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2023 Legislature

1
 2 An act relating to the Department of Financial
 3 Services; amending s. 20.121, F.S.; revising powers
 4 and duties of the Division of Investigative and
 5 Forensic Services of the Department of Financial
 6 Services; deleting provisions relating to
 7 establishment of the department's Strategic Markets
 8 Research and Assessment Unit; amending s. 112.215,
 9 F.S.; redefining the term "employee" as "government
 10 employee" and revising the definition of the term;
 11 revising eligibility for plans of deferred
 12 compensation established by the Chief Financial
 13 Officer; revising the membership of the Deferred
 14 Compensation Advisory Council; making technical
 15 changes; amending s. 215.55952, F.S.; revising the
 16 intervals in which the Chief Financial Officer must
 17 provide the Governor and the Legislature with a report
 18 on the economic impact of certain hurricanes; amending
 19 s. 274.01, F.S.; revising the definition of the term
 20 "governmental unit" for purposes of ch. 274, F.S.;
 21 amending s. 440.13, F.S.; authorizing, rather than
 22 requiring, a judge of compensation claims to order an
 23 injured employee's evaluation by an expert medical
 24 advisor under certain circumstances; revising the
 25 schedules of maximum reimbursement allowances

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

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51 for reinsurance intermediaries; amending s. 626.015,
52 F.S.; revising the definition of the term
53 "association" for purposes of part I of ch. 626, F.S.;
54 amending s. 626.171, F.S.; deleting the authority of
55 designated examination centers to take fingerprints of
56 applicants for a license as an agent, customer
57 representative, adjuster, service representative, or
58 reinsurance intermediary; amending s. 626.173, F.S.;
59 providing that a certain notice requirement for
60 certain licensed insurance agencies ceasing the
61 transacting of insurance does not apply to certain
62 kinds of insurance; amending s. 626.207, F.S.;
63 revising violations for which the department must
64 adopt rules establishing specific penalties; amending
65 s. 626.221, F.S.; adding a certification that exempts
66 an applicant for license as an all-lines adjuster from
67 an examination requirement; amending s. 626.2815,
68 F.S.; revising continuing education requirements for
69 certain insurance representatives; amending s.
70 626.321, F.S.; deleting certain requirements for, and
71 restrictions on, licensees of specified limited
72 licenses; adding a limited license for transacting
73 preneed funeral agreement insurance; specifying
74 conditions for issuing such license without an
75 examination; amending s. 626.611, F.S.; revising

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76 specified grounds for compulsory disciplinary actions
77 taken by the department against insurance
78 representatives; amending s. 626.621, F.S.; adding
79 grounds for discretionary disciplinary actions taken
80 by the department against insurance representatives;
81 amending s. 626.7315, F.S.; authorizing a livery
82 operator, without a license or an appointment but
83 subject to certain conditions, to offer certain
84 coverage to renters; amending s. 626.7492, F.S.;;
85 revising definitions of the terms "producer" and
86 "reinsurance intermediary manager"; revising licensure
87 requirements for reinsurance intermediary brokers and
88 reinsurance intermediary managers; deleting the
89 authority of the department to refuse to issue a
90 reinsurance intermediary license under certain
91 circumstances; amending s. 626.752, F.S.; requiring
92 the department to suspend the authority of an insurer
93 or employer to appoint licensees under certain
94 circumstances relating to the exchange of insurance
95 business; amending s. 626.785, F.S.; authorizing
96 certain persons to obtain a limited license to sell
97 only policies of life insurance covering the expense
98 of a prearrangement for funeral services or
99 merchandise; amending ss. 626.793 and 626.837, F.S.;;
100 requiring the department to suspend the authority of

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101 an insurer or employer to appoint licensees under
 102 certain circumstances relating to the acceptance of
 103 excess or rejected insurance business; amending s.
 104 626.8411, F.S.; providing that certain notice
 105 requirements do not apply to title insurance agents or
 106 title insurance agencies; amending s. 626.8437, F.S.;
 107 adding grounds for compulsory disciplinary actions
 108 taken by the department against a title insurance
 109 agent or agency; amending s. 626.844, F.S.; adding
 110 grounds for discretionary disciplinary actions taken
 111 by the department against a title insurance agent or
 112 agency; amending s. 626.8473, F.S.; revising
 113 requirements for engaging in the business as an escrow
 114 agent in connection with real estate closing
 115 transactions; amending s. 626.854, F.S.; revising
 116 applicability of a prohibited act relating to public
 117 insurance adjusters; amending s. 626.874, F.S.;
 118 revising eligibility requirements for the department's
 119 issuance of licenses to catastrophe or emergency
 120 adjusters; revising grounds on which the department
 121 may deny such license; amending s. 626.9892, F.S.;
 122 revising a condition and adding violations for which
 123 the department may pay rewards under the Anti-Fraud
 124 Reward Program; amending s. 626.9957, F.S.; providing
 125 for the expiration of a health coverage navigator's

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126 registration under certain circumstances; specifying a
 127 restriction on expired registrations; amending s.
 128 627.351, F.S.; revising requirements for membership of
 129 the Florida Medical Malpractice Joint Underwriting
 130 Association; specifying a requirement for filling
 131 vacancies; authorizing the Chief Financial Officer to
 132 remove board members under certain circumstances;
 133 providing requirements for, and restrictions on, board
 134 members; providing penalties; amending s. 627.4215,
 135 F.S.; specifying the health insurers that are required
 136 to make certain disclosure relating to behavioral
 137 health insurance care services available on their
 138 websites and in notices to their insureds; amending s.
 139 627.7015, F.S.; providing that a disputed property
 140 insurance claim is not eligible for mediation until
 141 certain conditions are met; providing construction;
 142 providing that fees for a rescheduled mediation
 143 conference be assessed by the department rather than
 144 the administrator; authorizing the department to
 145 suspend an insurer's authority to appoint licensees
 146 under certain circumstances; amending s. 627.7074,
 147 F.S.; authorizing the department to designate, by
 148 written contract or agreement, an entity or a person
 149 to administer the alternative dispute resolution
 150 process for sinkhole insurance claims; amending s.

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151 627.745, F.S.; revising requirements and procedures
 152 for the mediation of personal injury claims under a
 153 motor vehicle insurance policy; requiring the
 154 department to adopt specified rules relating to a
 155 motor vehicle claims insurance mediation program;
 156 authorizing the department to designate a person or
 157 entity to serve as administrator; amending s. 631.141,
 158 F.S.; authorizing the department in receivership
 159 proceedings to take certain actions as a domiciliary
 160 receiver; amending s. 631.252, F.S.; revising
 161 conditions under which policies and contracts of
 162 insolvent insurers are canceled; amending ss. 631.56,
 163 631.716, 631.816, and 631.912, F.S.; revising
 164 membership eligibility requirements for the Florida
 165 Insurance Guaranty Association, the Florida Life and
 166 Health Insurance Guaranty Association, the Florida
 167 Health Maintenance Organization Consumer Assistance
 168 Plan, and the Florida Workers' Compensation Insurance
 169 Guaranty Association, Incorporated, respectively;
 170 authorizing the Chief Financial Officer to remove a
 171 board member under certain circumstances; specifying
 172 requirements for, on restrictions on, board members;
 173 providing penalties; creating s. 633.1423, F.S.;
 174 defining the term "organization"; authorizing the
 175 Division of State Fire Marshal to establish a direct-

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176 support organization; specifying the purpose of and
 177 requirements for the organization; specifying
 178 requirements for the organization's written contract
 179 and board of directors; providing requirements for the
 180 use of property, annual budgets and reports, an annual
 181 audit, and the division's receipt of proceeds;
 182 authorizing moneys received to be held in a depository
 183 account; providing for future repeal; amending s.
 184 634.181, F.S.; adding grounds for compulsory
 185 disciplinary actions by the department against motor
 186 vehicle service agreement salespersons; requiring the
 187 department to immediately temporarily suspend a
 188 license or appointment under certain circumstances;
 189 prohibiting a person from transacting insurance
 190 business after such suspension; authorizing the
 191 department to adopt rules; amending s. 634.191, F.S.;

192 revising grounds for discretionary disciplinary
 193 actions by the department against motor vehicle
 194 service agreement salespersons; requiring salespersons
 195 to submit certain documents to the department;
 196 authorizing the department to adopt rules; amending s.
 197 634.320, F.S.; revising grounds for compulsory
 198 disciplinary actions by the department against home
 199 warranty association sales representatives; requiring
 200 the department to immediately temporarily suspend a

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201 license or appointment under certain circumstances;
 202 prohibiting a person from transacting insurance
 203 business after such suspension; authorizing the
 204 department to adopt rules; amending s. 634.321, F.S.;
 205 revising grounds for discretionary disciplinary
 206 actions by the department against home warranty
 207 association sales representatives; authorizing the
 208 department to adopt rules; amending s. 634.419, F.S.;
 209 providing that specified home solicitation sale
 210 requirements do not apply to certain persons relating
 211 to the solicitation of service warranty or related
 212 service or product sales; amending s. 634.422, F.S.;
 213 revising grounds for compulsory disciplinary actions
 214 by the department against service warranty association
 215 sales representatives; requiring the department to
 216 immediately temporarily suspend a license or
 217 appointment under certain circumstances; prohibiting a
 218 person from transacting insurance business after such
 219 suspension; authorizing the department to adopt rules;
 220 amending s. 634.423, F.S.; revising grounds for
 221 discretionary disciplinary actions by the department
 222 against service warranty association sales
 223 representatives; authorizing the department to adopt
 224 rules; reordering and amending s. 648.25, F.S.;
 225 defining and redefining terms; amending s. 648.26,

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226 F.S.; authorizing certain actions by the department or
 227 the Office of Insurance Regulation relating to certain
 228 confidential records relating to bail bond agents;
 229 amending s. 648.27, F.S.; deleting a provision
 230 relating to the continuance of a temporary bail bond
 231 agent license; amending s. 648.285, F.S.; revising
 232 requirements, conditions, and procedures for a bail
 233 bond agency license; providing applicability;
 234 conforming a provision to changes made by the act;
 235 amending s. 648.30, F.S.; revising requirements and
 236 conditions for the licensure and appointment as a bail
 237 bond agent or bail bond agency; conforming a provision
 238 to changes made by the act; amending s. 648.31, F.S.;
 239 specifying that there is no fee for the issuance of
 240 any appointment to a bail bond agency; conforming a
 241 provision to changes made by the act; amending s.
 242 648.34, F.S.; revising qualifications for a bail bond
 243 agent license; conforming a provision to changes made
 244 by the act; amending s. 648.355, F.S.; deleting
 245 provisions relating to temporary licenses as a limited
 246 surety agent or professional bail bond agent;
 247 specifying requirements for an individual licensed as
 248 a temporary bail bond agent to qualify for bail bond
 249 agent license; prohibiting the department from issuing
 250 a temporary bail bond agent license beginning on a

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251 specified date; providing construction relating to
252 existing temporary licenses; amending s. 648.382,
253 F.S.; revising requirements for the appointment of
254 bail bond agents or bail bond agencies; conforming a
255 provision to changes made by the act; amending s.
256 648.386, F.S.; defining the term "classroom
257 instruction"; revising requirements for approval and
258 certification as an approved limited surety agent and
259 professional bail bond agent continuing education
260 school; amending s. 648.387, F.S.; renaming primary
261 bail bond agents as bail bond agents in charge;
262 revising the department's disciplinary authority;
263 revising prohibited actions and the applicability of
264 such prohibitions; providing for the automatic
265 expiration of a bail bond agency license under certain
266 circumstances; creating s. 648.3875, F.S.; providing
267 requirements for applying for designation as a bail
268 bond agent in charge; amending s. 648.39, F.S.;
269 revising applicability of provisions relating to
270 termination of appointments of certain agents and
271 agencies; repealing s. 648.41, F.S., relating to
272 termination of appointment of temporary bail bond
273 agents; amending s. 648.42, F.S.; conforming a
274 provision to changes made by the act; making a
275 technical change; amending s. 648.44, F.S.; revising

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276 applicability of prohibited acts; revising and
 277 specifying prohibited acts of bail bond agents and
 278 bail bond agencies; conforming provisions to changes
 279 made by the act; amending s. 648.441, F.S.; revising
 280 applicability of a prohibition against furnishing
 281 supplies to an unlicensed bail bond agent; amending s.
 282 648.46, F.S.; authorizing certain actions by the
 283 department or the office relating to certain
 284 confidential records relating to bail bond agents;
 285 amending s. 648.50, F.S.; revising applicability of
 286 provisions relating to disciplinary actions taken by
 287 the department; conforming provisions to changes made
 288 by the act; amending s. 717.135, F.S.; revising a
 289 requirement for, and a prohibition on, claimants'
 290 representatives relating to unclaimed property
 291 recovery agreements and purchase agreements; providing
 292 construction; amending s. 843.021, F.S.; revising a
 293 defense to an unlawful possession of a concealed
 294 handcuff key; amending ss. 631.152, 631.398, and
 295 903.09, F.S.; conforming cross-references; ratifying
 296 specified rules of the Florida Administrative Code
 297 relating to "Florida Workers' Compensation Health Care
 298 Provider Reimbursement Manual," "Health Care Provider
 299 Medical Billing and Reporting Responsibilities," and
 300 "Insurer Authorization and Medical Bill Review

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301 Responsibilities"; providing construction; providing
 302 effective dates.

303

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

305

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

308 20.121 Department of Financial Services.—There is created
 309 a Department of Financial Services.

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

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

325 1. The Bureau of Forensic Services;

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326 2. The Bureau of Fire, Arson, and Explosives
327 Investigations;

328 3. The Office of Fiscal Integrity, which shall have a
329 separate budget;

330 4. The Bureau of Insurance Fraud; and

331 5. The Bureau of Workers' Compensation Fraud.

