Joint Underwriting Association, an attorney
1478 named by The Florida Bar, a physician named by the Florida
1479 Medical Association, a dentist named by the Florida Dental
1480 Association, and a hospital representative named by the Florida
1481 Hospital Association. The Chief Financial Officer shall select
1482 the representatives of the five insurers or other persons with
1483 experience in medical malpractice insurance as determined by the
1484 Chief Financial Officer. One insurer representative shall be
1485 selected from recommendations of the American Insurance
1486 Association. One insurer representative shall be selected from
1487 recommendations of the Property Casualty Insurers Association of
1488 America. One insurer representative shall be selected from
1489 recommendations of the Florida Insurance Council. Two insurer
1490 representatives shall be selected to represent insurers that are
1491 not affiliated with these associations. Each board member shall
1492 serve for a 4-year term and may be reappointed, but no member
1493 shall serve more than 8 consecutive years. Vacancies on the
1494 board shall be filled for the remaining period of the term in
1495 the same manner as the initial appointments. During the first
1496 meeting of the board after June 30 of each year, the board shall
1497 choose one of its members to serve as chair of the board and
1498 another member to serve as vice chair of the board. There is no
1499 liability on the part of, and no cause of action shall arise
1500 against, any member insurer, self-insurer, or its agents or

1501 employees, the Joint Underwriting Association or its agents or
1502 employees, members of the board of governors, or the office or
1503 its representatives for any action taken by them in the
1504 performance of their powers and duties under this subsection.

1505 1. The Chief Financial Officer may remove a board member
1506 from office for misconduct, malfeasance, misfeasance, or neglect
1507 of duty. Any vacancy so created shall be filled as provided in
1508 this paragraph.

1509 2. Board members are subject to the code of ethics under
1510 part III of chapter 112, including, but not limited to, the code
1511 of ethics and public disclosure and reporting of financial
1512 interests, pursuant to s. 112.3145. For purposes of applying
1513 part III of chapter 112 to activities of members of the board of
1514 governors, those persons are considered public officers and the
1515 Joint Underwriting Association is considered their agency.
1516 Notwithstanding s. 112.3143(2), a board member may not vote on
1517 any measure that he or she knows would inure to his or her
1518 special private gain or loss; that he or she knows would inure
1519 to the special private gain or loss of any principal by which he
1520 or she is retained, other than an agency as defined in s.
1521 112.312; or that he or she knows would inure to the special
1522 private gain or loss of a relative or business associate of the
1523 public officer. Before the vote is taken, such board member
1524 shall publicly state to the board the nature of his or her
1525 interest in the matter from which he or she is abstaining from

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1526 voting and, within 15 days after the vote occurs, disclose the
1527 nature of his or her interest as a public record in a memorandum
1528 filed with the person responsible for recording the minutes of
1529 the meeting, who shall incorporate the memorandum in the
1530 minutes.

1531 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
1532 law, an board member may not knowingly accept, directly or
1533 indirectly, any gift or expenditure from a person or entity, or
1534 an employee or representative of such person or entity, which
1535 has a contractual relationship with the Joint Underwriting
1536 Association or which is under consideration for a contract.

1537 4. A board member who fails to comply with subparagraph 2.
1538 or subparagraph 3. is subject to the penalties provided under
1539 ss. 112.317 and 112.3173.

1540 (g)1. All books, records, documents, or audits relating to
1541 the Joint Underwriting Association or its operation shall be
1542 open to public inspection, except that a claim file in the
1543 possession of the Joint Underwriting Association is confidential
1544 and exempt from the provisions of s. 119.07(1) during the
1545 processing of that claim. Any information contained in these
1546 files that identifies an injured person is confidential and
1547 exempt from the provisions of s. 119.07(1).

1548 2.a. All meetings of the board of governors are subject to
1549 the requirements of s. 286.011 and are open to the public for
1550 reasonable inspection, except that a claim file in the

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1551 possession of the Joint Underwriting Association or its
1552 representative is confidential and exempt from the provisions of
1553 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
1554 during the processing of the claim, although medical records and
1555 other portions of the claim file may remain confidential and
1556 exempt as otherwise provided by law.

1557 b. Except in the case of emergency meetings, the Joint
1558 Underwriting Association shall give notice of any board meeting
1559 by publication on the association's website at least 7 days
1560 before the meeting. The association shall prepare and publish a
1561 meeting agenda on its website, along with any meeting materials,
1562 excluding confidential and exempt information, at least 7 days
1563 before the meeting. The agenda shall contain the items to be
1564 considered in order of presentation and a telephone number for
1565 members of the public to participate telephonically at the board
1566 meeting, or login information for members of the public to
1567 participate in a live video conference of the board meeting.
1568 After the agenda has been made available, a change shall be made
1569 only for good cause, as determined by the person designated to
1570 preside, and must be stated in the record. Notification of such
1571 change shall be at the earliest practicable time.

1572 Section 33. Paragraph (b) of subsection (1) of section
1573 627.4133, Florida Statutes, is amended to read:

1574 627.4133 Notice of cancellation, nonrenewal, or renewal
1575 premium.—

1576 (1) Except as provided in subsection (2):

1577 (b) An insurer issuing a policy providing coverage for

1578 property, casualty, except mortgage guaranty, surety, or marine

1579 insurance, other than motor vehicle insurance subject to s.

1580 627.728 or s. 627.7281, shall give the first-named insured

1581 written notice of cancellation or termination other than

1582 nonrenewal at least 45 days prior to the effective date of the

1583 cancellation or termination, including in the written notice the

1584 reason or reasons for the cancellation or termination, except

1585 that:

1586 1. When cancellation is for nonpayment of premium, at

1587 least 10 days' written notice of cancellation accompanied by the

1588 reason therefor shall be given. As used in this subparagraph and

1589 s. 440.42(3), the term "nonpayment of premium" means failure of

1590 the named insured to discharge when due any of her or his

1591 obligations in connection with the payment of premiums on a

1592 policy or any installment of such premium, whether the premium

1593 is payable directly to the insurer or its agent or indirectly

1594 under any premium finance plan or extension of credit, or

1595 failure to maintain membership in an organization if such

1596 membership is a condition precedent to insurance coverage.

1597 "Nonpayment of premium" also means the failure of a financial

1598 institution to honor an insurance applicant's check after

1599 delivery to a licensed agent for payment of a premium, even if

1600 the agent has previously delivered or transferred the premium to

1601 the insurer. If a dishonored check represents the initial
 1602 premium payment, the contract and all contractual obligations
 1603 shall be void ab initio unless the nonpayment is cured within
 1604 the earlier of 5 days after actual notice by certified mail is
 1605 received by the applicant or 15 days after notice is sent to the
 1606 applicant by certified mail or registered mail, and if the
 1607 contract is void, any premium received by the insurer from a
 1608 third party shall be refunded to that party in full; and

1609 2. When such cancellation or termination occurs during the
 1610 first 60 ~~90~~ days during which the insurance is in force and the
 1611 insurance is canceled or terminated for reasons other than
 1612 nonpayment of premium, at least 20 days' written notice of
 1613 cancellation or termination accompanied by the reason therefor
 1614 shall be given except where there has been a material
 1615 misstatement or misrepresentation or failure to comply with the
 1616 underwriting requirements established by the insurer.

1617
 1618 After the policy has been in effect for 90 days, no such policy
 1619 shall be canceled by the insurer except when there has been a
 1620 material misstatement, a nonpayment of premium, a failure to
 1621 comply with underwriting requirements established by the insurer
 1622 within 90 days of the date of effectuation of coverage, or a
 1623 substantial change in the risk covered by the policy or when the
 1624 cancellation is for all insureds under such policies for a given
 1625 class of insureds. This subsection does not apply to

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1626 individually rated risks having a policy term of less than 90
1627 days.

1628 Section 34. Section 627.4215, Florida Statutes, is amended
1629 to read:

1630 627.4215 Disclosures to policyholders; coverage of
1631 behavioral health care services.—

1632 (1) A health insurer that offers behavioral health
1633 insurance coverages required by federal and state law shall make
1634 all of the following information available on its website:

1635 (a) The federal and state requirements for coverage of
1636 behavioral health care services.

1637 (b) Contact information for the Division of Consumer
1638 Services of the department, including a hyperlink, for consumers
1639 to submit inquiries or complaints relating to health insurer
1640 products or services regulated by the department or the office.

1641 (2) On an annual basis, a health insurer shall provide a
1642 direct notice to insureds with behavioral health insurance
1643 coverages required by federal and state law which must include a
1644 description of the federal and state requirements for coverage
1645 of behavioral health care services. Such notice must also
1646 include the website address and statewide toll-free telephone
1647 number of the Division of Consumer Services of the department
1648 for receiving and logging complaints.

1649 Section 35. Subsection (3) is added to section 627.426,
1650 Florida Statutes, to read:

1651 627.426 Claims administration.—

1652 (3) A liability insurer is prohibited from denying
 1653 coverage for property and bodily injury liability claims made
 1654 against an insured for up to the property and bodily injury
 1655 liability limits set in s. 324.021(9) solely based on the
 1656 insured's failure to cooperate with the insurer's investigation
 1657 unless the insurer can clearly demonstrate by a preponderance of
 1658 the evidence that the insured's lack of cooperation has resulted
 1659 in actual prejudice to the insurer.

1660 Section 36. Paragraphs (c) through (f) of subsection (4)
 1661 of section 627.7015, Florida Statutes, are redesignated as
 1662 paragraphs (b) through (e), respectively, subsections (2) and
 1663 (3) and present paragraph (b) of subsection (4) of that section
 1664 are amended, to read:

1665 627.7015 Alternative procedure for resolution of disputed
 1666 property insurance claims.—

1667 (2) At the time of issuance and renewal of a policy or at
 1668 the time a first-party claim within the scope of this section is
 1669 filed by the policyholder, the insurer shall notify the
 1670 policyholder of its right to participate in the mediation
 1671 program under this section. An insurer is required to make a
 1672 claim determination or elect to repair pursuant to s. 627.70131
 1673 before participating in mediation. The department shall prepare
 1674 a consumer information pamphlet for distribution to persons
 1675 participating in mediation.

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1676 (3) The costs of mediation must be reasonable, and the
1677 insurer must bear all of the cost of conducting mediation
1678 conferences, except as otherwise provided in this section. If a
1679 policyholder fails to appear at the conference, the conference
1680 must be rescheduled upon the policyholder's payment of the costs
1681 of a rescheduled conference. If the insurer fails to appear at
1682 the conference, the insurer must pay the policyholder's actual
1683 cash expenses incurred in attending the conference if the
1684 insurer's failure to attend was not due to a good cause
1685 acceptable to the department. An insurer will be deemed to have
1686 failed to appear if the insurer's representative lacks authority
1687 to settle the full value of the claim. The insurer shall incur
1688 an additional fee for a rescheduled conference necessitated by
1689 the insurer's failure to appear at a scheduled conference. The
1690 fees assessed by the department ~~administrator~~ must include a
1691 charge necessary to defray the expenses of the department
1692 related to its duties under this section and must be deposited
1693 in the Insurance Regulatory Trust Fund. The department may
1694 suspend the insurer's authority to appoint licensees if the
1695 insurer does not timely pay the required fees.

1696 (4) The department shall adopt by rule a property
1697 insurance mediation program to be administered by the department
1698 or its designee. The department may also adopt special rules
1699 which are applicable in cases of an emergency within the state.
1700 The rules shall be modeled after practices and procedures set

1701 forth in mediation rules of procedure adopted by the Supreme
 1702 Court. The rules shall provide for:

1703 ~~(b) Qualifications, denial of application, suspension,~~
 1704 ~~revocation of approval, and other penalties for mediators as~~
 1705 ~~provided in s. 627.745 and the Florida Rules for Certified and~~
 1706 ~~Court-Appointed Mediators.~~

1707 Section 37. Section 627.7155, Florida Statutes, is created
 1708 to read:

1709 627.7155 Collateral protection property insurance;
 1710 prohibited practices.-

1711 (1) An insurer or insurance agent may not:

1712 (a) Issue collateral protection insurance on a mortgaged
 1713 property:

1714 1. That the insurer or insurance agent or an affiliate of
 1715 the insurer or insurance agent owns;

1716 2. For which the insurer or insurance agent or an
 1717 affiliate of the insurer or insurance agent performs the
 1718 servicing; or

1719 3. If the servicing right to the property is owned by the
 1720 insurer or insurance agent or an affiliate of the insurer or
 1721 insurance agent;

1722 (b) Compensate a lender, insurer, investor, or servicer,
 1723 including through the payment of commissions, on a collateral
 1724 protection property insurance policy issued by the insurer;

1725 (c) Share collateral protection property insurance premium

1726 or risk with the lender, investor, or servicer that obtained the
 1727 collateral protection property insurance;

1728 (d) Offer contingent commissions, profit sharing, or other
 1729 payments dependent on profitability or loss ratios to any person
 1730 affiliated with a servicer or the insurer in connection with
 1731 collateral protection property insurance; or

1732 (e) Make any payments, including, but not limited to,
 1733 payments of expenses to a lender, insurer, investor, or servicer
 1734 for the purpose of securing collateral protection property
 1735 insurance business or related outsourced services.

1736 (2) An insurer may not provide free or below-cost
 1737 outsourced services to a lender, investor, or servicer, and an
 1738 insurer may not outsource its own functions to a lender,
 1739 insurance agent, investor, or servicer on an above-cost basis.

1740 Section 38. Section 627.745, Florida Statutes, is amended
 1741 to read:

1742 627.745 Mediation of claims.—

1743 (1) (a) In any claim filed with an insurer for personal
 1744 injury in an amount of \$50,000 ~~\$10,000~~ or less or any claim for
 1745 property damage in any amount, arising out of the ownership,
 1746 operation, use, or maintenance of a motor vehicle, either party
 1747 may demand mediation of the claim prior to the institution of
 1748 litigation.

1749 (b) The costs of mediation must be reasonable, and the
 1750 insurer must bear all of the cost of conducting mediation

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1751 conferences, except as otherwise provided in this section. If a
1752 policyholder fails to appear at the conference, the conference
1753 must be rescheduled upon the policyholder's payment of the costs
1754 of a rescheduled conference. If the insurer fails to appear at
1755 the conference, the insurer must pay the policyholder's actual
1756 cash expenses incurred in attending the conference if the
1757 insurer's failure to attend was not due to a good cause
1758 acceptable to the department. An insurer is deemed to have
1759 failed to appear if the insurer's representative lacks authority
1760 to settle the full value of the claim. The insurer shall incur
1761 an additional fee for a rescheduled conference necessitated by
1762 the insurer's failure to appear at a scheduled conference. The
1763 fees assessed by the administrator must include a charge
1764 necessary to defray the expenses of the department related to
1765 its duties under this section and must be deposited in the
1766 Insurance Regulatory Trust Fund. The administrator may request
1767 that the department suspend the insurer's authority to appoint
1768 licensees if the insurer does not timely pay the per-mediation-
1769 event administrative fee.

1770 ~~(b) A request for mediation shall be filed with the~~
1771 ~~department on a form approved by the department. The request for~~
1772 ~~mediation shall state the reason for the request for mediation~~
1773 ~~and the issues in dispute which are to be mediated. The filing~~
1774 ~~of a request for mediation tolls the applicable time~~
1775 ~~requirements for filing suit for a period of 60 days following~~

1776 ~~the conclusion of the mediation process or the time prescribed~~
 1777 ~~in s. 95.11, whichever is later.~~

1778 ~~(c) The insurance policy must specify in detail the terms~~
 1779 ~~and conditions for mediation of a first-party claim.~~

1780 ~~(d) The mediation shall be conducted as an informal~~
 1781 ~~process in which formal rules of evidence and procedure need not~~
 1782 ~~be observed. Any party participating in a mediation must have~~
 1783 ~~the authority to make a binding decision. All parties must~~
 1784 ~~mediate in good faith.~~

1785 ~~(e) The department shall randomly select mediators. Each~~
 1786 ~~party may once reject the mediator selected, either originally~~
 1787 ~~or after the opposing side has exercised its option to reject a~~
 1788 ~~mediator.~~

1789 ~~(f) Costs of mediation shall be borne equally by both~~
 1790 ~~parties unless the mediator determines that one party has not~~
 1791 ~~mediated in good faith.~~

1792 (c)(g) Only one mediation may be requested for each claim,
 1793 unless all parties agree to further mediation.