332 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~
333 ~~Strategic Markets Research and Assessment Unit is established~~
334 ~~within the Department of Financial Services. The Chief Financial~~
335 ~~Officer or his or her designee shall report on September 1,~~
336 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
337 ~~the Senate, and the Speaker of the House of Representatives on~~
338 ~~the status of the state's financial services markets. At a~~
339 ~~minimum, the report must include a summary of issues, trends,~~
340 ~~and threats that broadly impact the condition of the financial~~
341 ~~services industries, along with the effect of such conditions on~~
342 ~~financial institutions, the securities industries, other~~
343 ~~financial entities, and the credit market. The Chief Financial~~
344 ~~Officer shall also provide findings and recommendations~~
345 ~~regarding regulatory and policy changes to the Cabinet, the~~
346 ~~President of the Senate, and the Speaker of the House of~~
347 ~~Representatives.~~

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

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351 112.215 Government employees; deferred compensation
 352 program.—

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

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

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

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

399 (d) In accordance with such approved state plan, and upon
 400 contract or agreement with an eligible government employee,

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

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

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

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

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

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

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

424 a. One member shall be appointed by the Chancellor of the
 425 State University System and shall be an employee of the

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426 university system.

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

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

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

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

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

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

445 215.55952 Triennial ~~Annual~~ report on economic impact of a
446 1-in-100-year hurricane.—The Chief Financial Officer shall
447 provide a report on the economic impact on the state of a 1-in-
448 100-year hurricane to the Governor, the President of the Senate,
449 and the Speaker of the House of Representatives by March 1,
450 2025, and ~~of~~ each triennial year thereafter. The report shall

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

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

471 274.01 Definitions.—The following words as used in this
 472 act have the meanings set forth in the below subsections, unless
 473 a different meaning is required by the context:

474 (1) "Governmental unit" means the governing board,
 475 commission, or authority of a county, a county agency, a

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

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

483 440.13 Medical services and supplies; penalty for
 484 violations; limitations.—

485 (9) EXPERT MEDICAL ADVISORS.—

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

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

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

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

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

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

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

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

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

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

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

574 ~~(f)4.~~ Maximum reimbursement for a physician licensed under
 575 chapter 458 or chapter 459 shall be ~~increased to~~ 110 percent of

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576 the reimbursement allowed by Medicare, using appropriate codes
577 and modifiers or the medical reimbursement level adopted by the
578 three-member panel as of January 1, 2003, whichever is greater.

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

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

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601 amount except where the employer or carrier, or a service
602 company, third party administrator, or any entity acting on
603 behalf of the employer or carrier directly contracts with the
604 provider seeking reimbursement for a lower amount.

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

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

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

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

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

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

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

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

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

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

662
 663 The department, as requested, shall provide data to the panel,
 664 including, but not limited to, utilization trends in the
 665 workers' compensation health care delivery system. The
 666 department shall provide the panel with an annual report
 667 regarding the resolution of medical reimbursement disputes and
 668 any actions pursuant to subsection (8). The department shall
 669 provide administrative support and service to the panel to the
 670 extent requested by the panel. For prescription medication
 671 purchased under the requirements of this subsection, a
 672 dispensing practitioner shall not possess such medication unless
 673 payment has been made by the practitioner, the practitioner's
 674 professional practice, or the practitioner's practice management
 675 company or employer to the supplying manufacturer, wholesaler,

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676 distributor, or drug repackager within 60 days of the dispensing
 677 practitioner taking possession of that medication.

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

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

684 440.385 Florida Self-Insurers Guaranty Association,
 685 Incorporated.—

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

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701 out the duties of the board on behalf of the association.

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

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

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726 memorandum in the minutes.

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

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

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

741 497.005 Definitions.—As used in this chapter, the term:

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

748 (61) "Preneed ~~contract~~" means any arrangement or method,
 749 of which the provider of funeral merchandise or services has
 750 actual knowledge, whereby any person agrees to furnish funeral

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751 merchandise or service in the future.

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

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

768 624.1265 Nonprofit religious organization exemption;
 769 authority; notice.—

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

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

775 (b) Limits its participants to those members who share a

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776 common set of ethical or religious beliefs;

777 (c) Acts as a facilitator among participants who have

778 financial, physical, or medical needs to assist those with

779 financial, physical, or medical needs in accordance with

780 criteria established by the nonprofit religious organization;

781 (d) Provides for the financial or medical needs of a

782 participant through contributions from other participants, or

783 through payments directly from one participant to another

784 participant;

785 (e) Provides amounts that participants may contribute,

786 with no assumption of risk and no promise to pay:

787 1. Among the participants; or

788 2. By the nonprofit religious organization to the

789 participants;

790 (f) Provides a monthly accounting to the participants of

791 the total dollar amount of qualified needs actually shared in

792 the previous month in accordance with criteria established by

793 the nonprofit religious organization; ~~and~~

794 (g) Conducts an annual audit that is performed by an

795 independent certified public accounting firm in accordance with

796 generally accepted accounting principles and that is made

797 available to the public by providing a copy upon request or by

798 posting on the nonprofit religious organization's website; and

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

800 licensed by the department under chapter 626.

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

803 624.501 Filing, license, appointment, and miscellaneous
804 fees.—The department, commission, or office, as appropriate,
805 shall collect in advance, and persons so served shall pay to it
806 in advance, fees, licenses, and miscellaneous charges as
807 follows:

808 (25) Reinsurance intermediary:

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

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

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

814 626.015 Definitions.—As used in this part:

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

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

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826 626.171 Application for license as an agent, customer
 827 representative, adjuster, service representative, or reinsurance
 828 intermediary.—

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

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

849 626.173 Insurance agency closure; cancellation of
 850 licenses.—

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

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

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

868 626.207 Disqualification of applicants and licensees;
 869 penalties against licensees; rulemaking authority.—

870 (8) The department shall adopt rules establishing specific
 871 penalties against licensees in accordance with ss. 626.641 and
 872 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.
 873 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.
 874 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.
 875 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.

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

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

887 626.221 Examination requirement; exemptions.—

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

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

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

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

912 626.2815 Continuing education requirements.—

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

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

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

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

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

948 626.321 Limited licenses and registration.—

949 (1) The department shall issue to a qualified applicant a
 950 license as agent authorized to transact a limited class of

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951 business in any of the following categories of limited lines
 952 insurance:

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

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

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

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

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

1007 (i) Preneed funeral agreement insurance.—Limited license
 1008 for insurance covering only prearranged funeral, cremation, or
 1009 cemetery agreements, or any combination thereof, funded by
 1010 insurance and offered in connection with an establishment that
 1011 holds a preneed license pursuant to s. 497.452. Such license may
 1012 be issued without examination only to an individual who has
 1013 filed with the department an application for a license in a form
 1014 and manner prescribed by the department, who currently holds a
 1015 valid preneed sales agent license pursuant to s. 497.466, who
 1016 paid the applicable fees for a license as prescribed in s.
 1017 624.501, who has been appointed under s. 626.112, and who paid
 1018 the prescribed appointment fee under s. 624.501.

1019 Section 17. Paragraph (n) of subsection (1) of section
 1020 626.611, Florida Statutes, is amended to read:

1021 626.611 Grounds for compulsory refusal, suspension, or
 1022 revocation of agent's, title agency's, adjuster's, customer
 1023 representative's, service representative's, or managing general
 1024 agent's license or appointment.—

1025 (1) The department shall deny an application for, suspend,

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

1033 | (n) Having been found guilty of or having pleaded guilty
 1034 | or nolo contendere to a misdemeanor directly related to the
 1035 | financial services business, any felony, or any ~~a~~ crime
 1036 | punishable by imprisonment of 1 year or more under the law of
 1037 | the United States of America or of any state thereof or under
 1038 | the law of any other country, without regard to whether a
 1039 | judgment of conviction has been entered by the court having
 1040 | jurisdiction of such cases.

1041 | Section 18. Subsection (18) is added to section 626.621,
 1042 | Florida Statutes, to read:

1043 | 626.621 Grounds for discretionary refusal, suspension, or
 1044 | revocation of agent's, adjuster's, customer representative's,
 1045 | service representative's, or managing general agent's license or
 1046 | appointment.—The department may, in its discretion, deny an
 1047 | application for, suspend, revoke, or refuse to renew or continue
 1048 | the license or appointment of any applicant, agent, adjuster,
 1049 | customer representative, service representative, or managing
 1050 | general agent, and it may suspend or revoke the eligibility to

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

1056 (18) Cancellation of the applicant's, licensee's, or
 1057 appointee's resident license in a state other than Florida.

1058 Section 19. Contingent upon SB 418 or similar legislation
 1059 in the 2023 Regular Session or an extension thereof becoming a
 1060 law, section 626.7315, Florida Statutes, is amended to read:

1061 626.7315 Prohibition against the unlicensed transaction of
 1062 general lines insurance.—With respect to any line of authority
 1063 as defined in s. 626.015(7), no individual shall, unless
 1064 licensed as a general lines agent:

1065 (1) Solicit insurance or procure applications therefor;

1066 (2) In this state, receive or issue a receipt for any
 1067 money on account of or for any insurer, or receive or issue a
 1068 receipt for money from other persons to be transmitted to any
 1069 insurer for a policy, contract, or certificate of insurance or
 1070 any renewal thereof, even though the policy, certificate, or
 1071 contract is not signed by him or her as agent or representative
 1072 of the insurer, except as provided in s. 626.0428(1);

1073 (3) Directly or indirectly represent himself or herself to
 1074 be an agent of any insurer or as an agent, to collect or forward
 1075 any insurance premium, or to solicit, negotiate, effect,

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1076 procure, receive, deliver, or forward, directly or indirectly,
 1077 any insurance contract or renewal thereof or any endorsement
 1078 relating to an insurance contract, or attempt to effect the
 1079 same, of property or insurable business activities or interests,
 1080 located in this state;

1081 (4) In this state, engage or hold himself or herself out
 1082 as engaging in the business of analyzing or abstracting
 1083 insurance policies or of counseling or advising or giving
 1084 opinions, other than as a licensed attorney at law, relative to
 1085 insurance or insurance contracts, for fee, commission, or other
 1086 compensation, other than as a salaried bona fide full-time
 1087 employee so counseling and advising his or her employer relative
 1088 to the insurance interests of the employer and of the
 1089 subsidiaries or business affiliates of the employer;

1090 (5) In any way, directly or indirectly, make or cause to
 1091 be made, or attempt to make or cause to be made, any contract of
 1092 insurance for or on account of any insurer;

1093 (6) Solicit, negotiate, or in any way, directly or
 1094 indirectly, effect insurance contracts, if a member of a
 1095 partnership or association, or a stockholder, officer, or agent
 1096 of a corporation which holds an agency appointment from any
 1097 insurer; or

1098 (7) Receive or transmit applications for suretyship, or
 1099 receive for delivery bonds founded on applications forwarded
 1100 from this state, or otherwise procure suretyship to be effected

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1101 by a surety insurer upon the bonds of persons in this state or
 1102 upon bonds given to persons in this state.

1103
 1104 However, a livery operator may offer renters the ability to
 1105 obtain coverage to satisfy the requirements of s. 327.54(7)(b)2.
 1106 without a license or appointment. However, the livery operator
 1107 may not advise or inform the prospective renter of specific
 1108 coverage provisions, exclusions, or limitations, and the signed
 1109 acknowledgement must identify the licensed insurer or agent that
 1110 transacted the livery's insurance policy. If such coverage is
 1111 offered for a price, all compensation received for such coverage
 1112 must be remitted by the livery to the insurer or agent that
 1113 transacted the livery's insurance policy.

1114 Section 20. Paragraphs (d) and (g) of subsection (2) and
 1115 paragraphs (a), (b), and (e) through (j) of subsection (3) of
 1116 section 626.7492, Florida Statutes, are amended to read:

1117 626.7492 Reinsurance intermediaries.—

1118 (2) DEFINITIONS.—As used in this section:

1119 (d) "Producer" means a licensed ~~an~~ agent, broker, or
 1120 insurance agency that is appointed as a reinsurance intermediary
 1121 ~~licensed~~ pursuant to the applicable provision of the Florida
 1122 Insurance Code.

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

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1126 management of a separate division, department, or underwriting
 1127 office, and acts as a representative ~~an agent~~ for the reinsurer
 1128 whether known as a reinsurance intermediary manager, manager, or
 1129 other similar term. Notwithstanding the above, none of the
 1130 following persons is a reinsurance intermediary manager with
 1131 respect to the reinsurer for the purposes of this section:

- 1132 1. An employee of the reinsurer;
- 1133 2. A manager of the United States branch of an alien
 1134 reinsurer;
- 1135 3. An underwriting manager which, pursuant to contract,
 1136 manages all the reinsurance operations of the reinsurer, is
 1137 under common control with the reinsurer, subject to the holding
 1138 company act, and whose compensation is not based on the volume
 1139 of premiums written.
- 1140 4. The manager of a group, association, pool, or
 1141 organization of insurers which engage in joint underwriting or
 1142 joint reinsurance and who are subject to examination by the
 1143 insurance regulatory authority of the state in which the
 1144 manager's principal business office is located.

1145 (3) LICENSURE.—

1146 (a) No person shall act as a reinsurance intermediary
 1147 broker in this state if the reinsurance intermediary broker
 1148 maintains an office either directly or as a member or employee
 1149 of a firm or association, or an officer, director, or employee
 1150 of a corporation:

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1151 1. In this state, unless the reinsurance intermediary
 1152 broker is a licensed producer in this state; or
 1153 2. In another state, unless the reinsurance intermediary
 1154 broker is a licensed producer in this state or in another state
 1155 having a law substantially similar to this section or the
 1156 reinsurance intermediary broker is licensed in this state as an
 1157 insurance agency and appointed as a nonresident reinsurance
 1158 intermediary.
 1159 (b) No person shall act as a reinsurance intermediary
 1160 manager:
 1161 1. For a reinsurer domiciled in this state, unless the
 1162 reinsurance intermediary manager is a licensed producer in this
 1163 state;
 1164 2. In this state, if the reinsurance intermediary manager
 1165 maintains an office either directly or as a member or employee
 1166 of a firm or association, or an officer, director, or employee
 1167 of a corporation in this state, unless the reinsurance
 1168 intermediary manager is a licensed producer in this state;
 1169 3. In another state for a nondomestic insurer, unless the
 1170 reinsurance intermediary manager is a licensed producer in this
 1171 state or another state having a law substantially similar to
 1172 this section, or the person is licensed in this state as a
 1173 producer nonresident reinsurance intermediary.
 1174 (e) If the applicant for a reinsurance intermediary
 1175 appointment license is a nonresident, the applicant, as a

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1176 condition precedent to receiving or holding an appointment a
 1177 license, must designate the Chief Financial Officer as agent for
 1178 service of process in the manner, and with the same legal
 1179 effect, provided for by this section for designation of service
 1180 of process upon unauthorized insurers. Such applicant shall also
 1181 furnish the department with the name and address of a resident
 1182 of this state upon whom notices or orders of the department or
 1183 process affecting the nonresident reinsurance intermediary may
 1184 be served. The licensee shall promptly notify the department in
 1185 writing of each change in its designated agent for service of
 1186 process, and the change shall not become effective until
 1187 acknowledged by the department.

1188 ~~(f) The department may refuse to issue a reinsurance~~
 1189 ~~intermediary license if, in its judgment, the applicant, anyone~~
 1190 ~~named on the application, or any member, principal, officer, or~~
 1191 ~~director of the applicant, has demonstrated a lack of fitness~~
 1192 ~~and trustworthiness, or that any controlling person of the~~
 1193 ~~applicant is not fit or trustworthy to act as a reinsurance~~
 1194 ~~intermediary, or that any of the foregoing has given cause for~~
 1195 ~~revocation or suspension of the license, or has failed to comply~~
 1196 ~~with any prerequisite for the issuance of the license.~~

1197 ~~(g)~~ Reinsurance intermediaries shall be licensed,
 1198 appointed, renewed, continued, reinstated, or terminated as
 1199 prescribed in this chapter for insurance representatives in
 1200 general, ~~except that they shall be exempt from the photo,~~

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1201 ~~education, and examination provisions. License, Appointment, and~~
 1202 other fees shall be those prescribed in s. 624.501.

1203 ~~(g)-(h)~~ The grounds and procedures for refusal of an a
 1204 ~~license or~~ appointment or suspension or revocation of a license
 1205 or appointment issued to a reinsurance intermediary under this
 1206 section are as set forth in ss. 626.611-626.691 for insurance
 1207 representatives in general.

1208 ~~(h)-(i)~~ An attorney licensed in this state, when acting in
 1209 a professional capacity, is exempt from this subsection.

1210 ~~(i)-(j)~~ The department may develop necessary rules to carry
 1211 out this section.

1212 Section 21. Subsection (5) of section 626.752, Florida
 1213 Statutes, is amended to read:

1214 626.752 Exchange of business.—

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

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

1234 | Section 22. Subsection (3) of section 626.785, Florida
 1235 | Statutes, is amended to read:

1236 | 626.785 Qualifications for license.—

1237 | (3) Notwithstanding any other provisions of this chapter,
 1238 | a funeral director, a direct disposer, or an employee of a
 1239 | funeral establishment that holds a preneed license pursuant to
 1240 | s. 497.452 may obtain an agent's license or a limited license to
 1241 | sell only policies of life insurance covering the expense of a
 1242 | prearrangement for funeral services or merchandise so as to
 1243 | provide funds at the time the services and merchandise are
 1244 | needed. The face amount of insurance covered by any such policy
 1245 | shall not exceed \$21,000, plus an annual percentage increase
 1246 | based on the Annual Consumer Price Index compiled by the United
 1247 | States Department of Labor, beginning with the Annual Consumer
 1248 | Price Index announced by the United States Department of Labor
 1249 | for 2016.

1250 | Section 23. Subsection (4) of section 626.793, Florida

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1251 Statutes, is amended to read:
 1252 626.793 Excess or rejected business.—
 1253 (4) Within 15 days after the last day of each month, any
 1254 insurer accepting business under this section shall report to
 1255 the department the name, address, telephone number, and social
 1256 security number of each agent from which the insurer received
 1257 more than four risks during the calendar year. Once the insurer
 1258 has reported an agent's name to the department pursuant to this
 1259 subsection, additional reports on the same agent shall not be
 1260 required. However, the fee set forth in s. 624.501 must be paid
 1261 for the agent by the insurer for each year until the insurer
 1262 notifies the department that the insurer is no longer accepting
 1263 business from the agent pursuant to this section. The insurer
 1264 may require that the agent reimburse the insurer for the fee. If
 1265 the insurer or employer does not pay the fees and taxes due
 1266 under this subsection within 21 days after notice by the
 1267 department, the department must suspend the insurer's or
 1268 employer's authority to appoint licensees until all outstanding
 1269 fees and taxes have been paid.

1270 Section 24. Subsection (5) of section 626.837, Florida
 1271 Statutes, is amended to read:
 1272 626.837 Excess or rejected business.—
 1273 (5) Within 15 days after the last day of each month, any
 1274 insurer accepting business under this section shall report to
 1275 the department the name, address, telephone number, and social

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1276 security number of each agent from which the insurer received
 1277 more than four risks during the calendar year. Once the insurer
 1278 has reported pursuant to this subsection an agent's name to the
 1279 department, additional reports on the same agent shall not be
 1280 required. However, the fee set forth in s. 624.501 must be paid
 1281 for the agent by the insurer for each year until the insurer
 1282 notifies the department that the insurer is no longer accepting
 1283 business from the agent pursuant to this section. The insurer
 1284 may require that the agent reimburse the insurer for the fee. If
 1285 the insurer or employer does not pay the fees and taxes due
 1286 under this subsection within 21 days after notice by the
 1287 department, the department must suspend the insurer's or
 1288 employer's authority to appoint licensees until all outstanding
 1289 fees and taxes have been paid.

1290 Section 25. Paragraph (e) is added to subsection (2) of
 1291 section 626.8411, Florida Statutes, to read:

1292 626.8411 Application of Florida Insurance Code provisions
 1293 to title insurance agents or agencies.—

1294 (2) The following provisions of part I do not apply to
 1295 title insurance agents or title insurance agencies:

1296 (e) Section 626.173(1)(c), relating to notifying
 1297 policyholders of the agency closure.

1298 Section 26. Present subsections (8) through (11) of
 1299 section 626.8437, Florida Statutes, are redesignated as
 1300 subsections (9) through (12), respectively, and a new subsection

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1301 (8) and subsection (13) are added to that section, to read:
 1302 626.8437 Grounds for denial, suspension, revocation, or
 1303 refusal to renew license or appointment.—The department shall
 1304 deny, suspend, revoke, or refuse to renew or continue the
 1305 license or appointment of any title insurance agent or agency,
 1306 and it shall suspend or revoke the eligibility to hold a license
 1307 or appointment of such person, if it finds that as to the
 1308 applicant, licensee, appointee, or any principal thereof, any
 1309 one or more of the following grounds exist:

1310 (8) Misappropriation, conversion, or improper withholding
 1311 of funds to which such person is not legally entitled and which
 1312 are received in a fiduciary capacity and held as part of an
 1313 escrow agreement or real estate sales contract, or as provided
 1314 on a settlement statement in a real estate transaction.

1315 (13) Revocation or cancellation of a licensee's resident
 1316 license in a jurisdiction other than this state.

1317 Section 27. Subsections (7) and (8) are added to section
 1318 626.844, Florida Statutes, to read:

1319 626.844 Grounds for discretionary refusal, suspension, or
 1320 revocation of license or appointment.—The department may, in its
 1321 discretion, deny, suspend, revoke, or refuse to renew or
 1322 continue the license or appointment of any title insurance agent
 1323 or agency, and it may suspend or revoke the eligibility to hold
 1324 a license or appointment of any such title insurance agent or
 1325 agency if it finds that as to the applicant or licensee or

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1326 appointee, or any principal thereof, any one or more of the
 1327 following grounds exist under circumstances for which such
 1328 denial, suspension, revocation, or refusal is not mandatory
 1329 under s. 626.8437:

1330 (7) Having been the subject of, or having had a license,
 1331 permit, appointment, registration, or other authority to conduct
 1332 business subject to, any decision, finding, injunction,
 1333 suspension, prohibition, revocation, denial, judgment, final
 1334 agency action, or administrative order by any court of competent
 1335 jurisdiction, administrative law proceeding, state agency,
 1336 federal agency, national securities, commodities, or option
 1337 exchange, or national securities, commodities, or option
 1338 association involving a violation of any federal or state
 1339 securities or commodities law or any rule or regulation adopted
 1340 thereunder, or a violation of any rule or regulation of any
 1341 national securities, commodities, or options exchange or
 1342 national securities, commodities, or options association.

1343 (8) Revocation or cancellation of a licensee's resident
 1344 license in a jurisdiction other than this state.

1345 Section 28. Section 626.8473, Florida Statutes, is amended
 1346 to read:

1347 626.8473 Escrow; trust fund.—

1348 (1) A title insurance agency agent ~~agent~~ may engage in business
 1349 as an escrow agent as to funds received from others to be
 1350 subsequently disbursed ~~by the title insurance agent~~ in

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1351 connection with real estate closing transactions involving the
 1352 issuance of title ~~insurance binders~~, commitments, policies of
 1353 title insurance, or guarantees of title, provided that a
 1354 licensed and appointed title insurance agency agent complies
 1355 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
 1356 requirements added after the initial licensure of the agency
 1357 ~~agent~~.

1358 (2) All funds received by a title insurance agency agent
 1359 as described in subsection (1) shall be trust funds received in
 1360 a fiduciary capacity by the title insurance agency agent and
 1361 shall be the property of the person or persons entitled thereto.

1362 (3) All funds received by a title insurance agency agent
 1363 to be held in trust shall be immediately placed in a financial
 1364 institution that is located within this state and is a member of
 1365 the Federal Deposit Insurance Corporation or the National Credit
 1366 Union Share Insurance Fund. These funds shall be invested in an
 1367 escrow account in accordance with the investment requirements
 1368 and standards established for deposits and investments of state
 1369 funds in s. 17.57, where the funds shall be kept until
 1370 disbursement thereof is properly authorized.

1371 (4) Funds required to be maintained in escrow trust
 1372 accounts pursuant to this section shall not be subject to any
 1373 debts of the title insurance agency agent and shall be used only
 1374 in accordance with the terms of the individual, escrow,
 1375 settlement, or closing instructions under which the funds were

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1376 | accepted.

1377 | (5) The title insurance agency ~~agents~~ shall maintain
1378 | separate records of all receipts and disbursements of escrow,
1379 | settlement, or closing funds.

1380 | (6) In the event that the department promulgates rules
1381 | necessary to implement the requirements of this section pursuant
1382 | to s. 624.308, the department shall consider reasonable
1383 | standards necessary for the protection of funds held in trust,
1384 | including, but not limited to, standards for accounting of
1385 | funds, standards for receipt and disbursement of funds, and
1386 | protection for the person or persons to whom the funds are to be
1387 | disbursed.

1388 | (7) A title insurance agency ~~agent~~, or any officer,
1389 | director, or employee thereof, or any person associated
1390 | therewith as an independent contractor for bookkeeping or
1391 | similar purposes, who converts or misappropriates funds received
1392 | or held in escrow or in trust by such title insurance agency
1393 | ~~agent~~, or any person who knowingly receives or conspires to
1394 | receive such funds, commits:

1395 | (a) If the funds converted or misappropriated are \$300 or
1396 | less, a misdemeanor of the first degree, punishable as provided
1397 | in s. 775.082 or s. 775.083.

1398 | (b) If the funds converted or misappropriated are more
1399 | than \$300, but less than \$20,000, a felony of the third degree,
1400 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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1401 (c) If the funds converted or misappropriated are \$20,000
 1402 or more, but less than \$100,000, a felony of the second degree,
 1403 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1404 (d) If the funds converted or misappropriated are \$100,000
 1405 or more, a felony of the first degree, punishable as provided in
 1406 s. 775.082, s. 775.083, or s. 775.084.

1407 (8) An attorney shall deposit and maintain all funds
 1408 received in connection with transactions in which the attorney
 1409 is serving as a title or real estate settlement agent into a
 1410 separate trust account that is maintained exclusively for funds
 1411 received in connection with such transactions and permit the
 1412 account to be audited by its title insurers, unless maintaining
 1413 funds in the separate account for a particular client would
 1414 violate applicable rules of The Florida Bar.

1415 Section 29. Subsection (19) of section 626.854, Florida
 1416 Statutes, is amended to read:

1417 626.854 "Public adjuster" defined; prohibitions.—The
 1418 Legislature finds that it is necessary for the protection of the
 1419 public to regulate public insurance adjusters and to prevent the
 1420 unauthorized practice of law.

1421 (19) Except as otherwise provided in this chapter, no
 1422 person, except an attorney at law or a licensed and appointed
 1423 public adjuster, may for money, commission, or any other thing
 1424 of value, directly or indirectly:

1425 (a) Prepare, complete, or file an insurance claim for an

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1426 | insured or a third-party claimant;
 1427 | (b) Act on behalf of or aid an insured or a third-party
 1428 | claimant in negotiating for or effecting the settlement of a
 1429 | claim for loss or damage covered by an insurance contract;
 1430 | (c) Offer to initiate or negotiate a claim on behalf of an
 1431 | insured;
 1432 | (d) Advertise services that require a license as a public
 1433 | adjuster; or
 1434 | (e) Solicit, investigate, or adjust a claim on behalf of a
 1435 | public adjuster, an insured, or a third-party claimant.
 1436 | Section 30. Section 626.874, Florida Statutes, is amended
 1437 | to read:
 1438 | 626.874 Catastrophe or emergency adjusters.—
 1439 | (1) In the event of a catastrophe or emergency, the
 1440 | department may issue a license, for the purposes and under the
 1441 | conditions and for the period of emergency as it shall
 1442 | determine, to persons who are residents or nonresidents of this
 1443 | state, who are at least 18 years of age, who are United States
 1444 | citizens or legal aliens who possess work authorization from the
 1445 | United States Bureau of Citizenship and Immigration Services,
 1446 | and who are not licensed adjusters under this part but who have
 1447 | been designated and certified to it as qualified to act as
 1448 | adjusters by an authorized insurer to adjust claims, losses, or
 1449 | damages under policies or contracts of insurance issued by such
 1450 | insurers, or by a licensed ~~the primary adjuster of an~~

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1451 independent adjusting firm contracted with an authorized insurer
 1452 to adjust claims on behalf of the insurer. The fee for the
 1453 license is as provided in s. 624.501(12) (c) .

1454 (2) If any person not a licensed adjuster who has been
 1455 permitted to adjust such losses, claims, or damages under the
 1456 conditions and circumstances set forth in subsection (1),
 1457 engages in any of the misconduct described in or contemplated by
 1458 chapter 626 ss. 626.611 and 626.621, the department, without
 1459 notice and hearing, shall be authorized to issue its order
 1460 denying such person the privileges granted under this section;
 1461 and thereafter it shall be unlawful for any such person to
 1462 adjust any such losses, claims, or damages in this state.