1794 ~~(2) Upon receipt of a request for mediation, the~~
 1795 ~~department shall refer the request to a mediator. The mediator~~
 1796 ~~shall notify the applicant and all interested parties, as~~
 1797 ~~identified by the applicant, and any other parties the mediator~~
 1798 ~~believes may have an interest in the mediation, of the date,~~
 1799 ~~time, and place of the mediation conference. The conference may~~
 1800 ~~be held by telephone, if feasible. The mediation conference~~

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1801 ~~shall be held within 45 days after the request for mediation.~~

1802 (2)~~(3)~~(a) The department shall approve mediators to
1803 conduct mediations pursuant to this section. All mediators must
1804 file an application under oath for approval as a mediator.

1805 (b) To qualify for approval as a mediator, an individual
1806 must meet one of the following qualifications:

1807 1. Possess an active certification as a Florida Supreme
1808 Court certified circuit court mediator. A Florida Supreme Court
1809 certified circuit court mediator in a lapsed, suspended,
1810 sanctioned, or decertified status is not eligible to participate
1811 in the mediation program.

1812 2. Be an approved department mediator as of July 1, 2014,
1813 and have conducted at least one mediation on behalf of the
1814 department within 4 years immediately preceding that date.

1815 (3)~~(4)~~ The department shall deny an application, or
1816 suspend or revoke its approval, of a mediator to serve in such
1817 capacity if the department finds that one or more of the
1818 following grounds exist:

1819 (a) Lack of one or more of the qualifications specified in
1820 this section for approval.

1821 (b) Material misstatement, misrepresentation, or fraud in
1822 obtaining or attempting to obtain the approval.

1823 (c) Demonstrated lack of fitness or trustworthiness to act
1824 as a mediator.

1825 (d) Fraudulent or dishonest practices in the conduct of

1826 mediation or in the conduct of business in the financial
 1827 services industry.

1828 (e) Violation of any provision of this code or of a lawful
 1829 order or rule of the department, violation of the Florida Rules
 1830 for Certified and Court-Appointed Mediators, or aiding,
 1831 instructing, or encouraging another party in committing such a
 1832 violation.

1833
 1834 The department may adopt rules to administer this subsection.

1835 (4) The department shall adopt by rule a motor vehicle
 1836 claims insurance mediation program to be administered by the
 1837 department or its designee. The department may also adopt
 1838 special rules that are applicable in cases of an emergency
 1839 within the state. The rules shall be modeled after practices and
 1840 procedures set forth in mediation rules of procedure adopted by
 1841 the Supreme Court. The rules must include:

1842 (a) Reasonable requirements for processing and scheduling
 1843 of requests for mediation.

1844 (b) Provisions governing who may attend mediation
 1845 conferences.

1846 (c) Selection of mediators.

1847 (d) Criteria for the conduct of mediation conferences.

1848 (e) Right to legal counsel.

1849 ~~(5) The department must adopt rules of procedure for~~
 1850 ~~claims mediation, taking into consideration a system which:~~

1851 ~~(a) Is fair.~~
 1852 ~~(b) Promotes settlement.~~
 1853 ~~(c) Avoids delay.~~
 1854 ~~(d) Is nonadversarial.~~
 1855 ~~(e) Uses a framework for modern mediating technique.~~
 1856 (f) Controls of costs and expenses of mediation.
 1857 (5) The department may designate an entity or person to
 1858 serve as an administrator to carry out any of the provisions of
 1859 this section and may take this action by means of a written
 1860 contract or agreement.
 1861 (6) Disclosures and information divulged in the mediation
 1862 process are not admissible in any subsequent action or
 1863 proceeding relating to the claim or to the cause of action
 1864 giving rise to the claim. A person demanding mediation under
 1865 this section may not demand or request mediation after a suit is
 1866 filed relating to the same facts already mediated.
 1867 Section 39. Subsections (7) through (12) of section
 1868 631.141, Florida Statutes, are renumbered as subsections (8)
 1869 through (13), respectively, and a new subsection (7) is added to
 1870 that section, to read:
 1871 631.141 Conduct of delinquency proceeding; domestic and
 1872 alien insurers.—
 1873 (7) In order to preserve as much as possible the right and
 1874 interest of the policyholders whose insurance policies or
 1875 similar contracts are affected by the receivership proceedings,

1876 | the department as a domiciliary receiver may:

1877 | (a) Use the property of the estate of the insurer to
 1878 | transfer the insurer's book of business, policies, or similar
 1879 | contracts of coverage, in whole or in part, to a solvent
 1880 | assuming insurer or insurers.

1881 | (b) Notwithstanding s. 631.195, share records of the
 1882 | insurer with the prospective solvent assuming insurer or
 1883 | insurers, but only to the extent necessary to undertake due
 1884 | diligence for a transfer contemplated under this section.

1885 | Section 40. Subsections (1) and (3) of section 631.252,
 1886 | Florida Statutes, are amended to read:

1887 | 631.252 Continuation of coverage.—

1888 | (1) Unless another insurer, with approval of the
 1889 | receivership court, assumes or otherwise provides coverage for
 1890 | the policies of the insolvent insurer, all insurance policies or
 1891 | similar contracts of coverage, other than coverages defined in
 1892 | s. 631.713 or health maintenance organization coverage under
 1893 | part IV, issued by the insurer shall be canceled upon the
 1894 | earlier ~~earliest to occur~~ of the following:

1895 | (a) The date of entry of the liquidation or, if the court
 1896 | so provides in its order, the expiration of 30 days from the
 1897 | date of entry of the liquidation order;

1898 | (b) The normal expiration of the policy or contract
 1899 | coverage;

1900 | (c) The replacement of the coverage by the insured, or the

1901 replacement of the policy or contract of coverage, with a policy
 1902 or contract acceptable to the insured by the receiver with
 1903 another insurer; ~~or~~

1904 (d) The date proposed by the receiver and approved by the
 1905 receivership court to cancel coverage; or

1906 (e) ~~(d)~~ The termination of the coverage by the insured.

1907 (3) The 30-day coverage continuation period provided in
 1908 paragraph (1) (a) and s. 631.57(1) (a)1. may not be extended
 1909 unless the Chief Financial Officer ~~office~~ determines, based on a
 1910 reasonable belief, that market conditions are such that policies
 1911 of residential property insurance coverage cannot be placed with
 1912 an authorized insurer within 30 days and that an additional 15
 1913 days is needed to place such coverage. ~~and~~ Failure of actual
 1914 notice to the policyholder of the insolvency of the insurer, of
 1915 commencement of a delinquency proceeding, or of expiration of
 1916 the extension period does not affect such expiration.

1917 Section 41. Subsection (1) of section 631.56, Florida
 1918 Statutes, is amended, and subsections (5) through (10) are added
 1919 to that section, to read:

1920 631.56 Board of directors.—

1921 (1) The board of directors of the association shall
 1922 consist of not less than five or more than nine persons serving
 1923 terms as established in the plan of operation. The department
 1924 shall approve and appoint to the board persons recommended by
 1925 the member insurers or other persons with experience in property

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1926 and casualty insurance as determined by the Chief Financial
1927 Officer. Of those persons recommended by the member insurers and
1928 appointed by the department, a majority shall be from domestic
1929 insurers. In the event the department finds that any recommended
1930 person does not meet the qualifications for service on the
1931 board, the department shall request the member insurers to
1932 recommend another person. Each member shall serve for a 4-year
1933 term and may be reappointed, but no member shall serve more than
1934 8 consecutive years. Vacancies on the board shall be filled for
1935 the remaining period of the term in the same manner as initial
1936 appointments.

1937 (5) The Chief Financial Officer may remove a board member
1938 from office for misconduct, malfeasance, misfeasance, or neglect
1939 of duty. Any vacancy so created shall be filled as provided in
1940 subsection (1).

1941 (6) Board members are subject to the code of ethics under
1942 part III of chapter 112, including, but not limited to, the code
1943 of ethics and public disclosure and reporting of financial
1944 interests, pursuant to s. 112.3145. For purposes of applying
1945 part III of chapter 112 to activities of members of the board of
1946 directors, those persons are considered public officers and the
1947 association is considered their agency. Notwithstanding s.
1948 112.3143(2), a board member may not vote on any measure that he
1949 or she knows would inure to his or her special private gain or
1950 loss; that he or she knows would inure to the special private

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1951 gain or loss of any principal by which he or she is retained,
1952 other than an agency as defined in s. 112.312; or that he or she
1953 knows would inure to the special private gain or loss of a
1954 relative or business associate of the public officer. Before the
1955 vote is taken, such member shall publicly state to the board the
1956 nature of his or her interest in the matter from which he or she
1957 is abstaining from voting and, within 15 days after the vote
1958 occurs, disclose the nature of his or her interest as a public
1959 record in a memorandum filed with the person responsible for
1960 recording the minutes of the meeting, who shall incorporate the
1961 memorandum in the minutes.

1962 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
1963 law, a board member may not knowingly accept, directly or
1964 indirectly, any gift or expenditure from a person or entity, or
1965 an employee or representative of such person or entity, which
1966 has a contractual relationship with the association or which is
1967 under consideration for a contract.

1968 (8) A board member who fails to comply with subsection (6)
1969 or subsection (7) is subject to the penalties provided under ss.
1970 112.317 and 112.3173.

1971 (9) All meetings of the board of directors are subject to
1972 the requirements of s. 286.011, and all books, records, and
1973 audits of the plan are open to the public for reasonable
1974 inspection, except that a claim file in the possession of the
1975 association or its representative is confidential and exempt

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1976 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
1977 State Constitution until termination of litigation or
1978 settlement of the claim, although medical records and other
1979 portions of the claim file may remain confidential and exempt as
1980 otherwise provided by law.

1981 (10) Except in the case of emergency meetings, the
1982 association shall give notice of any board meeting by
1983 publication on the association's website at least 7 days before
1984 the meeting. The association shall prepare and publish a meeting
1985 agenda on its website, along with any meeting materials,
1986 excluding confidential and exempt information, at least 7 days
1987 before the meeting. The agenda shall contain the items to be
1988 considered in order of presentation and a telephone number for
1989 members of the public to participate telephonically at the board
1990 meeting, or login information for members of the public to
1991 participate in a live video conference of the board meeting.
1992 After the agenda has been made available, a change shall be made
1993 only for good cause, as determined by the person designated to
1994 preside, and must be stated in the record. Notification of such
1995 change shall be at the earliest practicable time.

1996 Section 42. Paragraph (a) of subsection (1) of section
1997 631.716, Florida Statutes, is amended, and subsections (4)
1998 through (9) are added to that section, to read:

1999 631.716 Board of directors.—

2000 (1) (a) The board of directors of the association shall

2001 have at least 9, but no more than 11, members. The members shall
 2002 consist ~~be comprised~~ of member insurers serving terms as
 2003 established in the plan of operation and 1 Florida Health
 2004 Maintenance Organization Consumer Assistance Plan director
 2005 confirmed pursuant to paragraph (b), or other persons with
 2006 experience in life and annuity or accident and health insurance
 2007 as determined by the Chief Financial Officer. At all times, at
 2008 least 1 ~~member of the board~~ member must be a domestic insurer as
 2009 defined in s. 624.06(1). The ~~members of the board~~ members who
 2010 are member insurers shall be elected by member insurers, subject
 2011 to the approval of the department. Each board member shall serve
 2012 for a 4-year term and may be reappointed, but no member shall
 2013 serve more than 8 consecutive years.

2014 (4) The Chief Financial Officer may remove a board member
 2015 from office for misconduct, malfeasance, misfeasance, or neglect
 2016 of duty. Any vacancy so created shall be filled as provided in
 2017 subsection (1).

2018 (5) Board members are subject to the code of ethics under
 2019 part III of chapter 112, including, but not limited to, the code
 2020 of ethics and public disclosure and reporting of financial
 2021 interests, pursuant to s. 112.3145. For purposes of applying
 2022 part III of chapter 112 to activities of members of the board of
 2023 directors, those persons are considered public officers and the
 2024 association is considered their agency. Notwithstanding s.
 2025 112.3143(2), a board member may not vote on any measure that he

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2026 or she knows would inure to his or her special private gain or
2027 loss; that he or she knows would inure to the special private
2028 gain or loss of any principal by which he or she is retained,
2029 other than an agency as defined in s. 112.312; or that he or she
2030 knows would inure to the special private gain or loss of a
2031 relative or business associate of the public officer. Before the
2032 vote is taken, such member shall publicly state to the board the
2033 nature of his or her interest in the matter from which he or she
2034 is abstaining from voting and, within 15 days after the vote
2035 occurs, disclose the nature of his or her interest as a public
2036 record in a memorandum filed with the person responsible for
2037 recording the minutes of the meeting, who shall incorporate the
2038 memorandum in the minutes.

2039 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
2040 law, a board member may not knowingly accept, directly or
2041 indirectly, any gift or expenditure from a person or entity, or
2042 an employee or representative of such person or entity, which
2043 has a contractual relationship with the association or which is
2044 under consideration for a contract.

2045 (7) A board member who fails to comply with subsection (5)
2046 or subsection (6) is subject to the penalties provided under ss.
2047 112.317 and 112.3173.

2048 (8) All meetings of the board of directors are subject to
2049 the requirements of s. 286.011, and all books, records, and
2050 audits of the association are open to the public for reasonable

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2051 inspection, except that records of negotiations and meetings in
2052 which the association or its representatives discuss the
2053 activities of the association in carrying out its powers and
2054 duties may remain confidential and exempt from the provisions of
2055 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
2056 until the termination of a delinquency proceeding, may remain
2057 confidential and exempt as otherwise provided by law.

2058 (9) Except in the case of emergency meetings, the
2059 association shall give notice of any board meeting by
2060 publication on the association's website at least 7 days before
2061 the meeting. The association shall prepare and publish a meeting
2062 agenda on its website, along with any meeting materials,
2063 excluding confidential and exempt information, at least 7 days
2064 before the meeting. The agenda shall contain the items to be
2065 considered in order of presentation and a telephone number for
2066 members of the public to participate telephonically at the board
2067 meeting, or login information for members of the public to
2068 participate in a live video conference of the board meeting.
2069 After the agenda has been made available, a change shall be made
2070 only for good cause, as determined by the person designated to
2071 preside, and must be stated in the record. Notification of such
2072 change shall be at the earliest practicable time.

2073 Section 43. Subsection (1) of section 631.816, Florida
2074 Statutes, is amended, and subsections (8) through (13) are added
2075 to that section, to read:

2076 631.816 Board of directors.—

2077 (1) The board of directors of the plan shall consist of

2078 not less than five or more than nine persons serving terms as

2079 established in the plan of operation. The department shall

2080 approve and appoint to the board persons recommended by the

2081 member HMOs or other persons with experience in health insurance

2082 as determined by the Chief Financial Officer. ~~In the event the~~

2083 ~~department finds that any recommended person does not meet the~~

2084 ~~qualifications for service on the board, the department shall~~

2085 ~~request the member HMOs to recommend another person.~~ Each member

2086 shall serve for a 4-year term and may be reappointed, except

2087 that terms may be staggered as defined in the plan of operation.

2088 No member shall serve more than 8 consecutive years. Vacancies

2089 on the board shall be filled for the remaining period of the

2090 term in the same manner as initial appointments. In determining

2091 voting rights, each HMO is entitled to vote on the basis of

2092 cumulative weighted voting based on the net written premium for

2093 non-Medicare and non-Medicaid policies.

2094 (8) The Chief Financial Officer may remove a board member

2095 from office for misconduct, malfeasance, misfeasance, or neglect

2096 of duty. Any vacancy so created shall be filled as provided in

2097 subsection (1).

2098 (9) Board members are subject to the code of ethics under

2099 part III of chapter 112, including, but not limited to, the code

2100 of ethics and public disclosure and reporting of financial

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2101 interests, pursuant to s. 112.3145. For purposes of applying
2102 part III of chapter 112 to activities of members of the board of
2103 directors, those persons are considered public officers and the
2104 plan is considered their agency. Notwithstanding s. 112.3143(2),
2105 a board member may not vote on any measure that he or she knows
2106 would inure to his or her special private gain or loss; that he
2107 or she knows would inure to the special private gain or loss of
2108 any principal by which he or she is retained, other than an
2109 agency as defined in s. 112.312; or that he or she knows would
2110 inure to the special private gain or loss of a relative or
2111 business associate of the public officer. Before the vote is
2112 taken, such member shall publicly state to the board the nature
2113 of his or her interest in the matter from which he or she is
2114 abstaining from voting and, within 15 days after the vote
2115 occurs, disclose the nature of his or her interest as a public
2116 record in a memorandum filed with the person responsible for
2117 recording the minutes of the meeting, who shall incorporate the
2118 memorandum in the minutes.

2119 (10) Notwithstanding s. 112.3148, s. 112.3149, or any
2120 other law, a board member may not knowingly accept, directly or
2121 indirectly, any gift or expenditure from a person or entity, or
2122 an employee or representative of such person or entity, which
2123 has a contractual relationship with the plan or which is under
2124 consideration for a contract.

2125 (11) A board member who fails to comply with subsection

2126 (9) or subsection (10) is subject to the penalties provided
2127 under ss. 112.317 and 112.3173.

2128 (12) All meetings of the board of directors are subject to
2129 the requirements of s. 286.011, and all books, records, and
2130 audits of the plan are open to the public for reasonable
2131 inspection, except that records of an insolvent HMO in
2132 liquidation, rehabilitation, or revocation proceedings are
2133 confidential and exempt from the provisions of s. 119.07(1) and
2134 s. 24(a), Art. I of the State Constitution until termination of
2135 the liquidation, rehabilitation, or revocation proceedings.

2136 (13) Except in the case of emergency meetings, the plan
2137 shall give notice of any board meeting by publication on the
2138 plan's website at least 7 days before the meeting. The plan
2139 shall prepare and publish a meeting agenda on its website, along
2140 with any meeting materials, excluding confidential and exempt
2141 information, at least 7 days before the meeting. The agenda
2142 shall contain the items to be considered in order of
2143 presentation and a telephone number for members of the public to
2144 participate telephonically at the board meeting, or login
2145 information for members of the public to participate in a live
2146 video conference of the board meeting. After the agenda has been
2147 made available, a change shall be made only for good cause, as
2148 determined by the person designated to preside, and must be
2149 stated in the record. Notification of such change shall be at
2150 the earliest practicable time.

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2151 Section 44. Subsection (1) of section 631.912, Florida
2152 Statutes, is amended, and subsections (4) through (8) are added
2153 to that section, to read:

2154 631.912 Board of directors.—

2155 (1) The board of directors of the corporation shall
2156 consist of 11 persons, 1 of whom is the insurance consumer
2157 advocate appointed under s. 627.0613 or designee and 1 of whom
2158 is designated by the Chief Financial Officer. The department
2159 shall appoint to the board 6 persons selected by private
2160 carriers from among the 20 workers' compensation insurers with
2161 the largest amount of direct written premium as determined by
2162 the department, and 2 persons selected by the self-insurance
2163 funds or other persons with experience in workers' compensation
2164 insurance as determined by the Chief Financial Officer. The
2165 Governor shall appoint one person who has commercial insurance
2166 experience. At least two of the private carriers shall be
2167 foreign carriers authorized to do business in this state. The
2168 board shall elect a chairperson from among its members. The
2169 Chief Financial Officer may remove any board member for cause.
2170 Each board member shall be appointed to serve a 4-year term and
2171 may be reappointed, but no member shall serve more than 8
2172 consecutive years. A vacancy on the board shall be filled for
2173 the remaining period of the term in the same manner by which the
2174 original appointment was made.

2175 (4) Board members are subject to the code of ethics under

2176 part III of chapter 112, including, but not limited to, the code
2177 of ethics and public disclosure and reporting of financial
2178 interests, pursuant to s. 112.3145. For purposes of applying
2179 part III of chapter 112 to activities of members of the board of
2180 directors, those persons are considered public officers and the
2181 corporation is considered their agency. Notwithstanding s.
2182 112.3143(2), a board member may not vote on any measure that he
2183 or she knows would inure to his or her special private gain or
2184 loss; that he or she knows would inure to the special private
2185 gain or loss of any principal by which he or she is retained,
2186 other than an agency as defined in s. 112.312; or that he or she
2187 knows would inure to the special private gain or loss of a
2188 relative or business associate of the public officer. Before the
2189 vote is taken, such member shall publicly state to the board the
2190 nature of his or her interest in the matter from which he or she
2191 is abstaining from voting and, within 15 days after the vote
2192 occurs, disclose the nature of his or her interest as a public
2193 record in a memorandum filed with the person responsible for
2194 recording the minutes of the meeting, who shall incorporate the
2195 memorandum in the minutes.

2196 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
2197 law, a board member may not knowingly accept, directly or
2198 indirectly, any gift or expenditure from a person or entity, or
2199 an employee or representative of such person or entity, which
2200 has a contractual relationship with the corporation or which is

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2201 under consideration for a contract.

2202 (6) A board member who fails to comply with subsection (4)
2203 or subsection (5) is subject to the penalties provided under ss.
2204 112.317 and 112.3173.

2205 (7) All meetings of the board of directors are subject to
2206 the requirements of s. 286.011, and all books and records are
2207 open to the public for reasonable inspection, except that
2208 negotiations held between an insurer and the corporation are
2209 confidential and exempt from the provisions of s. 119.07(1) and
2210 s. 24(a), Art. I of the State Constitution and as otherwise
2211 provided by law.

2212 (8) Except in the case of emergency meetings, the
2213 corporation shall give notice of any board meeting by
2214 publication on the corporation's website at least 7 days before
2215 the meeting. The corporation shall prepare and publish a meeting
2216 agenda on its website, along with any meeting materials,
2217 excluding confidential and exempt information, at least 7 days
2218 before the meeting. The agenda shall contain the items to be
2219 considered in order of presentation and a telephone number for
2220 members of the public to participate telephonically at the board
2221 meeting, or login information for members of the public to
2222 participate in a live video conference of the board meeting.
2223 After the agenda has been made available, a change shall be made
2224 only for good cause, as determined by the person designated to
2225 preside, and must be stated in the record. Notification of such

2226 change shall be at the earliest practicable time.

2227 Section 45. Section 633.1423, Florida Statutes, is created
2228 to read:

2229 633.1423 State Fire Marshal direct-support organization.—

2230 (1) DEFINITION.—As used in this section, the term
2231 "organization" means the direct-support organization established
2232 under this section.

2233 (2) ORGANIZATION ESTABLISHED.—The division may establish a
2234 direct-support organization, to be known as the "State Fire
2235 Marshal Safety and Training Force," whose sole purpose is to
2236 support the safety and training of firefighters and to recognize
2237 exemplary service. The organization must:

2238 (a) Be a not-for-profit corporation incorporated under
2239 chapter 617 and approved by the Department of State.

2240 (b) Be organized and operated to raise funds; request and
2241 receive grants, gifts, and bequests of money; conduct programs
2242 and activities; acquire, receive, hold, invest, and administer,
2243 in its own name, securities, funds, or property; and make grants
2244 and expenditures to or for the direct or indirect benefit of the
2245 division. Grants and expenditures may include the cost of
2246 education or training of firefighters, or the recognition of
2247 exemplary service of firefighters.

2248 (c) Be determined by the division to operate in a manner
2249 that is:

2250 1. Consistent with the goals of the division and laws

- 2251 relating to the safety and training of firefighters.
- 2252 2. In the best interest of the state.
- 2253 3. In accordance with the adopted goals and mission of the
2254 division.
- 2255 (d) Use all of its grants and expenditures solely for the
2256 purpose of educating, training, and recognizing firefighters,
2257 and not for advertising using the likeness or name of any
2258 elected official nor for the purpose of lobbying as defined in
2259 s. 11.045(1).
- 2260 (e) Be subject to an annual financial audit in accordance
2261 with s. 215.981.
- 2262 (3) CONTRACT.—The organization shall operate under written
2263 contract with the division. The contract must provide for:
- 2264 (a) Certification by the division that the organization is
2265 complying with the terms of the contract and in a manner
2266 consistent with the goals and purposes of the department and in
2267 the best interest of the state. Such certification must be made
2268 annually and reported in the official minutes of a meeting of
2269 the organization.
- 2270 (b) The reversion of moneys and property held by the
2271 organization for firefighter safety, training, and recognition
2272 to the division if the organization is no longer approved to
2273 operate by the division or if the organization ceases to exist,
2274 or to the state if the division ceases to exist.
- 2275 (4) BOARD OF DIRECTORS.—The organization shall be governed

2276 by a board of directors. The State Fire Marshal, or his or her
2277 designee, shall appoint a president of the board. The board of
2278 directors shall be appointed by the president of the board.

2279 (5) USE OF PROPERTY.—The division may authorize, without
2280 charge, appropriate use of fixed property and facilities of the
2281 division by the organization, subject to this subsection.

2282 (a) The department may prescribe any condition with which
2283 the organization must comply in order to use the division's
2284 property or facilities.

2285 (b) The department may not authorize the use of the
2286 division's property or facilities if the organization does not
2287 provide equal membership and employment opportunities to all
2288 persons regardless of race, religion, sex, age, or national
2289 origin.

2290 (c) The department shall adopt rules prescribing the
2291 procedures by which the organization is governed and any
2292 conditions with which the organization must comply to use the
2293 division's property or facilities.

2294 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
2295 organization may be held in a separate depository account in the
2296 name of the organization and subject to the contract with the
2297 division.

2298 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall
2299 submit to the division its annual budget and financial reports,
2300 its federal Internal Revenue Service Application for Recognition

2301 of Exemption form (Form 1023), and its federal Internal Revenue
 2302 Service Return of Organization Exempt from Income Tax form (Form
 2303 990).

2304 (8) ANNUAL AUDIT.—The organization shall provide for an
 2305 annual financial audit in accordance with s. 215.981.

2306 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
 2307 the division from the organization shall be deposited into the
 2308 Insurance Regulatory Trust Fund.

2309 Section 46. Section 634.171, Florida Statutes, is amended
 2310 to read:

2311 634.171 Salesperson to be licensed and appointed.—

2312 (1) Salespersons for motor vehicle service agreement
 2313 companies and insurers shall be licensed, appointed, renewed,
 2314 continued, reinstated, or terminated as prescribed in chapter
 2315 626 for insurance representatives in general. However, they
 2316 shall be exempt from all other provisions of chapter 626
 2317 including fingerprinting, photo identification, education, and
 2318 examination provisions. License, appointment, and other fees
 2319 shall be those prescribed in s. 624.501. A licensed and
 2320 appointed salesperson shall be directly responsible and
 2321 accountable for all acts of her or his employees and other
 2322 representatives. Each service agreement company or insurer
 2323 shall, on forms prescribed by the department, within 30 days
 2324 after termination of the appointment, notify the department of
 2325 such termination. No employee or salesperson of a motor vehicle

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2326 service agreement company or insurer may directly or indirectly
2327 solicit or negotiate insurance contracts, or hold herself or
2328 himself out in any manner to be an insurance agent, unless so
2329 qualified, licensed, and appointed therefor under the Florida
2330 Insurance Code. A motor vehicle service agreement company is not
2331 required to be licensed as a salesperson to solicit, sell,
2332 issue, or otherwise transact the motor vehicle service
2333 agreements issued by the motor vehicle service agreement
2334 company.

2335 (2) The department may issue a license to a nonresident
2336 applicant if the applicant is licensed as a salesperson for
2337 motor vehicle service agreement companies and insurers in the
2338 applicant's home state and if the applicant's home state has
2339 entered into a reciprocal agreement with the department. A
2340 nonresident applicant must submit to the department a copy of a
2341 certificate or letter of authorization from the licensing
2342 authority of the applicant's home state stating that the
2343 applicant holds a current license to act as a salesperson for
2344 motor vehicle service agreement companies and insurers. A
2345 nonresident salesperson for motor vehicle service agreement
2346 companies and insurers shall, at all times while licensed in
2347 this state, maintain the salesperson's home state license as a
2348 salesperson for motor vehicle service agreement companies and
2349 insurers. A nonresident salesperson for motor vehicle service
2350 agreement companies and insurers shall notify the department of

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2351 any lapse, suspension, or revocation of the salesperson's home
2352 state license within 5 days after the lapse, suspension, or
2353 revocation.

2354 (3) Upon becoming a resident of this state, an individual
2355 who holds a Florida nonresident salesperson for motor vehicle
2356 service agreement companies and insurers license may, for a
2357 period not to exceed 90 days, continue to transact in this state
2358 under the nonresident license. Such individual must apply for
2359 resident licensure and must become licensed as a resident
2360 salesperson for motor vehicle service agreement companies and
2361 insurers within 90 days after becoming a resident of this state.

2362 Section 47. Section 634.181, Florida Statutes, is amended
2363 to read:

2364 634.181 Grounds for compulsory refusal, suspension, or
2365 revocation of license or appointment of salespersons.—

2366 (1) The department shall deny, suspend, revoke, or refuse
2367 to renew or continue the license or appointment of any such
2368 salesperson if it finds that as to the salesperson any one or
2369 more of the following applicable grounds exist:

2370 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2371 in obtaining or attempting to obtain the license or appointment.

2372 (b)~~(2)~~ If the license or appointment is willfully used, or
2373 to be used, to circumvent any of the requirements or
2374 prohibitions of this part, any applicable provision of the
2375 Florida Insurance Code, or rule of the department or commission.

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2376 (c)~~(3)~~ Willful misrepresentation of any service agreement
2377 or willful deception with regard to any agreement, done either
2378 in person or by any form of dissemination of information or
2379 advertising.

2380 (d)~~(4)~~ If in the adjustment of claims arising out of
2381 service agreements, she or he has materially misrepresented to a
2382 service agreement holder or other interested party the terms and
2383 coverage of a service agreement with intent and for the purpose
2384 of effecting settlement of the claim on less favorable terms
2385 than those provided in and contemplated by the service
2386 agreement.

2387 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
2388 to engage in the service agreement business.

2389 (f)~~(6)~~ For demonstrated lack of adequate knowledge and
2390 technical competence to engage in the transactions authorized by
2391 the license or appointment.

2392 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2393 business under the license or appointment.

2394 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2395 withholding of moneys belonging to a service agreement company,
2396 insurer, or service agreement holder or to others and received
2397 in the conduct of business under the license or appointment.

2398 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for
2399 unlawfully dividing or offering to divide her or his commission
2400 with another.

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2401 ~~(j)-(10)~~ Willful failure to comply with, or willful
2402 violation of any proper order of the department or office, or
2403 willful violation of any provision of this part, or of any
2404 applicable provision of the insurance code, or applicable rule
2405 of the department or commission.

2406 ~~(k)-(11)~~ Having been found guilty of, or having pleaded
2407 guilty or nolo contendere to, a felony or a crime punishable by
2408 imprisonment of 1 year or more under the law of the United
2409 States of America or any state thereof or under the law of any
2410 other country which involves moral turpitude, without regard to
2411 whether a judgment of conviction has been entered by the court
2412 having jurisdiction of the cases.

2413 ~~(l)-(12)~~ Failure to refund unearned pro rata commission to
2414 the agreement holder or the service agreement company, if the
2415 service agreement company is making a full unearned pro rata
2416 refund to the agreement holder.

2417 (m) Having been the subject of, or having had a license,
2418 permit, appointment, registration, or other authority to conduct
2419 business subject to, any decision, finding, injunction,
2420 suspension, prohibition, revocation, denial, judgment, final
2421 agency action, or administrative order by any court of competent
2422 jurisdiction, administrative law proceeding, state agency,
2423 federal agency, national securities, commodities, or options
2424 exchange, or national securities, commodities, or options
2425 association involving a violation of any federal or state

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2426 securities or commodities law or any rule or regulation adopted
2427 thereunder, or a violation of any rule or regulation of any
2428 national securities, commodities, or options exchange or
2429 national securities, commodities, or options association.

2430 (2) When a licensee is charged with a felony enumerated in
2431 s. 626.207(2), the department shall, immediately upon receipt of
2432 information on or indictment for the felony, temporarily suspend
2433 a license or appointment issued under this chapter. Such
2434 suspension shall continue if the licensee is found guilty of, or
2435 pleads guilty or nolo contendere to, the crime, regardless of
2436 whether a judgment or conviction is entered, during a pending
2437 appeal. A person may not transact insurance business after
2438 suspension of his or her license or appointment.

2439 (3) The department may adopt rules to administer this
2440 section.

2441 Section 48. Section 634.191, Florida Statutes, is amended
2442 to read:

2443 634.191 Grounds for discretionary refusal, suspension, or
2444 revocation of license or appointment of salespersons.—

2445 (1) The department may, in its discretion, deny, suspend,
2446 revoke, or refuse to renew or continue the license or
2447 appointment of any salesperson if it finds that as to the
2448 salesperson any one or more of the following applicable grounds
2449 exist under circumstances for which such denial, suspension,
2450 revocation, or refusal is not mandatory under s. 634.181:

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2451 (a)~~(1)~~ For any cause for which granting of the license or
2452 appointment could have been refused had it then existed and been
2453 known to the department.

2454 (b)~~(2)~~ Violation of any provision of this part or of any
2455 other law applicable to the business of service agreements in
2456 the course of dealings under the license or appointment.

2457 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule
2458 of the department or commission.

2459 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any
2460 company or insurer the salesperson represents or has represented
2461 any money coming into her or his hands belonging to the company
2462 or insurer.