1463 Section 31. Subsection (2) of section 626.9892, Florida
 1464 Statutes, is amended to read:

1465 626.9892 Anti-Fraud Reward Program; reporting of insurance
 1466 fraud.—

1467 (2) The department may pay rewards of up to \$25,000 to
 1468 persons providing information leading to the arrest ~~and~~
 1469 ~~conviction~~ of persons committing crimes investigated by the
 1470 department arising from violations of s. 400.9935, s. 440.105,
 1471 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.
 1472 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.
 1473 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.
 1474 817.233, ~~or~~ s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.
 1475 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

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1476 Section 32. Present subsections (7) through (12) of
 1477 section 626.9957, Florida Statutes, are redesignated as
 1478 subsections (8) through (13), respectively, and a new subsection
 1479 (7) is added to that section, to read:

1480 626.9957 Conduct prohibited; denial, revocation,
 1481 termination, expiration, or suspension of registration.—

1482 (7) If a navigator registered under this part fails to
 1483 maintain an active, valid navigator's registration status with
 1484 the Federal Government or an exchange, the navigator's
 1485 registration issued under this part shall expire by operation of
 1486 law. A navigator with an expired registration may not be granted
 1487 subsequent registration until the navigator qualifies as a
 1488 first-time applicant.

1489 Section 33. Paragraph (c) of subsection (4) of section
 1490 627.351, Florida Statutes, is amended to read:

1491 627.351 Insurance risk apportionment plans.—

1492 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1493 (c) The Joint Underwriting Association shall operate
 1494 subject to the supervision and approval of a board of governors
 1495 consisting of representatives of five of the insurers
 1496 participating in the Joint Underwriting Association, an attorney
 1497 named by The Florida Bar, a physician named by the Florida
 1498 Medical Association, a dentist named by the Florida Dental
 1499 Association, and a hospital representative named by the Florida
 1500 Hospital Association; or consisting of other persons approved

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1501 and appointed by the Chief Financial Officer. The Chief
1502 Financial Officer shall select the representatives of the five
1503 insurers or shall approve and appoint other persons with
1504 experience in medical malpractice insurance as determined by the
1505 Chief Financial Officer. These appointments are deemed to be
1506 within the scope of the exemption provided in s. 112.313(7)(b).
1507 One insurer representative shall be selected from
1508 recommendations of the American Insurance Association. One
1509 insurer representative shall be selected from recommendations of
1510 the Property Casualty Insurers Association of America. One
1511 insurer representative shall be selected from recommendations of
1512 the Florida Insurance Council. Two insurer representatives shall
1513 be selected to represent insurers that are not affiliated with
1514 these associations. Vacancies on the board shall be filled for
1515 the remaining period of the term in the same manner as the
1516 initial appointments. During the first meeting of the board
1517 after June 30 of each year, the board shall choose one of its
1518 members to serve as chair of the board and another member to
1519 serve as vice chair of the board. There is no liability on the
1520 part of, and no cause of action shall arise against, any member
1521 insurer, self-insurer, or its agents or employees, the Joint
1522 Underwriting Association or its agents or employees, members of
1523 the board of governors, or the office or its representatives for
1524 any action taken by them in the performance of their powers and
1525 duties under this subsection.

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1526 1. The Chief Financial Officer may remove a board member
1527 from office for misconduct, malfeasance, misfeasance, or neglect
1528 of duty. Any vacancy so created shall be filled as provided in
1529 this paragraph.

1530 2. Board members are subject to the code of ethics under
1531 part III of chapter 112, including, but not limited to, the code
1532 of ethics and public disclosure and reporting of financial
1533 interests, pursuant to s. 112.3145. For purposes of applying
1534 part III of chapter 112 to activities of members of the board of
1535 governors, those persons are considered public officers and the
1536 Joint Underwriting Association is considered their agency.
1537 Notwithstanding s. 112.3143(2), a board member may not vote on
1538 any measure that he or she knows would inure to his or her
1539 special private gain or loss; that he or she knows would inure
1540 to the special private gain or loss of any principal by which he
1541 or she is retained, other than an agency as defined in s.
1542 112.312; or that he or she knows would inure to the special
1543 private gain or loss of a relative or business associate of the
1544 public officer. Before the vote is taken, such board member
1545 shall publicly state to the board the nature of his or her
1546 interest in the matter from which he or she is abstaining from
1547 voting and, within 15 days after the vote occurs, disclose the
1548 nature of his or her interest as a public record in a memorandum
1549 filed with the person responsible for recording the minutes of
1550 the meeting, who shall incorporate the memorandum in the

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1551 minutes.

1552 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
 1553 law, a board member may not knowingly accept, directly or
 1554 indirectly, any gift or expenditure from a person or entity, or
 1555 an employee or representative of such person or entity, which
 1556 has a contractual relationship with the Joint Underwriting
 1557 Association or which is under consideration for a contract.

1558 4. A board member who fails to comply with subparagraph 2.
 1559 or subparagraph 3. is subject to the penalties provided under
 1560 ss. 112.317 and 112.3173.

1561 Section 34. Section 33. Section 627.4215, Florida
 1562 Statutes, is amended to read:

1563 627.4215 Disclosures to policyholders; coverage of
 1564 behavioral health care services.—

1565 (1) A health insurer that offers behavioral health
 1566 insurance coverages required by federal or state law shall make
 1567 all of the following information available on its website:

1568 (a) The federal and state requirements for coverage of
 1569 behavioral health care services.

1570 (b) Contact information for the Division of Consumer
 1571 Services of the department, including a hyperlink, for consumers
 1572 to submit inquiries or complaints relating to health insurer
 1573 products or services regulated by the department or the office.

1574 (2) On an annual basis, a health insurer that offers
 1575 behavioral health insurance coverages required by federal or

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1576 state law shall provide a direct notice to insureds with
1577 behavioral health insurance coverages required by federal or
1578 state law which must include a description of the federal and
1579 state requirements for coverage of behavioral health care
1580 services. Such notice must also include the website address and
1581 statewide toll-free telephone number of the Division of Consumer
1582 Services of the department for receiving and logging complaints.

1583 Section 35. Subsections (2) and (3) of section 627.7015,
1584 Florida Statutes, are amended to read:

1585 627.7015 Alternative procedure for resolution of disputed
1586 property insurance claims.—

1587 (2) At the time of issuance and renewal of a policy or at
1588 the time a first-party claim within the scope of this section is
1589 filed by the policyholder, the insurer shall notify the
1590 policyholder of its right to participate in the mediation
1591 program under this section. A claim becomes eligible for
1592 mediation after the insurer complies with s. 627.70131(7) or
1593 elects to reinspect pursuant to s. 627.70152(4) (a)3. If the
1594 insurer has not complied with s. 627.70131(7) or elected to
1595 reinspect pursuant to s. 627.70152(4) (a)3. within 90 days after
1596 notice of the loss, the insurer may not require mediation under
1597 this section. This subsection does not impair the right of an
1598 insurance company to request mediation after a determination of
1599 coverage pursuant to this section or require appraisal or
1600 another method of alternative dispute resolution pursuant to s.

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1601 627.70152(4)(b). The department shall prepare a consumer
 1602 information pamphlet for distribution to persons participating
 1603 in mediation.

1604 (3) The costs of mediation must be reasonable, and the
 1605 insurer must bear all of the cost of conducting mediation
 1606 conferences, except as otherwise provided in this section. If a
 1607 policyholder fails to appear at the conference, the conference
 1608 must be rescheduled upon the policyholder's payment of the costs
 1609 of a rescheduled conference. If the insurer fails to appear at
 1610 the conference, the insurer must pay the policyholder's actual
 1611 cash expenses incurred in attending the conference if the
 1612 insurer's failure to attend was not due to a good cause
 1613 acceptable to the department. An insurer will be deemed to have
 1614 failed to appear if the insurer's representative lacks authority
 1615 to settle the full value of the claim. The insurer shall incur
 1616 an additional fee for a rescheduled conference necessitated by
 1617 the insurer's failure to appear at a scheduled conference. The
 1618 fees assessed by the department ~~administrator~~ must include a
 1619 charge necessary to defray the expenses of the department
 1620 related to its duties under this section and must be deposited
 1621 in the Insurance Regulatory Trust Fund. The department may
 1622 suspend the insurer's authority to appoint licensees if the
 1623 insurer does not timely pay the required fees.

1624 Section 36. Subsection (18) is added to section 627.7074,
 1625 Florida Statutes, to read:

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1626 627.7074 Alternative procedure for resolution of disputed
1627 sinkhole insurance claims.—

1628 (18) The department may designate, by means of a written
1629 contract or agreement, an entity or a person to serve as
1630 administrator to carry out any of the provisions of this
1631 section.

1632 Section 37. Section 627.745, Florida Statutes, is amended
1633 to read:

1634 627.745 Mediation of claims.—

1635 (1)(a) In any claim filed with an insurer for personal
1636 injury in an amount of \$10,000 or less or any claim for property
1637 damage in any amount, arising out of the ownership, operation,
1638 use, or maintenance of a motor vehicle, either party may demand
1639 mediation of the claim prior to the institution of litigation.

1640 (b) The costs of mediation must be reasonable, and the
1641 insurer must bear all of the cost of conducting mediation
1642 conferences, except as otherwise provided in this section. If a
1643 policyholder fails to appear at the conference, the conference
1644 must be rescheduled upon the policyholder's payment of the costs
1645 of a rescheduled conference. If the insurer fails to appear at
1646 the conference, the insurer must pay the policyholder's actual
1647 cash expenses incurred in attending the conference if the
1648 insurer's failure to attend was not due to a good cause
1649 acceptable to the department. An insurer is deemed to have
1650 failed to appear if the insurer's representative lacks authority

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1651 to settle the full value of the claim. The insurer shall incur
 1652 an additional fee, paid to the mediator, for a rescheduled
 1653 conference necessitated by the insurer's failure to appear at a
 1654 scheduled conference. The fees assessed by the department or
 1655 administrator must include a charge necessary to defray the
 1656 expenses of the department related to its duties under this
 1657 section and must be deposited in the Insurance Regulatory Trust
 1658 Fund. The department or administrator may request that the
 1659 department suspend the insurer's authority to appoint licensees
 1660 if the insurer does not timely pay the per-mediation-event
 1661 administrative fee. Mediation under this section is also
 1662 available to litigants referred to the department by a county
 1663 court or circuit court.

1664 ~~(b) A request for mediation shall be filed with the~~
 1665 ~~department on a form approved by the department. The request for~~
 1666 ~~mediation shall state the reason for the request for mediation~~
 1667 ~~and the issues in dispute which are to be mediated. The filing~~
 1668 ~~of a request for mediation tolls the applicable time~~
 1669 ~~requirements for filing suit for a period of 60 days following~~
 1670 ~~the conclusion of the mediation process or the time prescribed~~
 1671 ~~in s. 95.11, whichever is later.~~

1672 ~~(c) The insurance policy must specify in detail the terms~~
 1673 ~~and conditions for mediation of a first-party claim.~~

1674 ~~(d) The mediation shall be conducted as an informal~~
 1675 ~~process in which formal rules of evidence and procedure need not~~

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1676 ~~be observed. Any party participating in a mediation must have~~
1677 ~~the authority to make a binding decision. All parties must~~
1678 ~~mediate in good faith.~~

1679 ~~(c) The department shall randomly select mediators. Each~~
1680 ~~party may once reject the mediator selected, either originally~~
1681 ~~or after the opposing side has exercised its option to reject a~~
1682 ~~mediator.~~

1683 ~~(f) Costs of mediation shall be borne equally by both~~
1684 ~~parties unless the mediator determines that one party has not~~
1685 ~~mediated in good faith.~~

1686 ~~(g) Only one mediation may be requested for each claim,~~
1687 ~~unless all parties agree to further mediation.~~

1688 ~~(2) Upon receipt of a request for mediation, the~~
1689 ~~department shall refer the request to a mediator. The mediator~~
1690 ~~shall notify the applicant and all interested parties, as~~
1691 ~~identified by the applicant, and any other parties the mediator~~
1692 ~~believes may have an interest in the mediation, of the date,~~
1693 ~~time, and place of the mediation conference. The conference may~~
1694 ~~be held by telephone, if feasible. The mediation conference~~
1695 ~~shall be held within 45 days after the request for mediation.~~

1696 ~~(2) (a) (3) (a)~~ (2) (a) The department shall approve mediators to
1697 conduct mediations pursuant to this section. All mediators must
1698 file an application under oath for approval as a mediator.

1699 (b) To qualify for approval as a mediator, an individual
1700 must meet one of the following qualifications:

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1701 1. Possess an active certification as a Florida Supreme
 1702 Court certified circuit court mediator. A Florida Supreme Court
 1703 certified circuit court mediator in a lapsed, suspended,
 1704 sanctioned, or decertified status is not eligible to participate
 1705 in the mediation program.

1706 2. Be an approved department mediator as of July 1, 2014,
 1707 and have conducted at least one mediation on behalf of the
 1708 department within 4 years immediately preceding that date.

1709 (3)~~(4)~~ The department shall deny an application, or
 1710 suspend or revoke its approval, of a mediator to serve in such
 1711 capacity if the department finds that one or more of the
 1712 following grounds exist:

1713 (a) Lack of one or more of the qualifications specified in
 1714 this section for approval.

1715 (b) Material misstatement, misrepresentation, or fraud in
 1716 obtaining or attempting to obtain the approval.

1717 (c) Demonstrated lack of fitness or trustworthiness to act
 1718 as a mediator.

1719 (d) Fraudulent or dishonest practices in the conduct of
 1720 mediation or in the conduct of business in the financial
 1721 services industry.

1722 (e) Violation of any provision of this code or of a lawful
 1723 order or rule of the department, violation of the Florida Rules
 1724 for Certified and Court-Appointed Mediators, or aiding,
 1725 instructing, or encouraging another party in committing such a

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1726 violation.

1727

1728 The department may adopt rules to administer this subsection.

1729 (4) The department shall adopt by rule a motor vehicle
 1730 claims insurance mediation program to be administered by the
 1731 department or its designee. The department may also adopt
 1732 special rules that are applicable in cases of an emergency
 1733 within the state. The rules shall be modeled after practices and
 1734 procedures set forth in mediation rules of procedure adopted by
 1735 the Supreme Court. The rules must include:

1736 (a) Reasonable requirements for processing and scheduling
 1737 of requests for mediation.