2463 (e)~~(5)~~ If, in the conduct of business under the license or
2464 appointment, the salesperson has engaged in unfair methods of
2465 competition or in unfair or deceptive acts or practices, as such
2466 methods, acts, or practices are or may be defined under this
2467 part, or has otherwise shown herself or himself to be a source
2468 of injury or loss to the public or detrimental to the public
2469 interest.

2470 (f)~~(6)~~ Failure to report to the department within 30 days
2471 the final disposition of an administrative action taken against
2472 a salesperson by a governmental agency or other regulatory
2473 agency in this state or any other state or jurisdiction relating
2474 to the business of insurance, the sale of securities, or an
2475 activity involving fraud, dishonesty, trustworthiness, or breach

2476 of a fiduciary duty. The salesperson must submit a copy of the
 2477 order, consent to order, or other relevant legal documents to
 2478 the department ~~Having been found guilty of, or having pleaded~~
 2479 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
 2480 ~~imprisonment of 1 year or more under the law of the United~~
 2481 ~~States of America or any state thereof or under the law of any~~
 2482 ~~other country, without regard to whether a judgment of~~
 2483 ~~conviction has been entered by the court having jurisdiction of~~
 2484 ~~the cases.~~

2485 (2) The department may adopt rules to administer this
 2486 section.

2487 Section 49. Section 634.320, Florida Statutes, is amended
 2488 to read:

2489 634.320 Grounds for compulsory refusal, suspension, or
 2490 revocation of license or appointment of sales representatives.—

2491 (1) The department shall deny, suspend, revoke, or refuse
 2492 to renew or continue the license or appointment of any sales
 2493 representative if it is found that any one or more of the
 2494 following grounds applicable to the sales representative exist:

2495 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2496 in obtaining or attempting to obtain a license or appointment.

2497 (b)~~(2)~~ The license or appointment is willfully used, or to
 2498 be used, to circumvent any of the requirements or prohibitions
 2499 of this part.

2500 (c)~~(3)~~ Willful misrepresentation of any warranty contract

2501 or willful deception with regard to any such contract, done
 2502 either in person or by any form of dissemination of information
 2503 or advertising.

2504 (d)~~(4)~~ In the adjustment of claims arising out of
 2505 warranties, material misrepresentation to a warranty holder or
 2506 other interested party of the terms and coverage of a contract,
 2507 with the intent and for the purpose of effecting settlement of
 2508 such claim on less favorable terms than those provided in and
 2509 contemplated by the contract.

2510 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
 2511 engage in the business of home warranty.

2512 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
 2513 technical competence to engage in the transactions authorized by
 2514 the license or appointment.

2515 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2516 business under the license or appointment.

2517 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2518 withholding of moneys belonging to an association, insurer, or
 2519 warranty holder, or to others, and received in the conduct of
 2520 business under the license or appointment.

2521 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
 2522 rebate, or unlawfully dividing, or offering to divide, her or
 2523 his commission with another.

2524 (j)~~(10)~~ Willful failure to comply with, or willful
 2525 violation of, any proper order or rule of the department or

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2526 commission or willful violation of any provision of this part.

2527 ~~(k)(11)~~ Being found guilty of or pleading guilty or nolo
2528 contendere to a felony or a crime punishable by imprisonment of
2529 1 year or more under the law of the United States of America or
2530 any state thereof or under the law of any other country
2531 ~~involving moral turpitude~~, without regard to whether judgment of
2532 conviction has been entered by the court.

2533 (1) Having been the subject of, or having had a license,
2534 permit, appointment, registration, or other authority to conduct
2535 business subject to, any decision, finding, injunction,
2536 suspension, prohibition, revocation, denial, judgment, final
2537 agency action, or administrative order by any court of competent
2538 jurisdiction, administrative law proceeding, state agency,
2539 federal agency, national securities, commodities, or options
2540 exchange, or national securities, commodities, or options
2541 association involving a violation of any federal or state
2542 securities or commodities law or any rule or regulation adopted
2543 thereunder, or a violation of any rule or regulation of any
2544 national securities, commodities, or options exchange or
2545 national securities, commodities, or options association.

2546 (2) When a licensee is charged with a felony enumerated in
2547 s. 626.207(2), the department shall, immediately upon receipt of
2548 information on or indictment for the felony, temporarily suspend
2549 a license or appointment issued under this chapter. Such
2550 suspension shall continue if the licensee is found guilty of, or

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2551 pleads guilty or nolo contendere to, the crime, regardless of
2552 whether a judgment or conviction is entered, during a pending
2553 appeal. A person may not transact insurance business after
2554 suspension of his or her license or appointment.

2555 (3) The department may adopt rules to administer this
2556 section.

2557 Section 50. Section 634.321, Florida Statutes, is amended
2558 to read:

2559 634.321 Grounds for discretionary refusal, suspension, or
2560 revocation of license or appointment of sales representatives.—

2561 (1) The department may, in its discretion, deny, suspend,
2562 revoke, or refuse to renew or continue the license or
2563 appointment of any sales representative if it is found that any
2564 one or more of the following grounds applicable to the sales
2565 representative exist under circumstances for which such denial,
2566 suspension, revocation, or refusal is not mandatory under s.
2567 634.320:

2568 (a)~~(1)~~ Any cause for which granting of the license or
2569 appointment could have been refused had it then existed and been
2570 known to the department.

2571 (b)~~(2)~~ Violation of any provision of this part, or of any
2572 other law applicable to the business of warranties, in the
2573 course of dealings under the license or appointment.

2574 (c)~~(3)~~ Violation of any lawful order or rule of the
2575 department or commission.

2576 (d)-(4) Failure or refusal to pay over, upon demand, to any
 2577 home warranty association or insurer the sales representative
 2578 represents or has represented any money coming into her or his
 2579 hands which belongs to the association or insurer.

2580 (e)-(5) In the conduct of business under the license or
 2581 appointment, engaging in unfair methods of competition or in
 2582 unfair or deceptive acts or practices, as such methods, acts, or
 2583 practices are or may be defined under this part, or otherwise
 2584 showing herself or himself to be a source of injury or loss to
 2585 the public or detriment to the public interest.

2586 (f)-(6) Failure to report to the department within 30 days
 2587 the final disposition of an administrative action taken against
 2588 a salesperson by a governmental agency or other regulatory
 2589 agency in this state or any other state or jurisdiction relating
 2590 to the business of insurance, the sale of securities, or an
 2591 activity involving fraud, dishonesty, trustworthiness, or breach
 2592 of a fiduciary duty. The sales representative must submit a copy
 2593 of the order, consent to order, or other relevant legal
 2594 documents to the department ~~Being found guilty of or pleading~~
 2595 ~~guilty or nolo contendere to a felony or a crime punishable by~~
 2596 ~~imprisonment of 1 year or more under the law of the United~~
 2597 ~~States of America or any state thereof or under the law of any~~
 2598 ~~other country, without regard to whether a judgment of~~
 2599 ~~conviction has been entered by the court.~~

2600 (2) The department may adopt rules to administer this

2601 section.

2602 Section 51. Paragraphs (d), (e), and (f) of subsection
 2603 (17) of section 634.401, Florida Statutes, are amended to read:

2604 634.401 Definitions.—As used in this part, the term:

2605 (17) "Manufacturer" means any entity or its affiliate
 2606 which:

2607 ~~(d) Maintains outstanding debt obligations, if any, rated~~
 2608 ~~in the top four rating categories by a recognized rating~~
 2609 ~~service;~~

2610 (d)(e) Has and maintains at all times, a minimum net worth
 2611 of at least \$100 ~~\$10~~ million as evidenced by certified financial
 2612 statements prepared by an independent certified public
 2613 accountant in accordance with generally accepted accounting
 2614 principles; and

2615 (e)(f) Is authorized to do business in this state.

2616 Section 52. Paragraph (a) of subsection (7) of section
 2617 634.406, Florida Statutes, is amended to read:

2618 634.406 Financial requirements.—

2619 (7) An association licensed under this part and holding no
 2620 other license under part I or part II of this chapter is not
 2621 required to establish an unearned premium reserve or maintain
 2622 contractual liability insurance and may allow its premiums to
 2623 exceed the ratio to net assets limitation of this section if the
 2624 association complies with the following:

2625 (a) The association or, if the association is a direct or

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2626 indirect wholly owned subsidiary of a parent corporation, its
2627 parent corporation has, and maintains at all times, a minimum
2628 net worth of at least \$100 million and provides the office with
2629 the following:

2630 1. A copy of the association's annual audited financial
2631 statements or the audited consolidated financial statements of
2632 the association's parent corporation, prepared by an independent
2633 certified public accountant in accordance with generally
2634 accepted accounting principles, which clearly demonstrate the
2635 net worth of the association or its parent corporation to be
2636 \$100 million and a quarterly written certification to the office
2637 that such entity continues to maintain the net worth required
2638 under this paragraph.

2639 2. The association's, or its parent corporation's, Form
2640 10-K, Form 10-Q, or Form 20-F as filed with the United States
2641 Securities and Exchange Commission or such other documents
2642 required to be filed with a recognized stock exchange, which
2643 shall be provided on a quarterly and annual basis within 10 days
2644 after the last date each such report must be filed with the
2645 Securities and Exchange Commission, the National Association of
2646 Security Dealers Automated Quotation system, or other recognized
2647 stock exchange.

2648
2649 Failure to timely file the documents required under this
2650 paragraph may, at the discretion of the office, subject the

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2651 association to suspension or revocation of its license under
2652 this part. ~~An association or parent corporation demonstrating~~
2653 ~~compliance with subparagraphs 1. and 2. must maintain~~
2654 ~~outstanding debt obligations, if any, rated in the top four~~
2655 ~~rating categories by a recognized rating service.~~

2656 Section 53. Section 634.422, Florida Statutes, is amended
2657 to read:

2658 634.422 Grounds for compulsory refusal, suspension, or
2659 revocation of license or appointment of sales representatives.—

2660 (1) The department shall deny, suspend, revoke, or refuse
2661 to renew or continue the license or appointment of any sales
2662 representative if it is found that any one or more of the
2663 following grounds applicable to the sales representative exist:

2664 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2665 in obtaining or attempting to obtain a license or appointment.

2666 (b)~~(2)~~ The license or appointment is willfully used, or to
2667 be used, to circumvent any of the requirements or prohibitions
2668 of this part.

2669 (c)~~(3)~~ Willful misrepresentation of any service warranty
2670 contract or willful deception with regard to any such contract,
2671 done either in person or by any form of dissemination of
2672 information or advertising.

2673 (d)~~(4)~~ In the adjustment of claims arising out of
2674 warranties, material misrepresentation to a service warranty
2675 holder or other interested party of the terms and coverage of a

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2676 contract with the intent and for the purpose of effecting
2677 settlement of the claim on less favorable terms than those
2678 provided in and contemplated by the contract.

2679 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2680 engage in the business of service warranty.

2681 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
2682 technical competence to engage in the transactions authorized by
2683 the license or appointment.

2684 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2685 business under the license or appointment.

2686 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2687 withholding of moneys belonging to an association, insurer, or
2688 warranty holder, or to others, and received in the conduct of
2689 business under the license or appointment.

2690 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
2691 rebate, or unlawfully dividing, or offering to divide, her or
2692 his commission with another.

2693 (j)~~(10)~~ Willful failure to comply with, or willful
2694 violation of, any proper order or rule of the department or
2695 commission, or willful violation of any provision of this part.

2696 (k)~~(11)~~ Being found guilty of or pleading nolo contendere
2697 to a felony or a crime punishable by imprisonment of 1 year or
2698 more under the law of the United States of America or any state
2699 thereof or under the law of any other country ~~involving moral~~
2700 ~~turpitude~~, without regard to whether judgment of conviction has

2701 | been entered by the court having jurisdiction of the case.

2702 | (1) Having been the subject of, or having had a license,
2703 | permit, appointment, registration, or other authority to conduct
2704 | business subject to, any decision, finding, injunction,
2705 | suspension, prohibition, revocation, denial, judgment, final
2706 | agency action, or administrative order by any court of competent
2707 | jurisdiction, administrative law proceeding, state agency,
2708 | federal agency, national securities, commodities, or options
2709 | exchange, or national securities, commodities, or options
2710 | association involving a violation of any federal or state
2711 | securities or commodities law or any rule or regulation adopted
2712 | thereunder, or a violation of any rule or regulation of any
2713 | national securities, commodities, or options exchange or
2714 | national securities, commodities, or options association.

2715 | (2) When a licensee is charged with a felony enumerated in
2716 | s. 626.207(2), the department shall, immediately upon receipt of
2717 | information on or indictment for the felony, temporarily suspend
2718 | a license or appointment issued under this chapter. Such
2719 | suspension shall continue if the licensee is found guilty of, or
2720 | pleads guilty or nolo contendere to, the crime, regardless of
2721 | whether a judgment or conviction is entered, during a pending
2722 | appeal. A person may not transact insurance business after
2723 | suspension of his or her license or appointment.

2724 | (3) The department may adopt rules to administer this
2725 | section.

2726 Section 54. Section 634.423, Florida Statutes, is amended
 2727 to read:

2728 634.423 Grounds for discretionary refusal, suspension, or
 2729 revocation of license or appointment of sales representatives.—

2730 (1) The department may deny, suspend, revoke, or refuse to
 2731 renew or continue the license or appointment of any sales
 2732 representative if it is found that any one or more of the
 2733 following grounds applicable to the sales representative exist
 2734 under circumstances for which such denial, suspension,
 2735 revocation, or refusal is not mandatory under s. 634.422:

2736 (a)~~(1)~~ Any cause for which granting of the license or
 2737 appointment could have been refused had it then existed and been
 2738 known to the department.

2739 (b)~~(2)~~ Violation of any provision of this part, or of any
 2740 other law applicable to the business of service warranties, in
 2741 the course of dealings under the license or appointment.

2742 (c)~~(3)~~ Violation of any lawful order or rule of the
 2743 department or commission.

2744 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
 2745 service warranty association or insurer the sales representative
 2746 represents or has represented any money coming into her or his
 2747 hands which belongs to the association or insurer.

2748 (e)~~(5)~~ In the conduct of business under the license or
 2749 appointment, engaging in unfair methods of competition or in
 2750 unfair or deceptive acts or practices, as such methods, acts, or

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2751 practices are or may be defined under this part, or otherwise
2752 showing herself or himself to be a source of injury or loss to
2753 the public or detriment to the public interest.

2754 (f)(6) Failure to report to the department within 30 days
2755 the final disposition of an administrative action taken against
2756 a salesperson by a governmental agency or other regulatory
2757 agency in this state or any other state or jurisdiction relating
2758 to the business of insurance, the sale of securities, or an
2759 activity involving fraud, dishonesty, trustworthiness, or breach
2760 of a fiduciary duty. The sales representative must submit a copy
2761 of the order, consent to order, or other relevant legal
2762 documents to the department ~~Being found guilty of or pleading~~
2763 ~~guilty or nolo contendere to a felony or a crime punishable by~~
2764 ~~imprisonment of 1 year or more under the law of the United~~
2765 ~~States of America or any state thereof or under the law of any~~
2766 ~~other country, without regard to whether judgment of conviction~~
2767 ~~has been entered by the court having jurisdiction of such case.~~

2768 (2) The department may adopt rules to administer this
2769 section.

2770 Section 55. Section 648.25, Florida Statutes, is amended
2771 to read:

2772 648.25 Definitions.—As used in this chapter, the term:

2773 (1) "Appointment" means the authority given by an insurer
2774 or the managing general agent of an insurer through the
2775 department to a licensee to transact insurance or adjust claims

2776 | on behalf of the insurer or managing general agent.

2777 | (2)~~(1)~~ "Bail bond agency" means:

2778 | (a) The building where a licensee maintains an office and
2779 | where all records required by ss. 648.34 and 648.36 are
2780 | maintained; or

2781 | (b) An entity that:

2782 | 1. Charges a fee or premium to release an accused
2783 | defendant or detainee from jail; or

2784 | 2. Engages in or employs others to engage in any activity
2785 | that may be performed only by a licensed and appointed bail bond
2786 | agent.

2787 | (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a
2788 | professional bail bond agent as hereafter defined.

2789 | (4) "Insurer" means any domestic, foreign, or alien surety
2790 | company which has been authorized to transact surety business in
2791 | this state.

2792 | (5) "Limited surety agent" means any individual appointed
2793 | by an insurer by power of attorney to execute or countersign
2794 | bail bonds in connection with judicial proceedings who receives
2795 | or is promised money or other things of value therefor.

2796 | (6)~~(3)~~ "Managing general agent" means any individual,
2797 | partnership, association, or corporation appointed or employed
2798 | by an insurer to supervise or manage the bail bond business
2799 | written in this state by limited surety agents appointed by the
2800 | insurer.