1738 (b) Provisions governing who may attend mediation
 1739 conferences.

1740 (c) Selection of mediators.

1741 (d) Criteria for the conduct of mediation conferences.

1742 (e) Right to legal counsel.

1743 ~~(5) The department must adopt rules of procedure for~~
 1744 ~~claims mediation, taking into consideration a system which:~~

1745 ~~(a) Is fair.~~

1746 ~~(b) Promotes settlement.~~

1747 ~~(c) Avoids delay.~~

1748 ~~(d) Is nonadversarial.~~

1749 ~~(e) Uses a framework for modern mediating technique.~~

1750 (f) Controls of costs and expenses of mediation.

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1751 (5) The department may designate an entity or person to
 1752 serve as an administrator to carry out any of the provisions of
 1753 this section and may take this action by means of a written
 1754 contract or agreement.

1755 (6) Disclosures and information divulged in the mediation
 1756 process are not admissible in any subsequent action or
 1757 proceeding relating to the claim or to the cause of action
 1758 giving rise to the claim. A person demanding mediation under
 1759 this section may not demand or request mediation after a suit is
 1760 filed relating to the same facts already mediated.

1761 Section 38. Present subsections (7) through (12) of
 1762 section 631.141, Florida Statutes, are redesignated as
 1763 subsections (8) through (13), respectively, and a new subsection
 1764 (7) is added to that section, to read:

1765 631.141 Conduct of delinquency proceeding; domestic and
 1766 alien insurers.—

1767 (7) In order to preserve as much as possible the right and
 1768 interest of the policyholders whose insurance policies or
 1769 similar contracts are affected by the receivership proceedings,
 1770 the department as a domiciliary receiver may:

1771 (a) Use the property of the estate of the insurer to
 1772 transfer the insurer's book of business, policies, or similar
 1773 contracts of coverage, in whole or in part, to a solvent
 1774 assuming insurer or insurers.

1775 (b) Notwithstanding s. 631.195, share records of the

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1776 insurer with the prospective solvent assuming insurer or
 1777 insurers, but only to the extent necessary to undertake due
 1778 diligence for a transfer contemplated under this section.

1779 Section 39. Subsections (1) and (3) of section 631.252,
 1780 Florida Statutes, are amended to read:

1781 631.252 Continuation of coverage.—

1782 (1) Unless another insurer, with approval of the
 1783 receivership court, assumes or otherwise provides coverage for
 1784 the policies of the insolvent insurer, all insurance policies or
 1785 similar contracts of coverage, other than coverages defined in
 1786 s. 631.713 or health maintenance organization coverage under
 1787 part IV, issued by the insurer shall be canceled upon the
 1788 earlier ~~earliest to occur~~ of the following:

1789 (a) The date of entry of the liquidation or, if the court
 1790 so provides in its order, the expiration of 30 days from the
 1791 date of entry of the liquidation order;

1792 (b) The normal expiration of the policy or contract
 1793 coverage;

1794 (c) The replacement of the coverage by the insured, or the
 1795 replacement of the policy or contract of coverage, with a policy
 1796 or contract acceptable to the insured by the receiver with
 1797 another insurer; ~~or~~

1798 (d) The date proposed by the receiver and approved by the
 1799 receivership court to cancel coverage; or

1800 (e)-(d) The termination of the coverage by the insured.

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1801 (3) The 30-day coverage continuation period provided in
 1802 paragraph (1)(a) and s. 631.57(1)(a)1. may not be extended
 1803 unless the Chief Financial Officer ~~office~~ determines, based on a
 1804 reasonable belief, that market conditions are such that policies
 1805 of residential property insurance coverage cannot be placed with
 1806 an authorized insurer within 30 days and that an additional 15
 1807 days is needed to place such coverage. ~~and~~ Failure of actual
 1808 notice to the policyholder of the insolvency of the insurer, of
 1809 commencement of a delinquency proceeding, or of expiration of
 1810 the extension period does not affect such expiration.

1811 Section 40. Subsection (1) of section 631.56, Florida
 1812 Statutes, is amended, and subsections (5) through (8) are added
 1813 to that section, to read:

1814 631.56 Board of directors.—

1815 (1) The board of directors of the association shall
 1816 consist of not less than five or more than nine persons serving
 1817 terms as established in the plan of operation. Three members of
 1818 the board must be representatives from domestic insurers
 1819 appointed by the Chief Financial Officer. The department shall
 1820 approve and appoint to the board persons recommended by the
 1821 member insurers or shall approve and appoint other persons with
 1822 experience in property and casualty insurance or motor vehicle
 1823 insurance as determined by the Chief Financial Officer. These
 1824 appointments are deemed to be within the scope of the exemption
 1825 provided in s. 112.313(7)(b). ~~In the event the department finds~~

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1826 ~~that any recommended person does not meet the qualifications for~~
1827 ~~service on the board, the department shall request the member~~
1828 ~~insurers to recommend another person.~~ Each member shall serve
1829 for a 4-year term and may be reappointed. Vacancies on the board
1830 shall be filled for the remaining period of the term in the same
1831 manner as initial appointments.

1832 (5) The Chief Financial Officer may remove a board member
1833 from office for misconduct, malfeasance, misfeasance, or neglect
1834 of duty. Any vacancy so created shall be filled as provided in
1835 subsection (1).

1836 (6) Board members are subject to the code of ethics under
1837 part III of chapter 112, including, but not limited to, the code
1838 of ethics and public disclosure and reporting of financial
1839 interests, pursuant to s. 112.3145. For purposes of applying
1840 part III of chapter 112 to activities of members of the board of
1841 directors, those persons are considered public officers and the
1842 association is considered their agency. Notwithstanding s.
1843 112.3143(2), a board member may not vote on any measure that he
1844 or she knows would inure to his or her special private gain or
1845 loss; that he or she knows would inure to the special private
1846 gain or loss of any principal by which he or she is retained,
1847 other than an agency as defined in s. 112.312; or that he or she
1848 knows would inure to the special private gain or loss of a
1849 relative or business associate of the public officer. Before the
1850 vote is taken, such member shall publicly state to the board the

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1851 nature of his or her interest in the matter from which he or she
 1852 is abstaining from voting and, within 15 days after the vote
 1853 occurs, disclose the nature of his or her interest as a public
 1854 record in a memorandum filed with the person responsible for
 1855 recording the minutes of the meeting, who shall incorporate the
 1856 memorandum in the minutes.

1857 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1858 law, a board member may not knowingly accept, directly or
 1859 indirectly, any gift or expenditure from a person or entity, or
 1860 an employee or representative of such person or entity, which
 1861 has a contractual relationship with the association or which is
 1862 under consideration for a contract.

1863 (8) A board member who fails to comply with subsection (6)
 1864 or subsection (7) is subject to the penalties provided under ss.
 1865 112.317 and 112.3173.

1866 Section 41. Paragraph (a) of subsection (1) of section
 1867 631.716, Florida Statutes, is amended, and subsections (4)
 1868 through (7) are added to that section, to read:

1869 631.716 Board of directors.—

1870 (1)(a) The board of directors of the association shall
 1871 have at least 9, but no more than 11, members. The members shall
 1872 consist ~~be comprised~~ of member insurers serving terms as
 1873 established in the plan of operation and 1 Florida Health
 1874 Maintenance Organization Consumer Assistance Plan director
 1875 confirmed pursuant to paragraph (b) or shall consist of other

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1876 persons, appointed by the department, who have experience in
 1877 life and annuity or accident and health insurance as determined
 1878 by the Chief Financial Officer. These directors are deemed to be
 1879 within the scope of the exemption provided in s. 112.313(7)(b).
 1880 At all times, at least 1 ~~member of the board~~ member must be a
 1881 domestic insurer as defined in s. 624.06(1). The ~~members of the~~
 1882 board members who are member insurers shall be elected by member
 1883 insurers, subject to the approval of the department. Each board
 1884 member shall serve for a 4-year term and may be reappointed.

1885 (4) The Chief Financial Officer may remove a board member
 1886 from office for misconduct, malfeasance, misfeasance, or neglect
 1887 of duty. Any vacancy so created shall be filled as provided in
 1888 subsection (1).

1889 (5) Board members are subject to the code of ethics under
 1890 part III of chapter 112, including, but not limited to, the code
 1891 of ethics and public disclosure and reporting of financial
 1892 interests, pursuant to s. 112.3145. For purposes of applying
 1893 part III of chapter 112 to activities of members of the board of
 1894 directors, those persons are considered public officers and the
 1895 association is considered their agency. Notwithstanding s.
 1896 112.3143(2), a board member may not vote on any measure that he
 1897 or she knows would inure to his or her special private gain or
 1898 loss; that he or she knows would inure to the special private
 1899 gain or loss of any principal by which he or she is retained,
 1900 other than an agency as defined in s. 112.312; or that he or she

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

1910 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1911 law, a board member may not knowingly accept, directly or
 1912 indirectly, any gift or expenditure from a person or entity, or
 1913 an employee or representative of such person or entity, which
 1914 has a contractual relationship with the association or which is
 1915 under consideration for a contract.

1916 (7) A board member who fails to comply with subsection (5)
 1917 or subsection (6) is subject to the penalties provided under ss.
 1918 112.317 and 112.3173.

1919 Section 42. Subsection (1) of section 631.816, Florida
 1920 Statutes, is amended, and subsections (8) through (11) are added
 1921 to that section, to read:

1922 631.816 Board of directors.—

1923 (1) The board of directors of the plan shall consist of
 1924 not less than five or more than nine persons serving terms as
 1925 established in the plan of operation. The department shall

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1926 | approve and appoint to the board persons recommended by the
 1927 | member HMOs or shall approve and appoint other persons with
 1928 | experience in health insurance as determined by the Chief
 1929 | Financial Officer. These appointments are deemed to be within
 1930 | the scope of the exemption provided in s. 112.313(7)(b). ~~In the~~
 1931 | ~~event the department finds that any recommended person does not~~
 1932 | ~~meet the qualifications for service on the board, the department~~
 1933 | ~~shall request the member HMOs to recommend another person.~~ Each
 1934 | member shall serve for a 4-year term and may be reappointed,
 1935 | except that terms may be staggered as defined in the plan of
 1936 | operation. Vacancies on the board shall be filled for the
 1937 | remaining period of the term in the same manner as initial
 1938 | appointments. In determining voting rights, each HMO is entitled
 1939 | to vote on the basis of cumulative weighted voting based on the
 1940 | net written premium for non-Medicare and non-Medicaid policies.

1941 | (8) The Chief Financial Officer may remove a board member
 1942 | from office for misconduct, malfeasance, misfeasance, or neglect
 1943 | of duty. Any vacancy so created shall be filled as provided in
 1944 | subsection (1).

1945 | (9) Board members are subject to the code of ethics under
 1946 | part III of chapter 112, including, but not limited to, the code
 1947 | of ethics and public disclosure and reporting of financial
 1948 | interests, pursuant to s. 112.3145. For purposes of applying
 1949 | part III of chapter 112 to activities of members of the board of
 1950 | directors, those persons are considered public officers and the

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1951 plan is considered their agency. Notwithstanding s. 112.3143(2),
 1952 a board member may not vote on any measure that he or she knows
 1953 would inure to his or her special private gain or loss; that he
 1954 or she knows would inure to the special private gain or loss of
 1955 any principal by which he or she is retained, other than an
 1956 agency as defined in s. 112.312; or that he or she knows would
 1957 inure to the special private gain or loss of a relative or
 1958 business associate of the public officer. Before the vote is
 1959 taken, such member shall publicly state to the board the nature
 1960 of his or her interest in the matter from which he or she is
 1961 abstaining from voting and, within 15 days after the vote
 1962 occurs, disclose the nature of his or her interest as a public
 1963 record in a memorandum filed with the person responsible for
 1964 recording the minutes of the meeting, who shall incorporate the
 1965 memorandum in the minutes.

1966 (10) Notwithstanding s. 112.3148, s. 112.3149, or any
 1967 other law, a board member may not knowingly accept, directly or
 1968 indirectly, any gift or expenditure from a person or entity, or
 1969 an employee or representative of such person or entity, which
 1970 has a contractual relationship with the plan or which is under
 1971 consideration for a contract.

1972 (11) A board member who fails to comply with subsection
 1973 (9) or subsection (10) is subject to the penalties provided
 1974 under ss. 112.317 and 112.3173.

1975 Section 43. Subsection (1) of section 631.912, Florida

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1976 Statutes, is amended, and subsections (4), (5), and (6) are
 1977 added to that section, to read:

1978 631.912 Board of directors.—

1979 (1) The board of directors of the corporation shall
 1980 consist of 11 persons, 1 of whom is the insurance consumer
 1981 advocate appointed under s. 627.0613 or designee and 1 of whom
 1982 is designated by the Chief Financial Officer. The department
 1983 shall appoint to the board 6 persons selected by private
 1984 carriers from among the 20 workers' compensation insurers with
 1985 the largest amount of direct written premium as determined by
 1986 the department, and 2 persons selected by the self-insurance
 1987 funds or other persons with experience in workers' compensation
 1988 insurance as determined by the Chief Financial Officer. These
 1989 appointments are deemed to be within the scope of the exemption
 1990 provided in s. 112.313(7)(b). The Governor shall appoint one
 1991 person who has commercial insurance experience. At least two of
 1992 the private carriers shall be foreign carriers authorized to do
 1993 business in this state. The board shall elect a chairperson from
 1994 among its members. The Chief Financial Officer may remove any
 1995 board member for cause. Each board member shall be appointed to
 1996 serve a 4-year term and may be reappointed. A vacancy on the
 1997 board shall be filled for the remaining period of the term in
 1998 the same manner by which the original appointment was made.

1999 (4) Board members are subject to the code of ethics under
 2000 part III of chapter 112, including, but not limited to, the code

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2001 of ethics and public disclosure and reporting of financial
2002 interests, pursuant to s. 112.3145. For purposes of applying
2003 part III of chapter 112 to activities of members of the board of
2004 directors, those persons are considered public officers and the
2005 corporation is considered their agency. Notwithstanding s.
2006 112.3143(2), a board member may not vote on any measure that he
2007 or she knows would inure to his or her special private gain or
2008 loss; that he or she knows would inure to the special private
2009 gain or loss of any principal by which he or she is retained,
2010 other than an agency as defined in s. 112.312; or that he or she
2011 knows would inure to the special private gain or loss of a
2012 relative or business associate of the public officer. Before the
2013 vote is taken, such member shall publicly state to the board the
2014 nature of his or her interest in the matter from which he or she
2015 is abstaining from voting and, within 15 days after the vote
2016 occurs, disclose the nature of his or her interest as a public
2017 record in a memorandum filed with the person responsible for
2018 recording the minutes of the meeting, who shall incorporate the
2019 memorandum in the minutes.

2020 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
2021 law, a board member may not knowingly accept, directly or
2022 indirectly, any gift or expenditure from a person or entity, or
2023 an employee or representative of such person or entity, which
2024 has a contractual relationship with the corporation or which is
2025 under consideration for a contract.

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2026 (6) A board member who fails to comply with subsection (4)
 2027 or subsection (5) is subject to the penalties provided under ss.
 2028 112.317 and 112.3173.

2029 Section 44. Section 633.1423, Florida Statutes, is created
 2030 to read:

2031 633.1423 State Fire Marshal direct-support organization.-

2032 (1) DEFINITION.-As used in this section, the term
 2033 "organization" means the direct-support organization established
 2034 under this section.

2035 (2) ORGANIZATION ESTABLISHED.-The division may establish a
 2036 direct-support organization, to be known as the "State Fire
 2037 Marshal Safety and Training Force," whose sole purpose is to
 2038 support the safety and training of firefighters and to recognize
 2039 exemplary service. The organization must:

2040 (a) Be a not-for-profit corporation incorporated under
 2041 chapter 617 and approved by the Department of State.

2042 (b) Be organized and operated to raise funds; request and
 2043 receive grants, gifts, and bequests of money; conduct programs
 2044 and activities; acquire, receive, hold, invest, and administer,
 2045 in its own name, securities, funds, or property; and make grants
 2046 and expenditures to or for the direct or indirect benefit of the
 2047 division. Grants and expenditures may include the cost of
 2048 education or training of firefighters, or the recognition of
 2049 exemplary service of firefighters.

2050 (c) Be determined by the division to operate in a manner

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2051 that is:

2052 1. Consistent with the goals of the division and laws

2053 relating to the safety and training of firefighters.

2054 2. In the best interest of the state.

2055 3. In accordance with the adopted goals and mission of the

2056 division.

2057 (d) Use all of its grants and expenditures solely for the

2058 purpose of educating, training, and recognizing firefighters,

2059 and not for advertising using the likeness or name of any

2060 elected official nor for the purpose of lobbying as defined in

2061 s. 11.045(1).

2062 (e) Be subject to an annual financial audit in accordance

2063 with s. 215.981.

2064 (3) CONTRACT.—The organization shall operate under written

2065 contract with the division. The contract must provide for:

2066 (a) Certification by the division that the organization is

2067 complying with the terms of the contract and in a manner

2068 consistent with the goals and purposes of the department and in

2069 the best interest of the state. Such certification must be made

2070 annually and reported in the official minutes of a meeting of

2071 the organization.

2072 (b) The reversion of moneys and property held by the

2073 organization for firefighter safety, training, and recognition

2074 to the division if the organization is no longer approved to

2075 operate by the division or if the organization ceases to exist,

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2076 or to the state if the division ceases to exist.

2077 (4) BOARD OF DIRECTORS.—The organization shall be governed
 2078 by a board of directors. The State Fire Marshal, or his or her
 2079 designee, shall appoint a president of the board. The board of
 2080 directors shall be appointed by the president of the board.

2081 (5) USE OF PROPERTY.—The division may authorize, without
 2082 charge, appropriate use of fixed property and facilities of the
 2083 division by the organization, subject to this subsection.

2084 (a) The department may prescribe any condition with which
 2085 the organization must comply in order to use the division's
 2086 property or facilities.

2087 (b) The department may not authorize the use of the
 2088 division's property or facilities if the organization does not
 2089 provide equal membership and employment opportunities to all
 2090 persons regardless of race, religion, sex, age, or national
 2091 origin.

2092 (c) The department shall adopt rules prescribing the
 2093 procedures by which the organization is governed and any
 2094 conditions with which the organization must comply to use the
 2095 division's property or facilities.

2096 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
 2097 organization may be held in a separate depository account in the
 2098 name of the organization and subject to the contract with the
 2099 division.

2100 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall

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2101 submit to the division its annual budget and financial reports,
 2102 its federal Internal Revenue Service Application for Recognition
 2103 of Exemption Form 1023, and its federal Internal Revenue Service
 2104 Return of Organization Exempt from Income Tax Form 990.

2105 (8) ANNUAL AUDIT.—The organization shall provide for an
 2106 annual financial audit in accordance with s. 215.981.

2107 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
 2108 the division from the organization shall be deposited into the
 2109 Insurance Regulatory Trust Fund.

2110 (10) REPEAL.—This section is repealed October 1, 2028,
 2111 unless reviewed and saved from repeal by the Legislature.

2112 Section 45. Section 634.181, Florida Statutes, is amended
 2113 to read:

2114 634.181 Grounds for compulsory refusal, suspension, or
 2115 revocation of license or appointment of salespersons.—

2116 (1) The department shall deny, suspend, revoke, or refuse
 2117 to renew or continue the license or appointment of any such
 2118 salesperson if it finds that as to the salesperson any one or
 2119 more of the following applicable grounds exist:

2120 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2121 in obtaining or attempting to obtain the license or appointment.

2122 (b)~~(2)~~ If the license or appointment is willfully used, or
 2123 to be used, to circumvent any of the requirements or
 2124 prohibitions of this part, any applicable provision of the
 2125 Florida Insurance Code, or rule of the department or commission.

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2126 (c)~~(3)~~ Willful misrepresentation of any service agreement
 2127 or willful deception with regard to any agreement, done either
 2128 in person or by any form of dissemination of information or
 2129 advertising.

2130 (d)~~(4)~~ If in the adjustment of claims arising out of
 2131 service agreements, she or he has materially misrepresented to a
 2132 service agreement holder or other interested party the terms and
 2133 coverage of a service agreement with intent and for the purpose
 2134 of effecting settlement of the claim on less favorable terms
 2135 than those provided in and contemplated by the service
 2136 agreement.

2137 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
 2138 to engage in the service agreement business.

2139 (f)~~(6)~~ For demonstrated lack of adequate knowledge and
 2140 technical competence to engage in the transactions authorized by
 2141 the license or appointment.

2142 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2143 business under the license or appointment.

2144 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2145 withholding of moneys belonging to a service agreement company,
 2146 insurer, or service agreement holder or to others and received
 2147 in the conduct of business under the license or appointment.

2148 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for
 2149 unlawfully dividing or offering to divide her or his commission
 2150 with another.

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2151 (j)~~(10)~~ Willful failure to comply with, or willful
 2152 violation of any proper order of the department or office, or
 2153 willful violation of any provision of this part, or of any
 2154 applicable provision of the insurance code, or applicable rule
 2155 of the department or commission.

2156 (k)~~(11)~~ Having been found guilty of, or having pleaded
 2157 guilty or nolo contendere to, a felony or a crime punishable by
 2158 imprisonment of 1 year or more under the law of the United
 2159 States of America or any state thereof or under the law of any
 2160 other country which involves moral turpitude, without regard to
 2161 whether a judgment of conviction has been entered by the court
 2162 having jurisdiction of the cases.

2163 (l)~~(12)~~ Failure to refund unearned pro rata commission to
 2164 the agreement holder or the service agreement company, if the
 2165 service agreement company is making a full unearned pro rata
 2166 refund to the agreement holder.

2167 (m) Having been the subject of, or having had a license,
 2168 permit, appointment, registration, or other authority to conduct
 2169 business subject to, any decision, finding, injunction,
 2170 suspension, prohibition, revocation, denial, judgment, final
 2171 agency action, or administrative order by any court of competent
 2172 jurisdiction, administrative law proceeding, state agency,
 2173 federal agency, national securities, commodities, or options
 2174 exchange, or national securities, commodities, or options
 2175 association involving a violation of any federal or state

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2176 securities or commodities law or any rule or regulation adopted
2177 thereunder, or a violation of any rule or regulation of any
2178 national securities, commodities, or options exchange or
2179 national securities, commodities, or options association.

2180 (2) When a licensee is charged with a felony enumerated in
2181 s. 626.207(2), the department shall, immediately upon receipt of
2182 information on or indictment for the felony, temporarily suspend
2183 a license or appointment issued under this chapter. Such
2184 suspension shall continue if the licensee is found guilty of, or
2185 pleads guilty or nolo contendere to, the crime, regardless of
2186 whether a judgment or conviction is entered, during a pending
2187 appeal. A person may not transact insurance business after
2188 suspension of his or her license or appointment.

2189 (3) The department may adopt rules to administer this
2190 section.

2191 Section 46. Section 634.191, Florida Statutes, is amended
2192 to read:

2193 634.191 Grounds for discretionary refusal, suspension, or
2194 revocation of license or appointment of salespersons.—

2195 (1) The department may, in its discretion, deny, suspend,
2196 revoke, or refuse to renew or continue the license or
2197 appointment of any salesperson if it finds that as to the
2198 salesperson any one or more of the following applicable grounds
2199 exist under circumstances for which such denial, suspension,
2200 revocation, or refusal is not mandatory under s. 634.181:

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2201 ~~(a)(1)~~ For any cause for which granting of the license or
 2202 appointment could have been refused had it then existed and been
 2203 known to the department.

2204 ~~(b)(2)~~ Violation of any provision of this part or of any
 2205 other law applicable to the business of service agreements in
 2206 the course of dealings under the license or appointment.

2207 ~~(c)(3)~~ Violation of ~~Has violated~~ any lawful order or rule
 2208 of the department or commission.

2209 ~~(d)(4)~~ Failure or refusal, upon demand, to pay over to any
 2210 company or insurer the salesperson represents or has represented
 2211 any money coming into her or his hands belonging to the company
 2212 or insurer.

2213 ~~(e)(5)~~ If, in the conduct of business under the license or
 2214 appointment, the salesperson has engaged in unfair methods of
 2215 competition or in unfair or deceptive acts or practices, as such
 2216 methods, acts, or practices are or may be defined under this
 2217 part, or has otherwise shown herself or himself to be a source
 2218 of injury or loss to the public or detrimental to the public
 2219 interest.

2220 ~~(f)(6)~~ Failure to report to the department within 30 days
 2221 the final disposition of an administrative action taken against
 2222 a salesperson by a governmental agency or other regulatory
 2223 agency in this state or any other state or jurisdiction relating
 2224 to the business of insurance, the sale of securities, or an
 2225 activity involving fraud, dishonesty, trustworthiness, or breach

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2226 of a fiduciary duty. The salesperson must submit a copy of the
 2227 order, consent to order, or other relevant legal documents to
 2228 the department ~~Having been found guilty of, or having pleaded~~
 2229 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
 2230 ~~imprisonment of 1 year or more under the law of the United~~
 2231 ~~States of America or any state thereof or under the law of any~~
 2232 ~~other country, without regard to whether a judgment of~~
 2233 ~~conviction has been entered by the court having jurisdiction of~~
 2234 ~~the cases.~~

2235 (2) The department may adopt rules to administer this
 2236 section.

2237 Section 47. Section 634.320, Florida Statutes, is amended
 2238 to read:

2239 634.320 Grounds for compulsory refusal, suspension, or
 2240 revocation of license or appointment of sales representatives.—

2241 (1) The department shall deny, suspend, revoke, or refuse
 2242 to renew or continue the license or appointment of any sales
 2243 representative if it is found that any one or more of the
 2244 following grounds applicable to the sales representative exist:

2245 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2246 in obtaining or attempting to obtain a license or appointment.

2247 (b)~~(2)~~ The license or appointment is willfully used, or to
 2248 be used, to circumvent any of the requirements or prohibitions
 2249 of this part.

2250 (c)~~(3)~~ Willful misrepresentation of any warranty contract

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2251 or willful deception with regard to any such contract, done
 2252 either in person or by any form of dissemination of information
 2253 or advertising.

2254 (d)~~(4)~~ In the adjustment of claims arising out of
 2255 warranties, material misrepresentation to a warranty holder or
 2256 other interested party of the terms and coverage of a contract,
 2257 with the intent and for the purpose of effecting settlement of
 2258 such claim on less favorable terms than those provided in and
 2259 contemplated by the contract.

2260 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
 2261 engage in the business of home warranty.

2262 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
 2263 technical competence to engage in the transactions authorized by
 2264 the license or appointment.

2265 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2266 business under the license or appointment.

2267 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2268 withholding of moneys belonging to an association, insurer, or
 2269 warranty holder, or to others, and received in the conduct of
 2270 business under the license or appointment.

2271 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
 2272 rebate, or unlawfully dividing, or offering to divide, her or
 2273 his commission with another.

2274 (j)~~(10)~~ Willful failure to comply with, or willful
 2275 violation of, any proper order or rule of the department or

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2276 commission or willful violation of any provision of this part.

2277 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo
 2278 contendere to a felony or a crime punishable by imprisonment of
 2279 1 year or more under the law of the United States of America or
 2280 any state thereof or under the law of any other country
 2281 ~~involving moral turpitude~~, without regard to whether judgment of
 2282 conviction has been entered by the court.

2283 (1) Having been the subject of, or having had a license,
 2284 permit, appointment, registration, or other authority to conduct
 2285 business subject to, any decision, finding, injunction,
 2286 suspension, prohibition, revocation, denial, judgment, final
 2287 agency action, or administrative order by any court of competent
 2288 jurisdiction, administrative law proceeding, state agency,
 2289 federal agency, national securities, commodities, or options
 2290 exchange, or national securities, commodities, or options
 2291 association involving a violation of any federal or state
 2292 securities or commodities law or any rule or regulation adopted
 2293 thereunder, or a violation of any rule or regulation of any
 2294 national securities, commodities, or options exchange or
 2295 national securities, commodities, or options association.

2296 (2) When a licensee is charged with a felony enumerated in
 2297 s. 626.207(2), the department shall, immediately upon receipt of
 2298 information on or indictment for the felony, temporarily suspend
 2299 a license or appointment issued under this chapter. Such
 2300 suspension shall continue if the licensee is found guilty of, or

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2301 pleads guilty or nolo contendere to, the crime, regardless of
 2302 whether a judgment or conviction is entered, during a pending
 2303 appeal. A person may not transact insurance business after
 2304 suspension of his or her license or appointment.