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2801 (7)~~(6)~~ "Primary bail bond agent" means a licensed bail
2802 bond agent who is responsible for the overall operation and
2803 management of a bail bond agency location and whose
2804 responsibilities include hiring and supervising all individuals
2805 within that location. A bail bond agent may be designated as
2806 primary bail bond agent for only one bail bond agency location.

2807 (8)~~(7)~~ "Professional bail bond agent" means any person who
2808 pledges United States currency, United States postal money
2809 orders, or cashier's checks as security for a bail bond in
2810 connection with a judicial proceeding and receives or is
2811 promised therefor money or other things of value.

2812 (9)~~(8)~~ "Temporary bail bond agent" means a person licensed
2813 before January 1, 2024, who is employed by a bail bond agent or
2814 agency, insurer, or managing general agent, and such licensee
2815 has the same authority as a licensed bail bond agent, including
2816 presenting defendants in court; apprehending, arresting, and
2817 surrendering defendants to the proper authorities, while
2818 accompanied by a supervising bail bond agent or an agent from
2819 the same agency; and keeping defendants under necessary
2820 surveillance. However, a temporary licensee may not execute or
2821 sign bonds, handle collateral receipts, or deliver bonds to
2822 appropriate authorities. A temporary licensee may not operate an
2823 agency or branch agency separate from the location of the
2824 supervising bail bond agent, managing general agent, or insurer
2825 by whom the licensee is employed. This does not affect the right

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2826 of a bail bond agent or insurer to hire counsel or to obtain the
2827 assistance of law enforcement officers. A temporary bail bond
2828 agent license expires 18 months after issuance and is no longer
2829 valid on or after June 30, 2025.

2830 Section 56. Subsection (3) of section 648.26, Florida
2831 Statutes, is amended to read:

2832 648.26 Department of Financial Services; administration.—

2833 (3) The papers, documents, reports, or any other
2834 investigatory records of the department are confidential and
2835 exempt from ~~the provisions of~~ s. 119.07(1) until such
2836 investigation is completed or ceases to be active. For the
2837 purpose of this section, an investigation is considered active
2838 ~~"active"~~ while the investigation is being conducted by the
2839 department with a reasonable, good faith belief that it may lead
2840 to the filing of administrative, civil, or criminal proceedings.
2841 An investigation does not cease to be active if the department
2842 is proceeding with reasonable dispatch and there is good faith
2843 belief that action may be initiated by the department or other
2844 administrative or law enforcement agency. This subsection does
2845 not prevent the department or office from disclosing the content
2846 of a complaint or such information as it deems necessary to
2847 conduct the investigation, to update the complainant as to the
2848 status and outcome of the complaint, or to share such
2849 information with any law enforcement agency or other regulatory
2850 body.

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2851 Section 57. Subsection (5) of section 648.27, Florida
2852 Statutes, is amended to read:

2853 648.27 Licenses and appointments; general.—

2854 (5)~~(a)~~ The license of a bail bond agent shall continue in
2855 force, without further examination unless deemed necessary by
2856 the department, until suspended, revoked, or otherwise
2857 terminated.

2858 ~~(b) The license of a temporary bail bond agent shall~~
2859 ~~continue in force until suspended, revoked, or otherwise~~
2860 ~~terminated.~~

2861 Section 58. Section 648.285, Florida Statutes, is amended
2862 to read:

2863 648.285 Bond agency; ownership requirements; applications
2864 for bail bond agency licenses.—

2865 (1) A person may not own, control, manage, or otherwise
2866 have a pecuniary interest in a bail bond agency unless such
2867 individual is ~~a~~ licensed pursuant to s. 648.27, and appointed
2868 through the department, and actively engaged as a bail bond
2869 agent for at least the preceding 24 months. Any agency that is
2870 not in compliance with this subsection is ~~shall be~~ subject to
2871 the issuance of an immediate final order of suspension of its
2872 license and all operations until the agency achieves compliance.

2873 (2) The department may issue a bail bond agency license to
2874 any person only after such person files a written application
2875 with the department and qualifies for such license.

2876 (3) An application for a bail bond agency license must be
2877 signed by an individual required to be listed in the application
2878 under paragraph (a). A bail bond agency license may permit a
2879 third party to complete, submit, and sign an application on the
2880 bail bond agency's behalf; however, the bail bond agency is
2881 responsible for ensuring that the information on the application
2882 is true and correct, and the bail bond agency is accountable for
2883 any misstatements or misrepresentations. The application for a
2884 bail bond agency license must include:

2885 (a) The name and license number of each owner, partner,
2886 officer, director, president, senior vice president, secretary,
2887 treasurer, and limited liability company member who directs or
2888 participates in the management or control of the bail bond
2889 agency, whether through ownership of voting securities, by
2890 contract, by ownership of any agency bank account, or otherwise.

2891 (b) The residence address of each person required to be
2892 listed in the application under paragraph (a).

2893 (c) The name, principal business street address, and valid
2894 e-mail address of the bail bond agency and the name, address,
2895 and e-mail address of the agency's registered agent or person or
2896 company authorized to accept service on behalf of the bail bond
2897 agency.

2898 (d) The physical address of each branch bail bond agency,
2899 including its name, e-mail address, and telephone number, and
2900 the date that the branch location began transacting bail bond

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2901 business.

2902 (e) The name of the bail bond agent in full-time charge of
2903 the agency office, including branch locations, and his or her
2904 corresponding location.

2905 (f) The fingerprints, submitted in accordance with s.
2906 626.171(4), of each of the following:

2907 1. A sole proprietor.

2908 2. Each individual required to be listed in the
2909 application under paragraph (a).

2910 3. Each individual who directs or participates in the
2911 management or control of an incorporated agency whose shares are
2912 not traded on a securities exchange.

2913
2914 Fingerprints need not be filed for an individual who is
2915 currently licensed and appointed under this chapter. This
2916 paragraph does not apply to corporations whose voting shares are
2917 traded on a securities exchange.

2918 (g) Such additional information as the department requires
2919 by rule to ascertain the trustworthiness and competence of
2920 persons required to be listed on the application and to
2921 ascertain that such persons meet the requirements of this code.
2922 However, the department may not require that credit or character
2923 reports be submitted for persons required to be listed on the
2924 application.

2925 (4) The department must issue a license to each agency

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2926 upon approval of the application, and each agency location must
2927 display the license prominently in a manner that makes it
2928 clearly visible to any customer or potential customer who enters
2929 the agency location.

2930 (5) The provisions of s. 112.011 do not apply to bail bond
2931 agencies or to applicants for licensure as owners of bail bond
2932 agencies.

2933 ~~(2) If the owner of a bail bond agency dies or becomes~~
2934 ~~mentally incapacitated, a personal representative or legal~~
2935 ~~guardian may be issued a temporary permit to manage the affairs~~
2936 ~~of the bail bond agency. Such person must appoint or maintain~~
2937 ~~the appointment of a primary bail bond agent, as provided in s.~~
2938 ~~648.387, and may not engage in any activities as a licensed bail~~
2939 ~~bond agent but must comply with s. 648.387 during the~~
2940 ~~administration of the estate or guardianship. A temporary permit~~
2941 ~~is valid for a maximum of 24 months.~~

2942 ~~(3) Application for a temporary permit must be made by the~~
2943 ~~personal representative or legal guardian upon statements and~~
2944 ~~affidavits filed with the department on forms prescribed and~~
2945 ~~furnished by it. The applicant must meet the qualifications for~~
2946 ~~licensure as a bail bond agent, except for the residency,~~
2947 ~~examination, education, and experience requirements.~~

2948 Section 59. Subsection (1) of section 648.30, Florida
2949 Statutes, is amended to read:

2950 648.30 Licensure and appointment required; prohibited

2951 acts; penalties.-

2952 (1)(a) A person or entity may not act in the capacity of a
 2953 bail bond agent or ~~temporary~~ bail bond agency agent or perform
 2954 any of the functions, duties, or powers prescribed for bail bond
 2955 agents or ~~temporary~~ bail bond agencies agents under this chapter
 2956 unless that person or entity is qualified, licensed, and
 2957 appointed as provided in this chapter and employed by a bail
 2958 bond agency.

2959 (b) A bail bond agent may not sell a bail bond issued by
 2960 an insurer for which the agent and the agent's bail bond agency
 2961 do not hold a current appointment.

2962 (c) Except as otherwise provided in this part, a person or
 2963 entity, other than a bail bond agency or an employee of a bail
 2964 bond agency, may not perform any of the functions of a bail bond
 2965 agency without a bail bond agency license.

2966 Section 60. Section 648.31, Florida Statutes, is amended
 2967 to read:

2968 648.31 Appointment taxes and fees.-The department shall
 2969 collect in advance all appointment taxes and fees for the
 2970 issuance of any appointment to a bail bond agent or temporary
 2971 bail bond agency agent, as provided in s. 624.501.

2972 Section 61. Subsection (2) of section 648.34, Florida
 2973 Statutes, is amended to read:

2974 648.34 Bail bond agents; qualifications.-

2975 (2) To qualify as a bail bond agent, it must affirmatively

2976 appear at the time of application and throughout the period of
 2977 licensure that the applicant ~~has complied with the provisions of~~
 2978 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
 2979 ~~section and:~~

2980 (a) ~~The applicant~~ Is a natural person who has reached the
 2981 age of 18 years and holds a high school diploma or its
 2982 equivalent.

2983 (b) ~~The applicant~~ Is a United States citizen or legal
 2984 alien who possesses work authorization from the United States
 2985 Bureau of Citizenship and Immigration Services and is a resident
 2986 of this state. An individual who is a resident of this state
 2987 shall be deemed to meet the residence requirement of this
 2988 paragraph, notwithstanding the existence, at the time of
 2989 application for license, of a license in the applicant's name on
 2990 the records of another state as a resident licensee of such
 2991 other state, if the applicant furnishes a letter of clearance
 2992 satisfactory to the department that his or her resident licenses
 2993 have been canceled or changed to a nonresident basis and that he
 2994 or she is in good standing.

2995 (c) Will maintain his or her ~~The~~ place of business ~~of the~~
 2996 ~~applicant will be located~~ in this state and in the county where
 2997 the applicant will maintain his or her records and be actively
 2998 engaged in the bail bond business and work with a licensed
 2999 ~~maintain an~~ agency accessible to the public which is open for
 3000 reasonable business hours.

3001 (d) ~~The applicant~~ Is vouched for and recommended upon
 3002 sworn statements filed with the department by at least three
 3003 reputable citizens who are residents of the same counties in
 3004 which the applicant proposes to engage in the bail bond
 3005 business.

3006 (e) ~~The applicant~~ Is a person of high character and
 3007 approved integrity and has not been convicted of or pleaded
 3008 guilty or no contest to a felony, a crime involving moral
 3009 turpitude, or a crime punishable by imprisonment of 1 year or
 3010 more under the law of any state, territory, or country, whether
 3011 or not a judgment or conviction has been entered.

3012 (f) Within 2 years immediately before applying for the
 3013 license, has successfully completed a basic certification course
 3014 in the criminal justice system which consists of at least 120
 3015 hours of classroom instruction with a passing grade of 80
 3016 percent or higher and has successfully completed a
 3017 correspondence course for bail bond agents approved by the
 3018 department.

3019 (g) ~~(f)~~ ~~The applicant~~ Has passed any required examination.

3020 Section 62. Section 648.355, Florida Statutes, is amended
 3021 to read:

3022 648.355 ~~Temporary limited license as~~ Limited surety agents
 3023 and agent ~~or professional bail bond agents agent;~~ qualifications
 3024 pending examination.-

3025 (1) The department may, in its discretion, issue a

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3026 ~~temporary~~ license as a limited surety agent or professional bail
3027 bond agent, subject to the following conditions:

3028 (a) The applicant is a natural person at least 18 years of
3029 age and holds a high school diploma or its equivalent.

3030 (b) The applicant is a United States citizen or legal
3031 alien who possesses work authorization from the United States
3032 Bureau of Citizenship and Immigration Services and is a resident
3033 of this state. An individual who is a resident of this state
3034 shall be deemed to meet the residence requirement of this
3035 paragraph, notwithstanding the existence, at the time of
3036 application for a ~~temporary~~ license, of a license in the
3037 individual's name on the records of another state as a resident
3038 licensee of such other state, if the applicant furnishes a
3039 letter of clearance satisfactory to the department that the
3040 individual's resident licenses have been canceled or changed to
3041 a nonresident basis and that the individual is in good standing.

3042 (c) The applicant is a person of high character and
3043 approved integrity and has never been convicted of or pleaded
3044 guilty or no contest to a felony, a crime involving moral
3045 turpitude, or a crime punishable by imprisonment of 1 year or
3046 more under the law of any state, territory, or country, whether
3047 or not a judgment or conviction is entered.

3048 (d) Within 2 ~~4~~ years immediately preceding ~~prior to~~ the
3049 date of application for a ~~temporary~~ license, the applicant has
3050 successfully completed a basic certification course in the

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3051 criminal justice system, consisting of not less than 120 hours
3052 of classroom instruction with a passing grade of 80 percent or
3053 higher, and has successfully completed a correspondence course
3054 for bail bond agents approved by the department within the same
3055 time period.

3056 ~~(e) The applicant must be employed full time at the time~~
3057 ~~of licensure, and at all times throughout the existence of the~~
3058 ~~temporary license, by only one licensed and appointed~~
3059 ~~supervising bail bond agent, who supervises the work of the~~
3060 ~~applicant and is responsible for the licensee's conduct in the~~
3061 ~~bail bond business. The applicant must be appointed by the same~~
3062 ~~insurers as the supervising bail bond agent. The supervising~~
3063 ~~bail bond agent shall certify monthly to the department under~~
3064 ~~oath, on a form prescribed by the department, the names and~~
3065 ~~hours worked each week of all temporary bail bond agents. Filing~~
3066 ~~a false certification is grounds for the immediate suspension of~~
3067 ~~the license and imposition of a \$5,000 administrative fine. The~~
3068 ~~department may adopt rules that establish standards for the~~
3069 ~~employment requirements.~~

3070 (e)-(f) The application must be accompanied by an affidavit
3071 verifying proposed employment and a report as to the applicant's
3072 integrity and moral character on a form prescribed by the
3073 department and executed by the proposed employer.

3074 ~~(g) The applicant must file with the department statements~~
3075 ~~by at least three reputable citizens who are residents of the~~

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3076 | ~~same counties in which the applicant proposes to engage as a~~
3077 | ~~temporary licensee.~~

3078 | ~~(h) The applicant's employer is responsible for the bail~~
3079 | ~~bonding acts of any licensee under this section.~~

3080 | (2) All applicable license fees, as prescribed in s.
3081 | 624.501, must be paid before issuance of the ~~temporary~~ license.

3082 | ~~(3) The temporary license shall be effective for 18~~
3083 | ~~months, subject to earlier termination at the request of the~~
3084 | ~~employer or if suspended or revoked by the department.~~

3085 | (3)~~(4)~~ The applicant shall furnish, with the application
3086 | for ~~temporary~~ license, a complete set of the applicant's
3087 | fingerprints in accordance with s. 626.171(4) and a recent
3088 | credential-sized, fullface photograph of the applicant. The
3089 | department may ~~shall~~ not issue a ~~temporary~~ license under this
3090 | section until the department has received a report from the
3091 | Department of Law Enforcement and the Federal Bureau of
3092 | Investigation relative to the existence or nonexistence of a
3093 | criminal history report based on the applicant's fingerprints.

3094 | (4)~~(5)~~ The department may collect a fee necessary to cover
3095 | the cost of a character and credit report made by an established
3096 | and reputable independent reporting service. The fee shall be
3097 | deposited to the credit of the Insurance Regulatory Trust Fund.

3098 | (5)~~(6)~~ Effective July 1, 2023, any individual licensed by
3099 | the department as a temporary bail bond agent may take the
3100 | required bail bond agent's licensure examination and may file an

3101 application for a bail bond agent's license if otherwise
3102 qualified for licensure ~~After licensure as a temporary licensee~~
3103 ~~for at least 12 months, such licensee may file an application~~
3104 ~~for and become eligible for a regular bail bond agent's license~~
3105 ~~based on the licensee's experience in the bail bond business and~~
3106 ~~education pursuant to paragraph (1) (d) and, if otherwise~~
3107 ~~qualified, take the required bail bond agent's licensure~~
3108 ~~examination. The applicant and supervising bail bond agent must~~
3109 ~~each file an affidavit under oath, on a form prescribed by the~~
3110 ~~department, verifying the required employment of the temporary~~
3111 ~~agent before issuance of the license.~~

3112 ~~(7) In no event shall a temporary licensee licensed under~~
3113 ~~this section perform any of the functions for which a bail bond~~
3114 ~~agent's license is required after expiration of the temporary~~
3115 ~~license without having passed the written examination as for a~~
3116 ~~regular bail bond agent's license.~~

3117 ~~(8)(a) A temporary licensee has the same authority as a~~
3118 ~~licensed bail bond agent, including presenting defendants in~~
3119 ~~court, apprehending, arresting, and surrendering defendants to~~
3120 ~~the proper authorities; and keeping defendants under necessary~~
3121 ~~surveillance. However, a temporary licensee must be accompanied~~
3122 ~~by a supervising bail bond agent or an agent from the same~~
3123 ~~agency when apprehending, arresting, or surrendering defendants~~
3124 ~~to authorities.~~

3125 ~~(b) A temporary licensee may not execute or sign bonds,~~

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3126 ~~handle collateral receipts, deliver bonds to appropriate~~
3127 ~~authorities, or operate an agency or branch agency separate from~~
3128 ~~the location of the supervising bail bond agent, managing~~
3129 ~~general agent, or insurer by whom the licensee is employed.~~

3130 (6)(9) Effective July 1, 2023, the department may not
3131 issue a temporary bail bond agent's license. An individual
3132 currently licensed as a temporary bail bond agent may continue
3133 to be licensed in accordance with this chapter. A temporary bail
3134 bond agent's license may not be reinstated if the license
3135 expires or is terminated, suspended, or revoked ~~The department~~
3136 ~~shall not issue a temporary bail bond agent's license to any~~
3137 ~~individual who has held such a temporary license in this state~~
3138 ~~within 2 years after the expiration of such temporary bail bond~~
3139 ~~agent's license.~~

3140 Section 63. Subsections (1) through (4) of section
3141 648.382, Florida Statutes, are amended to read:

3142 648.382 Appointment of bail bond agents ~~and temporary bail~~
3143 ~~bond agents; effective date of appointment.-~~

3144 (1) Each insurer or ~~appointing a bail bond agent and each~~
3145 ~~insurer,~~ managing general agent, ~~or bail bond agent~~ appointing a
3146 ~~temporary~~ bail bond agent or bail bond agency in this state must
3147 file the appointment with the department and, at the same time,
3148 pay the applicable appointment fees and taxes. A person
3149 appointed under this section must hold a valid bail bond agent's
3150 or ~~temporary~~ bail bond agency's ~~agent's~~ license.

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3151 (2) Before ~~Prior~~ to any appointment, an appropriate
3152 officer or official of the appointing insurer ~~in the case of a~~
3153 ~~bail bond agent or an insurer, managing general agent, or bail~~
3154 ~~bond agent in the case of a temporary bail bond agent~~ must
3155 submit:

3156 (a) A certified statement or affidavit to the department
3157 stating what investigation has been made concerning the proposed
3158 appointee and the proposed appointee's background and the
3159 appointing person's opinion to the best of his or her knowledge
3160 and belief as to the moral character and reputation of the
3161 proposed appointee. In lieu of such certified statement or
3162 affidavit, by authorizing the effectuation of an appointment for
3163 a licensee, the appointing entity certifies to the department
3164 that such investigation has been made and that the results of
3165 the investigation and the appointing person's opinion is that
3166 the proposed appointee is a person of good moral character and
3167 reputation and is fit to engage in the bail bond business;

3168 (b) An affidavit under oath on a form prescribed by the
3169 department, signed by the proposed appointee, stating that
3170 premiums are not owed to any insurer and that the appointee will
3171 discharge all outstanding forfeitures and judgments on bonds
3172 previously written. If the appointee does not satisfy or
3173 discharge such forfeitures or judgments, the former insurer
3174 shall file a notice, with supporting documents, with the
3175 appointing insurer, the former agent or agency, and the

3176 department, stating under oath that the licensee has failed to
 3177 timely satisfy forfeitures and judgments on bonds written and
 3178 that the insurer has satisfied the forfeiture or judgment from
 3179 its own funds. Upon receipt of such notification and supporting
 3180 documents, the appointing insurer shall immediately cancel the
 3181 licensee's appointment. The licensee may be reappointed only
 3182 upon certification by the former insurer that all forfeitures
 3183 and judgments on bonds written by the licensee have been
 3184 discharged. The appointing insurer or former agent or agency
 3185 may, within 10 days, file a petition with the department seeking
 3186 relief from this paragraph. Filing of the petition stays the
 3187 duty of the appointing insurer to cancel the appointment until
 3188 the department grants or denies the petition; and

3189 (c) Any other information that the department reasonably
 3190 requires concerning the proposed appointee.

3191 (3) By authorizing the effectuation of an appointment for
 3192 a licensee, the appointing insurer certifies to the department
 3193 that the insurer will be bound by the acts of the bail bond
 3194 agent or bail bond agency acting within the scope of the agent's
 3195 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
 3196 ~~temporary bail bond agent, the appointing insurer, managing~~
 3197 ~~general agent, or bail bond agent, as the case may be, must~~
 3198 ~~certify to the department that he or she will supervise the~~
 3199 ~~temporary bail bond agent's activities.~~

3200 (4) Each appointing insurer or ~~managing~~ general agent, ~~or~~

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3201 ~~bail bond agent~~ must advise the department in writing within 5
 3202 days after receiving notice or learning that an appointee has
 3203 been arrested for, pled guilty or nolo contendere to, or been
 3204 found guilty of, a felony or other offense punishable by
 3205 imprisonment of 1 year or more under the law of any
 3206 jurisdiction, whether judgment was entered or withheld by the
 3207 court.

3208 Section 64. Subsections (1) through (4) of section
 3209 648.386, Florida Statutes, are renumbered as subsections (2)
 3210 through (5), respectively, present subsection (2) of that
 3211 section is amended, and a new subsection (1) is added to that
 3212 section, to read:

3213 648.386 Qualifications for prelicensing and continuing
 3214 education schools and instructors.—

3215 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
 3216 section, the term "classroom instruction" means a course
 3217 designed to be presented to a group of students by a live
 3218 instructor using lecture, video, webcast, or virtual or other
 3219 audio-video presentation.

3220 (3)~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
 3221 SCHOOLS.—In order to be considered for approval and
 3222 certification as an approved limited surety agent and
 3223 professional bail bond agent continuing education school, such
 3224 entity must:

3225 (a) Provide a minimum of three classroom-instruction

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3226 continuing education classes per calendar year.

3227 (b) Submit a course curriculum to the department for
3228 approval.

3229 (c) Offer continuing education classes that comprise ~~which~~
3230 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
3231 instruction coursework and are taught by an approved supervising
3232 instructor or guest lecturer approved by the entity or the
3233 supervising instructor.

3234 Section 65. Section 648.3875, Florida Statutes, is created
3235 to read:

3236 648.3875 Primary bail bond agents; qualifications.-

3237 (1) An application for designation as a primary bail bond
3238 agent must be submitted on forms prescribed by the department.
3239 The application must include the applicant's full name and the
3240 number and date of issuance of the applicant's license issued
3241 pursuant to s. 648.27.

3242 (2) To qualify as a primary bail bond agent, it must
3243 affirmatively appear that, at the time of application and
3244 throughout the period of licensure, the applicant has complied
3245 with s. 648.285 and that the applicant has been licensed as a
3246 bail bond agent for the 24 months immediately preceding the
3247 appointment as a primary bail bond agent.

3248 Section 66. Section 648.39, Florida Statutes, is amended
3249 to read:

3250 648.39 Termination of appointment of managing general

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3251 agents, bail bond agents, and ~~temporary~~ bail bond agencies
 3252 ~~agents.~~—

3253 (1) An insurer that ~~who~~ terminates the appointment of a
 3254 managing general agent, bail bond agent, or ~~temporary~~ bail bond
 3255 agency agent shall, within 10 days after such termination, file
 3256 written notice thereof with the department together with a
 3257 statement that it has given or mailed notice to the terminated
 3258 agent or agency. Such notice filed with the department must
 3259 state the reasons, if any, for such termination. Information so
 3260 furnished to the department is confidential and exempt from ~~the~~
 3261 ~~provisions of~~ s. 119.07(1).

3262 (2) Each insurer shall, within 5 days after terminating
 3263 the appointment of any managing general agent, bail bond agent,
 3264 or ~~temporary~~ bail bond agency agent, give written notice thereof
 3265 to each clerk of the circuit court and sheriff with whom such
 3266 person is registered.

3267 (3) An insurer that terminates the appointment of a
 3268 managing general agent, bail bond agent, or ~~temporary~~ bail bond
 3269 agency agent may authorize such person to continue to attempt
 3270 the arrest and surrender of a defendant for whom a surety bond
 3271 had been written by the bail bond agent or bail bond agency
 3272 before ~~prior to~~ termination and to seek discharge of forfeitures
 3273 and judgments as provided in chapter 903.

3274 Section 67. Section 648.41, Florida Statutes, is repealed.

3275 Section 68. Section 648.42, Florida Statutes, is amended

3276 to read:

3277 648.42 Registration of bail bond agents.—A bail bond agent
 3278 may not become a surety on an undertaking unless he or she has
 3279 registered in the office of the sheriff and with the clerk of
 3280 the circuit court in the county in which the bail bond agent
 3281 resides. The bail bond agent may register in a like manner in
 3282 any other county, and any bail bond agent shall file a certified
 3283 copy of his or her appointment by power of attorney from each
 3284 insurer which he or she represents as a bail bond agent with
 3285 each of such officers. Registration and filing of a certified
 3286 copy of renewed power of attorney shall be performed by April 1
 3287 of each odd-numbered year. The clerk of the circuit court and
 3288 the sheriff may ~~shall~~ not permit the registration of a bail bond
 3289 agent unless such bail bond agent is currently licensed by the
 3290 department and appointed by an insurer ~~the department~~. ~~Nothing~~
 3291 ~~in this section shall prevent the registration of a temporary~~
 3292 ~~licensee at the jail for the purposes of enabling the licensee~~
 3293 ~~to perform the duties under such license as set forth in this~~
 3294 ~~chapter.~~

3295 Section 69. Subsections (1) and (2) and paragraphs (c) and
 3296 (d) of subsection (8) of section 648.44, Florida Statutes, are
 3297 amended to read:

3298 648.44 Prohibitions; penalty.—

3299 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
 3300 may not:

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3301 (a) Suggest or advise the employment of, or name for
3302 employment, any particular attorney or attorneys to represent
3303 his or her principal.

3304 (b) Directly or indirectly solicit business in or on the
3305 property or grounds of a jail, prison, or other place where
3306 prisoners are confined or in or on the property or grounds of
3307 any court. The term "solicitation" includes the distribution of
3308 business cards, print advertising, or other written or oral
3309 information directed to prisoners or potential indemnitors,
3310 unless a request is initiated by the prisoner or a potential
3311 indemnitor. Permissible print advertising in the jail is
3312 strictly limited to a listing in a telephone directory and the
3313 posting of the bail bond agent's or agency's name, address, e-
3314 mail address, web address, and telephone number in a designated
3315 location within the jail.

3316 (c) Initiate in-person or telephone solicitation after
3317 9:00 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
3318 ~~cases,~~ at the residence of the detainee or the detainee's
3319 family. Any solicitation ~~not prohibited by this chapter~~ must
3320 comply with the telephone solicitation requirements in ss.
3321 501.059(2) and (4), 501.613, and 501.616(6).

3322 (d) Wear or display any identification other than the
3323 department issued or approved license or approved department
3324 identification, which includes a citation of the licensee's
3325 arrest powers, in or on the property or grounds of a jail,

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3326 | prison, or other place where prisoners are confined or in or on
3327 | the property or grounds of any court.

3328 | (e) Pay a fee or rebate or give or promise anything of
3329 | value to a jailer, police officer, peace officer, or committing
3330 | trial court judge or any other person who has power to arrest or
3331 | to hold in custody or to any public official or public employee
3332 | in order to secure a settlement, compromise, remission, or
3333 | reduction of the amount of any bail bond or estreatment thereof.

3334 | (f) Pay a fee or rebate or give anything of value to an
3335 | attorney in a bail bond matter, except in defense of any action
3336 | on a bond.

3337 | (g) Pay a fee or rebate or give or promise anything of
3338 | value to the principal or anyone in his or her behalf.

3339 | (h) Participate in the capacity of an attorney at a trial
3340 | or hearing of one on whose bond he or she is surety.

3341 | (i) Loiter in or about a jail, courthouse, or where
3342 | prisoners are confined.

3343 | (j) Accept anything of value from a principal for
3344 | providing a bail bond except the premium and transfer fee
3345 | authorized by the office, except that the bail bond agent or
3346 | bail bond agency may accept collateral security or other
3347 | indemnity from the principal or another person in accordance
3348 | with ~~the provisions of~~ s. 648.442, together with documentary
3349 | stamp taxes, if applicable. No fees, expenses, or charges of any
3350 | kind shall be permitted to be deducted from the collateral held

3351 or any return premium due, except as authorized by this chapter
 3352 or rule of the department or commission. A bail bond agent or
 3353 bail bond agency may, upon written agreement with another party,
 3354 receive a fee or compensation for returning to custody an
 3355 individual who has fled the jurisdiction of the court or caused
 3356 the forfeiture of a bond.

3357 (k) Write more than one power of attorney per charge on a
 3358 bond, except in the case of a cosurety, unless the power of
 3359 attorney prohibits a cosurety.

3360 (l) Execute a bond in this state on his or her own behalf.

3361 (m) Execute a bond in this state if a judgment has been
 3362 entered on a bond executed by the bail bond agent or bail bond
 3363 agency, which has remained unpaid for 35 days, unless the full
 3364 amount of the judgment is deposited with the clerk in accordance
 3365 with s. 903.27(5).

3366 (n) Make a statement or representation to a court, unless
 3367 such statement or representation is under oath. Such statement
 3368 or representation may not be false, misleading, or deceptive.

3369 (o) Attempt to collect, through threat or coercion,
 3370 amounts due for the payment of any indebtedness related to the
 3371 issuance of a bail bond in violation of s. 559.72.

3372 (p) Conduct bail bond business with any person, other than
 3373 the defendant, on the grounds of the jail or courthouse for the
 3374 purpose of executing a bond.

3375 (2) The following persons or classes may ~~shall~~ not be bail

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3376 bond agents, ~~temporary bail bond agents,~~ or employees of a bail
 3377 bond agent or a bail bond agency business and may ~~shall~~ not
 3378 directly or indirectly receive any benefits from the execution
 3379 of any bail bond:

3380 (a) Jailers or persons employed in any jail.

3381 (b) Police officers or employees of any police department
 3382 or law enforcement agency.

3383 (c) Committing trial court judges, employees of a court,
 3384 or employees of the clerk of any court.

3385 (d) Sheriffs and deputy sheriffs or employees of any
 3386 sheriff's department.

3387 (e) Attorneys.

3388 (f) Persons having the power to arrest or persons who have
 3389 authority over or control of federal, state, county, or
 3390 municipal prisoners.

3391 (8)

3392 (c) Any law enforcement agency, state attorney's office,
 3393 court clerk, or insurer that is aware that a bail bond agent ~~or~~
 3394 ~~temporary bail bond agent~~ has been convicted of or who has
 3395 pleaded guilty or no contest to a crime as described in
 3396 paragraph (a) shall notify the department of this fact.

3397 (d) Upon the filing of an information or indictment
 3398 against a bail bond agent ~~or temporary bail bond agent,~~ the
 3399 state attorney or clerk of the circuit court shall immediately
 3400 furnish the department a certified copy of the information or

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3401 indictment.

3402 Section 70. Subsection (1) of section 648.441, Florida
 3403 Statutes, is amended to read:

3404 648.441 Furnishing supplies to unlicensed bail bond agent
 3405 prohibited; civil liability and penalty.—

3406 (1) An insurer, managing general agent, bail bond agent,
 3407 or ~~temporary~~ bail bond agency ~~agent~~ appointed under this chapter
 3408 may not furnish to any person any blank forms, applications,
 3409 stationery, business card, or other supplies to be used in
 3410 soliciting, negotiating, or effecting bail bonds until such
 3411 person has received from the department a license to act as a
 3412 bail bond agent and is appointed by the insurer. This section
 3413 does not prohibit an unlicensed employee, under the direct
 3414 supervision and control of a licensed and appointed bail bond
 3415 agent, from possessing or executing in the bail bond agency, any
 3416 forms, except for powers of attorney, bond forms, and collateral
 3417 receipts, while acting within the scope of his or her
 3418 employment.

3419 Section 71. Section 648.50, Florida Statutes, is amended
 3420 to read:

3421 648.50 Effect of suspension, revocation upon associated
 3422 licenses and licensees.—

3423 (1) Upon the suspension, revocation, or refusal to renew
 3424 or continue any license or appointment or the eligibility to
 3425 hold a license or appointment of a bail bond agent or ~~temporary~~

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3426 | bail bond agency agent, the department shall at the same time
3427 | likewise suspend or revoke all other licenses or appointments
3428 | and the eligibility to hold any other such licenses or
3429 | appointments which may be held by the licensee under the Florida
3430 | Insurance Code.