2305 (3) The department may adopt rules to administer this
 2306 section.

2307 Section 48. Section 634.321, Florida Statutes, is amended
 2308 to read:

2309 634.321 Grounds for discretionary refusal, suspension, or
 2310 revocation of license or appointment of sales representatives.—

2311 (1) The department may, in its discretion, deny, suspend,
 2312 revoke, or refuse to renew or continue the license or
 2313 appointment of any sales representative if it is found that any
 2314 one or more of the following grounds applicable to the sales
 2315 representative exist under circumstances for which such denial,
 2316 suspension, revocation, or refusal is not mandatory under s.
 2317 634.320:

2318 (a)~~(1)~~ Any cause for which granting of the license or
 2319 appointment could have been refused had it then existed and been
 2320 known to the department.

2321 (b)~~(2)~~ Violation of any provision of this part, or of any
 2322 other law applicable to the business of warranties, in the
 2323 course of dealings under the license or appointment.

2324 (c)~~(3)~~ Violation of any lawful order or rule of the
 2325 department or commission.

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2326 (d)-(4) Failure or refusal to pay over, upon demand, to any
 2327 home warranty association or insurer the sales representative
 2328 represents or has represented any money coming into her or his
 2329 hands which belongs to the association or insurer.

2330 (e)-(5) In the conduct of business under the license or
 2331 appointment, engaging in unfair methods of competition or in
 2332 unfair or deceptive acts or practices, as such methods, acts, or
 2333 practices are or may be defined under this part, or otherwise
 2334 showing herself or himself to be a source of injury or loss to
 2335 the public or detriment to the public interest.

2336 (f)-(6) Failure to report to the department within 30 days
 2337 the final disposition of an administrative action taken against
 2338 a sales representative by a governmental agency or other
 2339 regulatory agency in this state or any other state or
 2340 jurisdiction relating to the business of insurance, the sale of
 2341 securities, or an activity involving fraud, dishonesty,
 2342 trustworthiness, or breach of a fiduciary duty. The sales
 2343 representative must submit a copy of the order, consent to
 2344 order, or other relevant legal documents to the department ~~Being~~
 2345 ~~found guilty of or pleading guilty or nolo contendere to a~~
 2346 ~~felony or a crime punishable by imprisonment of 1 year or more~~
 2347 ~~under the law of the United States of America or any state~~
 2348 ~~thereof or under the law of any other country, without regard to~~
 2349 ~~whether a judgment of conviction has been entered by the court.~~

2350 (2) The department may adopt rules to administer this

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2351 section.

2352 Section 49. Section 634.419, Florida Statutes, is amended
2353 to read:

2354 634.419 License and appointment required.—No person or
2355 entity shall solicit, negotiate, advertise, or effectuate
2356 service warranty contracts in this state unless such person or
2357 entity is licensed and appointed as a sales representative.
2358 Sales representatives shall be responsible for the actions of
2359 persons under their supervision. However, a service warranty
2360 association licensed as such under this part shall not be
2361 required to be licensed and appointed as a sales representative
2362 to solicit, negotiate, advertise, or effectuate its products.
2363 Sections 501.021-501.055 do not apply to persons or entities
2364 licensed and appointed under this section, or their affiliates,
2365 which solicit the sale of a service warranty or related service
2366 or product in connection with a prearranged appointment at the
2367 request of the consumer.

2368 Section 50. Section 634.422, Florida Statutes, is amended
2369 to read:

2370 634.422 Grounds for compulsory refusal, suspension, or
2371 revocation of license or appointment of sales representatives.—

2372 (1) The department shall deny, suspend, revoke, or refuse
2373 to renew or continue the license or appointment of any sales
2374 representative if it is found that any one or more of the
2375 following grounds applicable to the sales representative exist:

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2376 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2377 in obtaining or attempting to obtain a license or appointment.

2378 (b)~~(2)~~ The license or appointment is willfully used, or to
 2379 be used, to circumvent any of the requirements or prohibitions
 2380 of this part.

2381 (c)~~(3)~~ Willful misrepresentation of any service warranty
 2382 contract or willful deception with regard to any such contract,
 2383 done either in person or by any form of dissemination of
 2384 information or advertising.

2385 (d)~~(4)~~ In the adjustment of claims arising out of
 2386 warranties, material misrepresentation to a service warranty
 2387 holder or other interested party of the terms and coverage of a
 2388 contract with the intent and for the purpose of effecting
 2389 settlement of the claim on less favorable terms than those
 2390 provided in and contemplated by the contract.

2391 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
 2392 engage in the business of service warranty.

2393 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
 2394 technical competence to engage in the transactions authorized by
 2395 the license or appointment.

2396 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
 2397 business under the license or appointment.

2398 (h)~~(8)~~ Misappropriation, conversion, or unlawful
 2399 withholding of moneys belonging to an association, insurer, or
 2400 warranty holder, or to others, and received in the conduct of

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2401 business under the license or appointment.

2402 ~~(i)(9)~~ Unlawfully rebating, or attempting to unlawfully
 2403 rebate, or unlawfully dividing, or offering to divide, her or
 2404 his commission with another.

2405 ~~(j)(10)~~ Willful failure to comply with, or willful
 2406 violation of, any proper order or rule of the department or
 2407 commission, or willful violation of any provision of this part.

2408 ~~(k)(11)~~ Being found guilty of or pleading nolo contendere
 2409 to a felony or a crime punishable by imprisonment of 1 year or
 2410 more under the law of the United States of America or any state
 2411 thereof or under the law of any other country ~~involving moral~~
 2412 ~~turpitude~~, without regard to whether judgment of conviction has
 2413 been entered by the court having jurisdiction of the case.

2414 (l) Having been the subject of, or having had a license,
 2415 permit, appointment, registration, or other authority to conduct
 2416 business subject to, any decision, finding, injunction,
 2417 suspension, prohibition, revocation, denial, judgment, final
 2418 agency action, or administrative order by any court of competent
 2419 jurisdiction, administrative law proceeding, state agency,
 2420 federal agency, national securities, commodities, or options
 2421 exchange, or national securities, commodities, or options
 2422 association involving a violation of any federal or state
 2423 securities or commodities law or any rule or regulation adopted
 2424 thereunder, or a violation of any rule or regulation of any
 2425 national securities, commodities, or options exchange or

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2426 national securities, commodities, or options association.

2427 (2) When a licensee is charged with a felony enumerated in
2428 s. 626.207(2), the department shall, immediately upon receipt of
2429 information on or indictment for the felony, temporarily suspend
2430 a license or appointment issued under this chapter. Such
2431 suspension shall continue if the licensee is found guilty of, or
2432 pleads guilty or nolo contendere to, the crime, regardless of
2433 whether a judgment or conviction is entered, during a pending
2434 appeal. A person may not transact insurance business after
2435 suspension of his or her license or appointment.

2436 (3) The department may adopt rules to administer this
2437 section.

2438 Section 51. Section 634.423, Florida Statutes, is amended
2439 to read:

2440 634.423 Grounds for discretionary refusal, suspension, or
2441 revocation of license or appointment of sales representatives.—

2442 (1) The department may deny, suspend, revoke, or refuse to
2443 renew or continue the license or appointment of any sales
2444 representative if it is found that any one or more of the
2445 following grounds applicable to the sales representative exist
2446 under circumstances for which such denial, suspension,
2447 revocation, or refusal is not mandatory under s. 634.422:

2448 (a)~~(1)~~ Any cause for which granting of the license or
2449 appointment could have been refused had it then existed and been
2450 known to the department.

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2451 (b)~~(2)~~ Violation of any provision of this part, or of any
 2452 other law applicable to the business of service warranties, in
 2453 the course of dealings under the license or appointment.

2454 (c)~~(3)~~ Violation of any lawful order or rule of the
 2455 department or commission.

2456 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
 2457 service warranty association or insurer the sales representative
 2458 represents or has represented any money coming into her or his
 2459 hands which belongs to the association or insurer.

2460 (e)~~(5)~~ In the conduct of business under the license or
 2461 appointment, engaging in unfair methods of competition or in
 2462 unfair or deceptive acts or practices, as such methods, acts, or
 2463 practices are or may be defined under this part, or otherwise
 2464 showing herself or himself to be a source of injury or loss to
 2465 the public or detriment to the public interest.

2466 (f)~~(6)~~ Failure to report to the department within 30 days
 2467 the final disposition of an administrative action taken against
 2468 a sales representative by a governmental agency or other
 2469 regulatory agency in this state or any other state or
 2470 jurisdiction relating to the business of insurance, the sale of
 2471 securities, or an activity involving fraud, dishonesty,
 2472 trustworthiness, or breach of a fiduciary duty. The sales
 2473 representative must submit a copy of the order, consent to
 2474 order, or other relevant legal documents to the department ~~Being~~
 2475 ~~found guilty of or pleading guilty or nolo contendere to a~~

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2476 ~~felony or a crime punishable by imprisonment of 1 year or more~~
 2477 ~~under the law of the United States of America or any state~~
 2478 ~~thereof or under the law of any other country, without regard to~~
 2479 ~~whether judgment of conviction has been entered by the court~~
 2480 ~~having jurisdiction of such case.~~

2481 (2) The department may adopt rules to administer this
 2482 section.

2483 Section 52. Section 648.25, Florida Statutes, is reordered
 2484 and amended to read:

2485 648.25 Definitions.—As used in this chapter, the term:

2486 (1) "Appointment" means the authority given by an insurer
 2487 or the managing general agent of an insurer through the
 2488 department to a licensee to transact insurance or adjust claims
 2489 on behalf of the insurer or managing general agent.

2490 (2)-(1) "Bail bond agency" means:

2491 (a) The building where a licensee maintains an office and
 2492 where all records required by ss. 648.34 and 648.36 are
 2493 maintained; or

2494 (b) An entity that:

2495 1. Charges a fee or premium to release an accused
 2496 defendant or detainee from jail; or

2497 2. Engages in or employs others to engage in any activity
 2498 that may be performed only by a licensed and appointed bail bond
 2499 agent.

2500 (3)-(2) "Bail bond agent" means a limited surety agent or a

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2501 professional bail bond agent as hereafter defined.

2502 (7)~~(3)~~ "Managing general agent" means any individual,
 2503 partnership, association, or corporation appointed or employed
 2504 by an insurer to supervise or manage the bail bond business
 2505 written in this state by limited surety agents appointed by the
 2506 insurer.

2507 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien
 2508 surety company which has been authorized to transact surety
 2509 business in this state.

2510 (6)~~(5)~~ "Limited surety agent" means any individual
 2511 appointed by an insurer by power of attorney to execute or
 2512 countersign bail bonds in connection with judicial proceedings
 2513 who receives or is promised money or other things of value
 2514 therefor.

2515 (4)~~(6)~~ "~~Primary~~ Bail bond agent in charge" means a
 2516 licensed bail bond agent who is responsible for the overall
 2517 operation and management of a bail bond agency location and
 2518 whose responsibilities include hiring and supervising all
 2519 individuals within that location. A bail bond agent may be
 2520 designated as the primary bail bond agent in charge for only one
 2521 bail bond agency location.

2522 (8)~~(7)~~ "Professional bail bond agent" means any person who
 2523 pledges United States currency, United States postal money
 2524 orders, or cashier's checks as security for a bail bond in
 2525 connection with a judicial proceeding and receives or is

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2526 | promised therefor money or other things of value.

2527 | (9)~~(8)~~ "Temporary bail bond agent" means a person licensed
 2528 | before January 1, 2024, who is employed by a bail bond agent or
 2529 | agency, insurer, or managing general agent, and such licensee
 2530 | has the same authority as a licensed bail bond agent, including
 2531 | presenting defendants in court; apprehending, arresting, and
 2532 | surrendering defendants to the proper authorities, while
 2533 | accompanied by a supervising bail bond agent or an agent from
 2534 | the same agency; and keeping defendants under necessary
 2535 | surveillance. However, a temporary licensee may not execute or
 2536 | sign bonds, handle collateral receipts, or deliver bonds to
 2537 | appropriate authorities. A temporary licensee may not operate an
 2538 | agency or branch agency separate from the location of the
 2539 | supervising bail bond agent, managing general agent, or insurer
 2540 | by whom the licensee is employed. This does not affect the right
 2541 | of a bail bond agent or insurer to hire counsel or to obtain the
 2542 | assistance of law enforcement officers. A temporary bail bond
 2543 | agent license expires 18 months after issuance and is no longer
 2544 | valid on or after June 30, 2025.

2545 | Section 53. Subsection (3) of section 648.26, Florida
 2546 | Statutes, is amended to read:

2547 | 648.26 Department of Financial Services; administration.—

2548 | (3) The papers, documents, reports, or any other
 2549 | investigatory records of the department are confidential and
 2550 | exempt from ~~the provisions of~~ s. 119.07(1) until such

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2551 investigation is completed or ceases to be active. For the
 2552 purpose of this section, an investigation is considered active
 2553 ~~"active"~~ while the investigation is being conducted by the
 2554 department with a reasonable, good faith belief that it may lead
 2555 to the filing of administrative, civil, or criminal proceedings.
 2556 An investigation does not cease to be active if the department
 2557 is proceeding with reasonable dispatch and there is good faith
 2558 belief that action may be initiated by the department or other
 2559 administrative or law enforcement agency. This subsection does
 2560 not prevent the department or office from disclosing the content
 2561 of a complaint or such information as it deems necessary to
 2562 conduct the investigation, to update the complainant as to the
 2563 status and outcome of the complaint, or to share such
 2564 information with any law enforcement agency or other regulatory
 2565 body.

2566 Section 54. Subsection (5) of section 648.27, Florida
 2567 Statutes, is amended to read:

2568 648.27 Licenses and appointments; general.—

2569 (5) ~~(a)~~ The license of a bail bond agent shall continue in
 2570 force, without further examination unless deemed necessary by
 2571 the department, until suspended, revoked, or otherwise
 2572 terminated.