3431 | (2) In case of the suspension or revocation of the license
3432 | or appointment, or the eligibility to hold a license or
3433 | appointment, of any bail bond agent, the license, appointment,
3434 | or eligibility of any and all bail bond agents who are members
3435 | of a bail bond agency, whether incorporated or unincorporated,
3436 | ~~and any and all temporary bail bond agents employed by such bail~~
3437 | ~~bond agency,~~ who knowingly are parties to the act which formed
3438 | the ground for the suspension or revocation may likewise be
3439 | suspended or revoked.

3440 | (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
3441 | ~~temporary bail bond agent~~ has been revoked or suspended may not
3442 | ~~shall~~ be employed by any bail bond agent, have any ownership
3443 | interest in any business involving bail bonds, or have any
3444 | financial interest of any type in any bail bond business during
3445 | the period of revocation or suspension.

3446 | Section 72. Section 651.123, Florida Statutes, is
3447 | repealed.

3448 | Section 73. Paragraph (a) of subsection (4) of section
3449 | 843.021, Florida Statutes, is amended to read:

3450 | 843.021 Unlawful possession of a concealed handcuff key.—

3451 (4) (a) It is a defense to a charge of violating this
 3452 section that the person in custody and in possession of a
 3453 concealed handcuff key is:

3454 1. A federal, state, or local law enforcement officer,
 3455 including a reserve or auxiliary officer, a licensed security
 3456 officer, or a private investigator as defined in s. 493.6101; or

3457 2. A professional bail bond agent, ~~temporary bail bond~~
 3458 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3459 Section 74. Section 903.28, Florida Statutes, is amended
 3460 to read:

3461 903.28 Remission of forfeiture; conditions.—

3462 (1) On application within 2 years from forfeiture, the
 3463 court shall order remission of the forfeiture if it determines
 3464 that there was no breach of the bond.

3465 (2) If the defendant surrenders or is apprehended or
 3466 deceased within 90 days after forfeiture, the court, on motion
 3467 at a hearing upon notice having been given to the clerk of the
 3468 circuit court and the state attorney as required in subsection
 3469 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 100
 3470 percent of a forfeiture if the surety apprehended and
 3471 surrendered the defendant or if the apprehension or surrender of
 3472 the defendant was substantially procured or caused by the
 3473 surety; ~~or~~ if the surety has substantially attempted to procure or
 3474 cause the apprehension or surrender of the defendant; or the
 3475 defendant is deceased, ~~and the delay has not thwarted the proper~~

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3476 ~~prosecution of the defendant.~~ In addition, remission shall be
3477 granted when the surety did not substantially participate or
3478 attempt to participate in the apprehension or surrender of the
3479 defendant when the costs of returning the defendant to the
3480 jurisdiction of the court, as provided in s. 903.21(3), have
3481 been deducted from the remission ~~and when the delay has not~~
3482 ~~thwarted the proper prosecution of the defendant.~~

3483 (3) If the defendant surrenders or is apprehended or
3484 deceased within 180 days after forfeiture, the court, on motion
3485 at a hearing upon notice having been given to the clerk of the
3486 circuit court and the state attorney as required in subsection
3487 (9) (8), shall direct remission of ~~up to, but not more than,~~ 95
3488 percent of a forfeiture if the surety apprehended and
3489 surrendered the defendant or if the apprehension or surrender of
3490 the defendant was substantially procured or caused by the
3491 surety; ~~or~~ or the surety has substantially attempted to procure or
3492 cause the apprehension or surrender of the defendant; or the
3493 defendant is deceased, ~~and the delay has not thwarted the proper~~
3494 ~~prosecution of the defendant.~~ In addition, remission shall be
3495 granted when the surety did not substantially participate or
3496 attempt to participate in the apprehension or surrender of the
3497 defendant when the costs of returning the defendant to the
3498 jurisdiction of the court, as provided in s. 903.21(3), have
3499 been deducted from the remission ~~and when the delay has not~~
3500 ~~thwarted the proper prosecution of the defendant.~~

3501 (4) If the defendant surrenders or is apprehended or
 3502 deceased within 270 days after forfeiture, the court, on motion
 3503 at a hearing upon notice having been given to the clerk of the
 3504 circuit court and the state attorney as required in subsection
 3505 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 90
 3506 percent of a forfeiture if the surety apprehended and
 3507 surrendered the defendant or if the apprehension or surrender of
 3508 the defendant was substantially procured or caused by the
 3509 surety; ~~or the surety has substantially attempted to procure or~~
 3510 cause the apprehension or surrender of the defendant; or the
 3511 defendant is deceased, ~~and the delay has not thwarted the proper~~
 3512 ~~prosecution of the defendant.~~ In addition, remission shall be
 3513 granted when the surety did not substantially participate or
 3514 attempt to participate in the apprehension or surrender of the
 3515 defendant when the costs of returning the defendant to the
 3516 jurisdiction of the court, as provided in s. 903.21(3), have
 3517 been deducted from the remission ~~and when the delay has not~~
 3518 ~~thwarted the proper prosecution of the defendant.~~

3519 (5) If the defendant surrenders or is apprehended or
 3520 deceased within 1 year after forfeiture, the court, on motion at
 3521 a hearing upon notice having been given to the clerk of the
 3522 circuit court and the state attorney as required in subsection
 3523 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 85
 3524 percent of a forfeiture if the surety apprehended and
 3525 surrendered the defendant or if the apprehension or surrender of

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3526 | the defendant was substantially procured or caused by the
3527 | surety; ~~or the surety has substantially attempted to procure or~~
3528 | cause the apprehension or surrender of the defendant; or the
3529 | defendant is deceased, ~~and the delay has not thwarted the proper~~
3530 | ~~prosecution of the defendant.~~ In addition, remission shall be
3531 | granted when the surety did not substantially participate or
3532 | attempt to participate in the apprehension or surrender of the
3533 | defendant when the costs of returning the defendant to the
3534 | jurisdiction of the court, as provided in s. 903.21(3), have
3535 | been deducted from the remission ~~and when the delay has not~~
3536 | ~~thwarted the proper prosecution of the defendant.~~

3537 | (6) If the defendant surrenders or is apprehended or
3538 | deceased within 2 years after forfeiture, the court, on motion
3539 | at a hearing upon notice having been given to the clerk of the
3540 | circuit court and the state attorney as required in subsection
3541 | (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 50
3542 | percent of a forfeiture if the surety apprehended and
3543 | surrendered the defendant or if the apprehension or surrender of
3544 | the defendant was substantially procured or caused by the
3545 | surety; ~~or the surety has substantially attempted to procure or~~
3546 | cause the apprehension or surrender of the defendant; or the
3547 | defendant is deceased, ~~and the delay has not thwarted the proper~~
3548 | ~~prosecution of the defendant.~~ In addition, remission shall be
3549 | granted when the surety did not substantially participate or
3550 | attempt to participate in the apprehension or surrender of the

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3551 defendant when the costs of returning the defendant to the
3552 jurisdiction of the court, as provided in s. 903.21(3), have
3553 been deducted from the remission ~~and when the delay has not~~
3554 ~~thwarted the proper prosecution of the defendant.~~

3555 (7) Within 2 years after the date of forfeiture, if the
3556 state is unwilling to seek extradition of the defendant from any
3557 jail or prison after a request by the surety agent or the surety
3558 company, and contingent upon the surety agent or surety company
3559 consenting to pay all costs incurred by an official in returning
3560 the defendant to the jurisdiction of the court, as provided in
3561 s. 903.21(3), up to the penal amount of the bond, the court
3562 shall direct remission of 100 percent of the forfeiture.

3563 (8) The remission of a forfeiture may not be ordered for
3564 any reason other than as specified herein.

3565 (9)~~(8)~~ An application for remission must be accompanied by
3566 affidavits setting forth the facts on which it is founded;
3567 however, the surety must establish by further documentation or
3568 other evidence any claimed attempt at procuring or causing the
3569 apprehension or surrender of the defendant before the court may
3570 order remission based upon an attempt to procure or cause such
3571 apprehension or surrender. The clerk of the circuit court and
3572 the state attorney must be given 20 days' notice before a
3573 hearing on an application and be furnished copies of all papers,
3574 applications, and affidavits. Remission shall be granted on the
3575 condition of payment of costs, as provided in s. 903.21(3),

3576 unless the ground for remission is that there was no breach of
3577 the bond.

3578 (10)~~(9)~~ The clerk of the circuit court may enter into a
3579 contract with a private attorney or into an interagency
3580 agreement with a governmental agency to represent the clerk of
3581 the court in an action for the remission of a forfeiture under
3582 this section.

3583 (11)~~(10)~~ The clerk of the circuit court is the real party
3584 in interest for all appeals arising from an action for the
3585 remission of a forfeiture under this section.

3586 Section 75. Paragraph (b) of subsection (6) of section
3587 28.2221, Florida Statutes, is amended to read:

3588 28.2221 Electronic access to official records.—

3589 (6)

3590 (b)1. For the purpose of conducting a title search, as
3591 defined in s. 627.7711(4), of the Official Records, as described
3592 in s. 28.222(2), and upon presentation of photo identification
3593 and affirmation by sworn affidavit consistent with s. 92.50 to
3594 the county recorder, information restricted from public display,
3595 inspection, or copying under paragraph (5)(a) pursuant to a
3596 request for removal made under s. 119.071(4)(d) may be disclosed
3597 to:

3598 a. A title insurer authorized pursuant to s. 624.401 and
3599 its affiliates as defined in s. 624.10;

3600 b. A title insurance agent or title insurance agency as

3601 these terms are defined in s. 626.841 ~~s. 626.841(1) and (2),~~
3602 ~~respectively; or~~

3603 c. An attorney duly admitted to practice law in this state
3604 and in good standing with The Florida Bar.

3605 2. The photo identification and affirmation by sworn
3606 affidavit may be delivered in person, by mail, or by electronic
3607 transmission to the county recorder.

3608 3. The affiant requestor must attest to his or her
3609 authority and the authorized purpose to access exempt
3610 information pursuant to this section for the property specified
3611 within the sworn affidavit.

3612 4. The affiant requestor must identify the Official
3613 Records book and page number, instrument number, or the clerk's
3614 file number for each document requested within the sworn
3615 affidavit and must include a description of the lawful purpose
3616 and identify the individual or property that is the subject of
3617 the search within the sworn affidavit.

3618 5. Affidavits submitted by a title insurer, title
3619 insurance agent, or title insurance agency must include the
3620 Florida Company Code or the license number, as applicable, and
3621 an attestation to the affiant requestor's authorization to
3622 transact business in this state. Affidavits submitted by an
3623 attorney authorized under this section must include the affiant
3624 requestor's Florida Bar number and a statement that the affiant
3625 requestor has an agency agreement with a title insurer directly

3626 or through his or her law firm.

3627 6. The county recorder must record such affidavit in the
3628 Official Records, as described in s. 28.222(2), but may not
3629 place the image or copy of the affidavit on a publicly available
3630 Internet website for general public display.

3631 7. Upon providing a document disclosing redacted
3632 information to an affiant requestor under this section, the
3633 county recorder must provide a copy of the affidavit requesting
3634 disclosure of the redacted information to each affected party at
3635 the address listed on the document or on the request for removal
3636 made by the affected party under s. 119.071. The county recorder
3637 must prepare a certificate of mailing to be affixed to the
3638 affidavit and must receive the statutory service charges as
3639 prescribed by s. 28.24 from the affiant requestor.

3640 8. Any party making a false attestation under this section
3641 is subject to the penalty of perjury under s. 837.012.

3642 Section 76. Paragraph (d) of subsection (4) of section
3643 119.071, Florida Statutes, is amended to read:

3644 119.071 General exemptions from inspection or copying of
3645 public records.—

3646 (4) AGENCY PERSONNEL INFORMATION.—

3647 (d)1. For purposes of this paragraph, the term:

3648 a. "Home addresses" means the dwelling location at which
3649 an individual resides and includes the physical address, mailing
3650 address, street address, parcel identification number, plot

3651 identification number, legal property description, neighborhood
3652 name and lot number, GPS coordinates, and any other descriptive
3653 property information that may reveal the home address.

3654 b. "Telephone numbers" includes home telephone numbers,
3655 personal cellular telephone numbers, personal pager telephone
3656 numbers, and telephone numbers associated with personal
3657 communications devices.

3658 2.a. The home addresses, telephone numbers, dates of
3659 birth, and photographs of active or former sworn law enforcement
3660 personnel or of active or former civilian personnel employed by
3661 a law enforcement agency, including correctional and
3662 correctional probation officers, personnel of the Department of
3663 Children and Families whose duties include the investigation of
3664 abuse, neglect, exploitation, fraud, theft, or other criminal
3665 activities, personnel of the Department of Health whose duties
3666 are to support the investigation of child abuse or neglect, and
3667 personnel of the Department of Revenue or local governments
3668 whose responsibilities include revenue collection and
3669 enforcement or child support enforcement; the names, home
3670 addresses, telephone numbers, photographs, dates of birth, and
3671 places of employment of the spouses and children of such
3672 personnel; and the names and locations of schools and day care
3673 facilities attended by the children of such personnel are exempt
3674 from s. 119.07(1) and s. 24(a), Art. I of the State
3675 Constitution.

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3676 b. The home addresses, telephone numbers, dates of birth,
3677 and photographs of current or former nonsworn investigative
3678 personnel of the Department of Financial Services whose duties
3679 include the investigation of fraud, theft, workers' compensation
3680 coverage requirements and compliance, other related criminal
3681 activities, or state regulatory requirement violations; the
3682 names, home addresses, telephone numbers, dates of birth, and
3683 places of employment of the spouses and children of such
3684 personnel; and the names and locations of schools and day care
3685 facilities attended by the children of such personnel are exempt
3686 from s. 119.07(1) and s. 24(a), Art. I of the State
3687 Constitution.

3688 c. The home addresses, telephone numbers, dates of birth,
3689 and photographs of current or former nonsworn investigative
3690 personnel of the Office of Financial Regulation's Bureau of
3691 Financial Investigations whose duties include the investigation
3692 of fraud, theft, other related criminal activities, or state
3693 regulatory requirement violations; the names, home addresses,
3694 telephone numbers, dates of birth, and places of employment of
3695 the spouses and children of such personnel; and the names and
3696 locations of schools and day care facilities attended by the
3697 children of such personnel are exempt from s. 119.07(1) and s.
3698 24(a), Art. I of the State Constitution.

3699 d. The home addresses, telephone numbers, dates of birth,
3700 and photographs of current or former firefighters certified in

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3701 compliance with s. 633.408; the names, home addresses, telephone
3702 numbers, photographs, dates of birth, and places of employment
3703 of the spouses and children of such firefighters; and the names
3704 and locations of schools and day care facilities attended by the
3705 children of such firefighters are exempt from s. 119.07(1) and
3706 s. 24(a), Art. I of the State Constitution.

3707 e. The home addresses, dates of birth, and telephone
3708 numbers of current or former justices of the Supreme Court,
3709 district court of appeal judges, circuit court judges, and
3710 county court judges; the names, home addresses, telephone
3711 numbers, dates of birth, and places of employment of the spouses
3712 and children of current or former justices and judges; and the
3713 names and locations of schools and day care facilities attended
3714 by the children of current or former justices and judges are
3715 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3716 Constitution.

3717 f. The home addresses, telephone numbers, dates of birth,
3718 and photographs of current or former state attorneys, assistant
3719 state attorneys, statewide prosecutors, or assistant statewide
3720 prosecutors; the names, home addresses, telephone numbers,
3721 photographs, dates of birth, and places of employment of the
3722 spouses and children of current or former state attorneys,
3723 assistant state attorneys, statewide prosecutors, or assistant
3724 statewide prosecutors; and the names and locations of schools
3725 and day care facilities attended by the children of current or

3726 former state attorneys, assistant state attorneys, statewide
3727 prosecutors, or assistant statewide prosecutors are exempt from
3728 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3729 g. The home addresses, dates of birth, and telephone
3730 numbers of general magistrates, special magistrates, judges of
3731 compensation claims, administrative law judges of the Division
3732 of Administrative Hearings, and child support enforcement
3733 hearing officers; the names, home addresses, telephone numbers,
3734 dates of birth, and places of employment of the spouses and
3735 children of general magistrates, special magistrates, judges of
3736 compensation claims, administrative law judges of the Division
3737 of Administrative Hearings, and child support enforcement
3738 hearing officers; and the names and locations of schools and day
3739 care facilities attended by the children of general magistrates,
3740 special magistrates, judges of compensation claims,
3741 administrative law judges of the Division of Administrative
3742 Hearings, and child support enforcement hearing officers are
3743 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3744 Constitution.

3745 h. The home addresses, telephone numbers, dates of birth,
3746 and photographs of current or former human resource, labor
3747 relations, or employee relations directors, assistant directors,
3748 managers, or assistant managers of any local government agency
3749 or water management district whose duties include hiring and
3750 firing employees, labor contract negotiation, administration, or

3751 other personnel-related duties; the names, home addresses,
3752 telephone numbers, dates of birth, and places of employment of
3753 the spouses and children of such personnel; and the names and
3754 locations of schools and day care facilities attended by the
3755 children of such personnel are exempt from s. 119.07(1) and s.
3756 24(a), Art. I of the State Constitution.

3757 i. The home addresses, telephone numbers, dates of birth,
3758 and photographs of current or former code enforcement officers;
3759 the names, home addresses, telephone numbers, dates of birth,
3760 and places of employment of the spouses and children of such
3761 personnel; and the names and locations of schools and day care
3762 facilities attended by the children of such personnel are exempt
3763 from s. 119.07(1) and s. 24(a), Art. I of the State
3764 Constitution.

3765 j. The home addresses, telephone numbers, places of
3766 employment, dates of birth, and photographs of current or former
3767 guardians ad litem, as defined in s. 39.820; the names, home
3768 addresses, telephone numbers, dates of birth, and places of
3769 employment of the spouses and children of such persons; and the
3770 names and locations of schools and day care facilities attended
3771 by the children of such persons are exempt from s. 119.07(1) and
3772 s. 24(a), Art. I of the State Constitution.

3773 k. The home addresses, telephone numbers, dates of birth,
3774 and photographs of current or former juvenile probation
3775 officers, juvenile probation supervisors, detention

3776 superintendents, assistant detention superintendents, juvenile
3777 justice detention officers I and II, juvenile justice detention
3778 officer supervisors, juvenile justice residential officers,
3779 juvenile justice residential officer supervisors I and II,
3780 juvenile justice counselors, juvenile justice counselor
3781 supervisors, human services counselor administrators, senior
3782 human services counselor administrators, rehabilitation
3783 therapists, and social services counselors of the Department of
3784 Juvenile Justice; the names, home addresses, telephone numbers,
3785 dates of birth, and places of employment of spouses and children
3786 of such personnel; and the names and locations of schools and
3787 day care facilities attended by the children of such personnel
3788 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3789 Constitution.

3790 1. The home addresses, telephone numbers, dates of birth,
3791 and photographs of current or former public defenders, assistant
3792 public defenders, criminal conflict and civil regional counsel,
3793 and assistant criminal conflict and civil regional counsel; the
3794 names, home addresses, telephone numbers, dates of birth, and
3795 places of employment of the spouses and children of current or
3796 former public defenders, assistant public defenders, criminal
3797 conflict and civil regional counsel, and assistant criminal
3798 conflict and civil regional counsel; and the names and locations
3799 of schools and day care facilities attended by the children of
3800 current or former public defenders, assistant public defenders,

3801 criminal conflict and civil regional counsel, and assistant
 3802 criminal conflict and civil regional counsel are exempt from s.
 3803 119.07(1) and s. 24(a), Art. I of the State Constitution.

3804 m. The home addresses, telephone numbers, dates of birth,
 3805 and photographs of current or former investigators or inspectors
 3806 of the Department of Business and Professional Regulation; the
 3807 names, home addresses, telephone numbers, dates of birth, and
 3808 places of employment of the spouses and children of such current
 3809 or former investigators and inspectors; and the names and
 3810 locations of schools and day care facilities attended by the
 3811 children of such current or former investigators and inspectors
 3812 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 3813 Constitution.

3814 n. The home addresses, telephone numbers, and dates of
 3815 birth of county tax collectors; the names, home addresses,
 3816 telephone numbers, dates of birth, and places of employment of
 3817 the spouses and children of such tax collectors; and the names
 3818 and locations of schools and day care facilities attended by the
 3819 children of such tax collectors are exempt from s. 119.07(1) and
 3820 s. 24(a), Art. I of the State Constitution.

3821 o. The home addresses, telephone numbers, dates of birth,
 3822 and photographs of current or former personnel of the Department
 3823 of Health whose duties include, or result in, the determination
 3824 or adjudication of eligibility for social security disability
 3825 benefits, the investigation or prosecution of complaints filed

3826 against health care practitioners, or the inspection of health
3827 care practitioners or health care facilities licensed by the
3828 Department of Health; the names, home addresses, telephone
3829 numbers, dates of birth, and places of employment of the spouses
3830 and children of such personnel; and the names and locations of
3831 schools and day care facilities attended by the children of such
3832 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
3833 the State Constitution.

3834 p. The home addresses, telephone numbers, dates of birth,
3835 and photographs of current or former impaired practitioner
3836 consultants who are retained by an agency or current or former
3837 employees of an impaired practitioner consultant whose duties
3838 result in a determination of a person's skill and safety to
3839 practice a licensed profession; the names, home addresses,
3840 telephone numbers, dates of birth, and places of employment of
3841 the spouses and children of such consultants or their employees;
3842 and the names and locations of schools and day care facilities
3843 attended by the children of such consultants or employees are
3844 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3845 Constitution.

3846 q. The home addresses, telephone numbers, dates of birth,
3847 and photographs of current or former emergency medical
3848 technicians or paramedics certified under chapter 401; the
3849 names, home addresses, telephone numbers, dates of birth, and
3850 places of employment of the spouses and children of such

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3851 emergency medical technicians or paramedics; and the names and
3852 locations of schools and day care facilities attended by the
3853 children of such emergency medical technicians or paramedics are
3854 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3855 Constitution.

3856 r. The home addresses, telephone numbers, dates of birth,
3857 and photographs of current or former personnel employed in an
3858 agency's office of inspector general or internal audit
3859 department whose duties include auditing or investigating waste,
3860 fraud, abuse, theft, exploitation, or other activities that
3861 could lead to criminal prosecution or administrative discipline;
3862 the names, home addresses, telephone numbers, dates of birth,
3863 and places of employment of spouses and children of such
3864 personnel; and the names and locations of schools and day care
3865 facilities attended by the children of such personnel are exempt
3866 from s. 119.07(1) and s. 24(a), Art. I of the State
3867 Constitution.

3868 s. The home addresses, telephone numbers, dates of birth,
3869 and photographs of current or former directors, managers,
3870 supervisors, nurses, and clinical employees of an addiction
3871 treatment facility; the home addresses, telephone numbers,
3872 photographs, dates of birth, and places of employment of the
3873 spouses and children of such personnel; and the names and
3874 locations of schools and day care facilities attended by the
3875 children of such personnel are exempt from s. 119.07(1) and s.

3876 24(a), Art. I of the State Constitution. For purposes of this
 3877 sub-subparagraph, the term "addiction treatment facility" means
 3878 a county government, or agency thereof, that is licensed
 3879 pursuant to s. 397.401 and provides substance abuse prevention,
 3880 intervention, or clinical treatment, including any licensed
 3881 service component described in s. 397.311(26).

3882 t. The home addresses, telephone numbers, dates of birth,
 3883 and photographs of current or former directors, managers,
 3884 supervisors, and clinical employees of a child advocacy center
 3885 that meets the standards of s. 39.3035(2) and fulfills the
 3886 screening requirement of s. 39.3035(3), and the members of a
 3887 Child Protection Team as described in s. 39.303 whose duties
 3888 include supporting the investigation of child abuse or sexual
 3889 abuse, child abandonment, child neglect, and child exploitation
 3890 or to provide services as part of a multidisciplinary case
 3891 review team; the names, home addresses, telephone numbers,
 3892 photographs, dates of birth, and places of employment of the
 3893 spouses and children of such personnel and members; and the
 3894 names and locations of schools and day care facilities attended
 3895 by the children of such personnel and members are exempt from s.
 3896 119.07(1) and s. 24(a), Art. I of the State Constitution.

3897 u. The home addresses, telephone numbers, places of
 3898 employment, dates of birth, and photographs of current or former
 3899 staff and domestic violence advocates, as defined in s.
 3900 90.5036(1)(b), of domestic violence centers certified by the

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3901 Department of Children and Families under chapter 39; the names,
3902 home addresses, telephone numbers, places of employment, dates
3903 of birth, and photographs of the spouses and children of such
3904 personnel; and the names and locations of schools and day care
3905 facilities attended by the children of such personnel are exempt
3906 from s. 119.07(1) and s. 24(a), Art. I of the State
3907 Constitution.

3908 3. An agency that is the custodian of the information
3909 specified in subparagraph 2. and that is not the employer of the
3910 officer, employee, justice, judge, or other person specified in
3911 subparagraph 2. must maintain the exempt status of that
3912 information only if the officer, employee, justice, judge, other
3913 person, or employing agency of the designated employee submits a
3914 written and notarized request for maintenance of the exemption
3915 to the custodial agency. The request must state under oath the
3916 statutory basis for the individual's exemption request and
3917 confirm the individual's status as a party eligible for exempt
3918 status.

3919 4.a. A county property appraiser, as defined in s.
3920 192.001(3), or a county tax collector, as defined in s.
3921 192.001(4), who receives a written and notarized request for
3922 maintenance of the exemption pursuant to subparagraph 3. must
3923 comply by removing the name of the individual with exempt status
3924 and the instrument number or Official Records book and page
3925 number identifying the property with the exempt status from all

3926 publicly available records maintained by the property appraiser
 3927 or tax collector. For written requests received on or before
 3928 July 1, 2021, a county property appraiser or county tax
 3929 collector must comply with this sub-subparagraph by October 1,
 3930 2021. A county property appraiser or county tax collector may
 3931 not remove the street address, legal description, or other
 3932 information identifying real property within the agency's
 3933 records so long as a name or personal information otherwise
 3934 exempt from inspection and copying pursuant to this section are
 3935 not associated with the property or otherwise displayed in the
 3936 public records of the agency.

3937 b. Any information restricted from public display,
 3938 inspection, or copying under sub-subparagraph a. must be
 3939 provided to the individual whose information was removed.

3940 5. An officer, an employee, a justice, a judge, or other
 3941 person specified in subparagraph 2. may submit a written request
 3942 for the release of his or her exempt information to the
 3943 custodial agency. The written request must be notarized and must
 3944 specify the information to be released and the party authorized
 3945 to receive the information. Upon receipt of the written request,
 3946 the custodial agency must release the specified information to
 3947 the party authorized to receive such information.

3948 6. The exemptions in this paragraph apply to information
 3949 held by an agency before, on, or after the effective date of the
 3950 exemption.

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3951 7. Information made exempt under this paragraph may be
3952 disclosed pursuant to s. 28.2221 to a title insurer authorized
3953 pursuant to s. 624.401 and its affiliates as defined in s.
3954 624.10; a title insurance agent or title insurance agency as
3955 these terms are defined in s. 626.841 ~~s. 626.841(1) or (2)~~,
3956 respectively; or an attorney duly admitted to practice law in
3957 this state and in good standing with The Florida Bar.

3958 8. The exempt status of a home address contained in the
3959 Official Records is maintained only during the period when a
3960 protected party resides at the dwelling location. Upon
3961 conveyance of real property after October 1, 2021, and when such
3962 real property no longer constitutes a protected party's home
3963 address as defined in sub-subparagraph 1.a., the protected party
3964 must submit a written request to release the removed information
3965 to the county recorder. The written request to release the
3966 removed information must be notarized, must confirm that a
3967 protected party's request for release is pursuant to a
3968 conveyance of his or her dwelling location, and must specify the
3969 Official Records book and page, instrument number, or clerk's
3970 file number for each document containing the information to be
3971 released.

3972 9. Upon the death of a protected party as verified by a
3973 certified copy of a death certificate or court order, any party
3974 can request the county recorder to release a protected
3975 decedent's removed information unless there is a related request

3976 on file with the county recorder for continued removal of the
3977 decedent's information or unless such removal is otherwise
3978 prohibited by statute or by court order. The written request to
3979 release the removed information upon the death of a protected
3980 party must attach the certified copy of a death certificate or
3981 court order and must be notarized, must confirm the request for
3982 release is due to the death of a protected party, and must
3983 specify the Official Records book and page number, instrument
3984 number, or clerk's file number for each document containing the
3985 information to be released. A fee may not be charged for the
3986 release of any document pursuant to such request.

3987 10. This paragraph is subject to the Open Government
3988 Sunset Review Act in accordance with s. 119.15 and shall stand
3989 repealed on October 2, 2024, unless reviewed and saved from
3990 repeal through reenactment by the Legislature.

3991 Section 77. Subsection (4) of section 631.152, Florida
3992 Statutes, is amended to read:

3993 631.152 Conduct of delinquency proceeding; foreign
3994 insurers.—

3995 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
3996 ancillary delinquency proceedings opened for the purpose of
3997 obtaining records necessary to adjudicate the covered claims of
3998 Florida policyholders.

3999 Section 78. Paragraph (b) of subsection (3) of section
4000 631.398, Florida Statutes, is amended to read:

4001 631.398 Prevention of insolvencies.—To aid in the
4002 detection and prevention of insurer insolvencies or impairments:

4003 (3)

4004 (b) For an insolvency involving a domestic property
4005 insurer, the department shall:

4006 1. Begin an analysis of the history and causes of the
4007 insolvency once the department is appointed by the court as
4008 receiver.

4009 2. Submit an initial report analyzing the history and
4010 causes of the insolvency to the Governor, the President of the
4011 Senate, the Speaker of the House of Representatives, and the
4012 office. The initial report must be submitted no later than 4
4013 months after the department is appointed as receiver. The
4014 initial report shall be updated at least annually until the
4015 submission of the final report. The report may not be used as
4016 evidence in any proceeding brought by the department or others
4017 to recover assets on behalf of the receivership estate as part
4018 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
4019 of a report under this subparagraph shall not be considered a
4020 waiver of any evidentiary privilege the department may assert
4021 under state or federal law.

4022 3. Provide a special report to the Governor, the President
4023 of the Senate, the Speaker of the House of Representatives, and
4024 the office, within 10 days upon identifying any condition or
4025 practice that may lead to insolvency in the property insurance

4026 marketplace.

4027 4. Submit a final report analyzing the history and causes
 4028 of the insolvency and the review of the Office of Insurance
 4029 Regulation's regulatory oversight of the insurer to the
 4030 Governor, the President of the Senate, the Speaker of the House
 4031 of Representatives, and the office within 30 days of the
 4032 conclusion of the insolvency proceeding.

4033 5. Review the Office of Insurance Regulation's regulatory
 4034 oversight of the insurer.

4035 Section 79. Subsection (2) of section 903.09, Florida
 4036 Statutes, is amended to read:

4037 903.09 Justification of sureties.—

4038 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,
 4039 shall justify her or his suretyship by attaching a copy of the
 4040 power of attorney issued by the company to the bond or by
 4041 attaching to the bond United States currency, a United States
 4042 postal money order, or a cashier's check in the amount of the
 4043 bond; but the United States currency, United States postal money
 4044 order, or cashier's check cannot be used to secure more than one
 4045 bond. Nothing herein shall prohibit two or more qualified
 4046 sureties from each posting any portion of a bond amount, and
 4047 being liable for only that amount, so long as the total posted
 4048 by all cosureties is equal to the amount of bond required.

4049 Section 80. (1) The following rule is ratified for the
 4050 sole and exclusive purpose of satisfying any condition on the

4051 effectiveness imposed under s. 120.541(3), Florida Statutes:
4052 Rule 69L-7.020, Florida Administrative Code, titled "Florida
4053 Workers' Compensation Health Care Provider Reimbursement Manual"
4054 as filed for adoption with the Department of State pursuant to
4055 the certification package dated October 22, 2021.

4056 (2) This section serves no other purpose and may not be
4057 codified in the Florida Statutes. After this section becomes
4058 law, its enactment and effective dates shall be noted in the
4059 Florida Administrative Code, the Florida Administrative
4060 Register, or both, as appropriate. This section does not alter
4061 rulemaking additions delegated by prior law, does not constitute
4062 legislative preemption of or exception to any provision of law
4063 governing adoption or enforcement of the rule cited, and is
4064 intended to preserve the status of any cited rule as a rule
4065 under chapter 120, Florida Statutes. This section does not cure
4066 any rulemaking defect or preempt any challenge based on a lack
4067 of authority or a violation of the legal requirements governing
4068 the adoption of any rule cited.

4069 (3) This section takes effect July 1, 2023.

4070 Section 81. Except as otherwise expressly provided in this
4071 act, this act shall take effect upon becoming a law.