2573 ~~(b) The license of a temporary bail bond agent shall~~
 2574 ~~continue in force until suspended, revoked, or otherwise~~
 2575 ~~terminated.~~

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2576 Section 55. Section 648.285, Florida Statutes, is amended
 2577 to read:

2578 648.285 Bond agency; ownership requirements; applications
 2579 for bail bond agency licenses.—

2580 (1) A person may not own, control, manage, or otherwise
 2581 have a pecuniary interest in a bail bond agency unless such
 2582 individual is ~~a~~ licensed pursuant to s. 648.27, ~~and~~ appointed
 2583 through the department, and actively engaged as a bail bond
 2584 agent for at least the preceding 24 months. Any agency that is
 2585 not in compliance with this subsection is ~~shall be~~ subject to
 2586 the issuance of an immediate final order of suspension of its
 2587 license and all operations until the agency achieves compliance.

2588 (2) Effective January 1, 2024, the department may issue a
 2589 bail bond agency license to any person only after such person
 2590 files a written application with the department and qualifies
 2591 for such license.

2592 (3) An application for a bail bond agency license must be
 2593 signed by an individual required to be listed in the application
 2594 under paragraph (a). A bail bond agency license may permit a
 2595 third party to complete, submit, and sign an application on the
 2596 bail bond agency's behalf; however, the bail bond agency is
 2597 responsible for ensuring that the information on the application
 2598 is true and correct, and the bail bond agency is accountable for
 2599 any misstatements or misrepresentations. The application for a
 2600 bail bond agency license must include:

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2601 (a) The name and license number of each owner, partner,
 2602 officer, director, president, senior vice president, secretary,
 2603 treasurer, and limited liability company member who directs or
 2604 participates in the management or control of the bail bond
 2605 agency, whether through ownership of voting securities, by
 2606 contract, by ownership of any agency bank account, or otherwise.

2607 (b) The residence address of each person required to be
 2608 listed in the application under paragraph (a).

2609 (c) The name, principal business street address, and valid
 2610 e-mail address of the bail bond agency and the name, address,
 2611 and e-mail address of the agency's registered agent or person or
 2612 company authorized to accept service on behalf of the bail bond
 2613 agency.

2614 (d) The physical address of each branch bail bond agency,
 2615 including its name, e-mail address, and telephone number, and
 2616 the date that the branch location began transacting bail bond
 2617 business.

2618 (e) The name of the full-time bail bond agent in charge of
 2619 the agency office, including branch locations, and his or her
 2620 corresponding location.

2621 (f) Such additional information as the department requires
 2622 by rule to ascertain the trustworthiness and competence of
 2623 persons required to be listed on the application and to
 2624 ascertain that such persons meet the requirements of this code.
 2625 However, the department may not require that credit or character

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2626 reports be submitted for persons required to be listed on the
2627 application.

2628 (4) The department must issue a license to each agency
2629 upon approval of the application, and each agency location must
2630 display the license prominently in a manner that makes it
2631 clearly visible to any customer or potential customer who enters
2632 the agency location.

2633 (5) A bail bond agency that holds a current and valid
2634 registration number with the department shall have its
2635 registration automatically converted to a license on July 1,
2636 2024.

2637 (6) Section 112.011 does not apply to bail bond agencies
2638 or to applicants for licensure as owners of bail bond agencies.

2639 (7)~~(2)~~ If the owner of a bail bond agency dies or becomes
2640 mentally incapacitated, a personal representative or legal
2641 guardian may be issued a temporary permit to manage the affairs
2642 of the bail bond agency. Such person must appoint or maintain
2643 the appointment of a ~~primary~~ bail bond agent in charge, as
2644 provided in s. 648.387, and may not engage in any activities as
2645 a licensed bail bond agent but must comply with s. 648.387
2646 during the administration of the estate or guardianship. A
2647 temporary permit is valid for a maximum of 24 months.

2648 (8)~~(3)~~ Application for a temporary permit must be made by
2649 the personal representative or legal guardian upon statements
2650 and affidavits filed with the department on forms prescribed and

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2651 furnished by it. The applicant must meet the qualifications for
 2652 licensure as a bail bond agent, except for the residency,
 2653 examination, education, and experience requirements.

2654 Section 56. Subsection (1) of section 648.30, Florida
 2655 Statutes, is amended to read:

2656 648.30 Licensure and appointment required; prohibited
 2657 acts; penalties.—

2658 (1)(a) A person or entity may not act in the capacity of a
 2659 bail bond agent or ~~temporary~~ bail bond agency agent or perform
 2660 any of the functions, duties, or powers prescribed for bail bond
 2661 agents or ~~temporary~~ bail bond agencies agents under this chapter
 2662 unless that person or entity is qualified, licensed, and
 2663 appointed as provided in this chapter and employed by a bail
 2664 bond agency.

2665 (b) A bail bond agent may not sell a bail bond issued by
 2666 an insurer for which the agent and the agent's bail bond agency
 2667 do not hold a current appointment.

2668 (c) Except as otherwise provided in this part, a person or
 2669 entity, other than a bail bond agency or an employee of a bail
 2670 bond agency, may not perform any of the functions of a bail bond
 2671 agency without a bail bond agency license.

2672 Section 57. Section 648.31, Florida Statutes, is amended
 2673 to read:

2674 648.31 Appointment taxes and fees.—The department shall
 2675 collect in advance all appointment taxes and fees for the

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2676 issuance of any appointment to a bail bond agent ~~or temporary~~
 2677 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for
 2678 the issuance of any appointment to a bail bond agency.

2679 Section 58. Subsection (2) of section 648.34, Florida
 2680 Statutes, is amended to read:

2681 648.34 Bail bond agents; qualifications.—

2682 (2) To qualify as a bail bond agent, it must affirmatively
 2683 appear at the time of application and throughout the period of
 2684 licensure that the applicant ~~has complied with the provisions of~~
 2685 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
 2686 ~~section and:~~

2687 (a) ~~The applicant~~ Is a natural person who has reached the
 2688 age of 18 years and holds a high school diploma or its
 2689 equivalent.

2690 (b) ~~The applicant~~ Is a United States citizen or legal
 2691 alien who possesses work authorization from the United States
 2692 Bureau of Citizenship and Immigration Services and is a resident
 2693 of this state. An individual who is a resident of this state
 2694 shall be deemed to meet the residence requirement of this
 2695 paragraph, notwithstanding the existence, at the time of
 2696 application for license, of a license in the applicant's name on
 2697 the records of another state as a resident licensee of such
 2698 other state, if the applicant furnishes a letter of clearance
 2699 satisfactory to the department that his or her resident licenses
 2700 have been canceled or changed to a nonresident basis and that he

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2701 or she is in good standing.

2702 (c) Will maintain his or her ~~The place of business of the~~
 2703 ~~applicant will be located~~ in this state and in the county where
 2704 the applicant will maintain his or her records and be actively
 2705 engaged in the bail bond business and work with a licensed
 2706 ~~maintain an~~ agency accessible to the public which is open for
 2707 reasonable business hours.

2708 (d) ~~The applicant~~ Is vouched for and recommended upon
 2709 sworn statements filed with the department by at least three
 2710 reputable citizens who are residents of the same counties in
 2711 which the applicant proposes to engage in the bail bond
 2712 business.

2713 (e) ~~The applicant~~ Is a person of high character and
 2714 approved integrity and has not been convicted of or pleaded
 2715 guilty or no contest to a felony, a crime involving moral
 2716 turpitude, or a crime punishable by imprisonment of 1 year or
 2717 more under the law of any state, territory, or country, whether
 2718 or not a judgment or conviction has been entered.

2719 (f) Within 2 years immediately before applying for the
 2720 license, has successfully completed a basic certification course
 2721 in the criminal justice system which consists of at least 120
 2722 hours of classroom instruction with a passing grade of 80
 2723 percent or higher and has successfully completed a
 2724 correspondence course for bail bond agents approved by the
 2725 department.

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2726 ~~(g)(f)~~ The applicant Has passed any required examination.
2727 Section 59. Section 648.355, Florida Statutes, is amended
2728 to read:

2729 648.355 ~~Temporary limited license as~~ Limited surety agents
2730 ~~and agent or~~ professional bail bond agents agent; qualifications
2731 ~~pending examination.~~

2732 (1) ~~The department may, in its discretion, issue a~~
2733 ~~temporary license as a limited surety agent or professional bail~~
2734 ~~bond agent, subject to the following conditions:~~

2735 ~~(a) The applicant is a natural person at least 18 years of~~
2736 ~~age and holds a high school diploma or its equivalent.~~

2737 ~~(b) The applicant is a United States citizen or legal~~
2738 ~~alien who possesses work authorization from the United States~~
2739 ~~Bureau of Citizenship and Immigration Services and is a resident~~
2740 ~~of this state. An individual who is a resident of this state~~
2741 ~~shall be deemed to meet the residence requirement of this~~
2742 ~~paragraph, notwithstanding the existence, at the time of~~
2743 ~~application for temporary license, of a license in the~~
2744 ~~individual's name on the records of another state as a resident~~
2745 ~~licensee of such other state, if the applicant furnishes a~~
2746 ~~letter of clearance satisfactory to the department that the~~
2747 ~~individual's resident licenses have been canceled or changed to~~
2748 ~~a nonresident basis and that the individual is in good standing.~~

2749 ~~(c) The applicant is a person of high character and~~
2750 ~~approved integrity and has never been convicted of or pleaded~~

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2751 ~~guilty or no contest to a felony, a crime involving moral~~
2752 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
2753 ~~more under the law of any state, territory, or country, whether~~
2754 ~~or not a judgment or conviction is entered.~~

2755 ~~(d) Within 4 years prior to the date of application for a~~
2756 ~~temporary license, the applicant has successfully completed a~~
2757 ~~basic certification course in the criminal justice system,~~
2758 ~~consisting of not less than 120 hours of classroom instruction~~
2759 ~~with a passing grade of 80 percent or higher and has~~
2760 ~~successfully completed a correspondence course for bail bond~~
2761 ~~agents approved by the department.~~

2762 ~~(e) The applicant must be employed full time at the time~~
2763 ~~of licensure, and at all times throughout the existence of the~~
2764 ~~temporary license, by only one licensed and appointed~~
2765 ~~supervising bail bond agent, who supervises the work of the~~
2766 ~~applicant and is responsible for the licensee's conduct in the~~
2767 ~~bail bond business. The applicant must be appointed by the same~~
2768 ~~insurers as the supervising bail bond agent. The supervising~~
2769 ~~bail bond agent shall certify monthly to the department under~~
2770 ~~oath, on a form prescribed by the department, the names and~~
2771 ~~hours worked each week of all temporary bail bond agents. Filing~~
2772 ~~a false certification is grounds for the immediate suspension of~~
2773 ~~the license and imposition of a \$5,000 administrative fine. The~~
2774 ~~department may adopt rules that establish standards for the~~
2775 ~~employment requirements.~~

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2776 ~~(f) The application must be accompanied by an affidavit~~
2777 ~~verifying proposed employment and a report as to the applicant's~~
2778 ~~integrity and moral character on a form prescribed by the~~
2779 ~~department and executed by the proposed employer.~~

2780 ~~(g) The applicant must file with the department statements~~
2781 ~~by at least three reputable citizens who are residents of the~~
2782 ~~same counties in which the applicant proposes to engage as a~~
2783 ~~temporary licensee.~~

2784 ~~(h) The applicant's employer is responsible for the bail~~
2785 ~~bonding acts of any licensee under this section.~~

2786 ~~(2) All applicable license fees, as prescribed in s.~~
2787 ~~624.501, must be paid before issuance of the temporary license.~~

2788 ~~(3) The temporary license shall be effective for 18~~
2789 ~~months, subject to earlier termination at the request of the~~
2790 ~~employer or if suspended or revoked by the department.~~

2791 ~~(4)~~ The applicant shall furnish, with the application for
2792 ~~temporary~~ license, a complete set of the applicant's
2793 fingerprints in accordance with s. 626.171(4) and a recent
2794 credential-sized, fullface photograph of the applicant. The
2795 department may ~~shall~~ not issue a ~~temporary~~ license under this
2796 section until the department has received a report from the
2797 Department of Law Enforcement and the Federal Bureau of
2798 Investigation relative to the existence or nonexistence of a
2799 criminal history report based on the applicant's fingerprints.

2800 ~~(2)-(5)~~ The department may collect a fee necessary to cover

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2801 the cost of a character and credit report made by an established
 2802 and reputable independent reporting service. The fee shall be
 2803 deposited to the credit of the Insurance Regulatory Trust Fund.

2804 (3)(6) Effective July 1, 2023, any individual licensed by
 2805 the department as a temporary bail bond agent may take the
 2806 required bail bond agent licensure examination and may file an
 2807 application for a bail bond agent license if otherwise qualified
 2808 for licensure ~~After licensure as a temporary licensee for at~~
 2809 ~~least 12 months, such licensee may file an application for and~~
 2810 ~~become eligible for a regular bail bond agent's license based on~~
 2811 ~~the licensee's experience in the bail bond business and~~
 2812 ~~education pursuant to paragraph (1) (d) and, if otherwise~~
 2813 ~~qualified, take the required bail bond agent's licensure~~
 2814 ~~examination. The applicant and supervising bail bond agent must~~
 2815 ~~each file an affidavit under oath, on a form prescribed by the~~
 2816 ~~department, verifying the required employment of the temporary~~
 2817 ~~agent before issuance of the license.~~

2818 ~~(7) In no event shall a temporary licensee licensed under~~
 2819 ~~this section perform any of the functions for which a bail bond~~
 2820 ~~agent's license is required after expiration of the temporary~~
 2821 ~~license without having passed the written examination as for a~~
 2822 ~~regular bail bond agent's license.~~

2823 ~~(8)(a) A temporary licensee has the same authority as a~~
 2824 ~~licensed bail bond agent, including presenting defendants in~~
 2825 ~~court; apprehending, arresting, and surrendering defendants to~~

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2826 | ~~the proper authorities; and keeping defendants under necessary~~
2827 | ~~surveillance. However, a temporary licensee must be accompanied~~
2828 | ~~by a supervising bail bond agent or an agent from the same~~
2829 | ~~agency when apprehending, arresting, or surrendering defendants~~
2830 | ~~to authorities.~~

2831 | ~~(b) A temporary licensee may not execute or sign bonds,~~
2832 | ~~handle collateral receipts, deliver bonds to appropriate~~
2833 | ~~authorities, or operate an agency or branch agency separate from~~
2834 | ~~the location of the supervising bail bond agent, managing~~
2835 | ~~general agent, or insurer by whom the licensee is employed.~~

2836 | (4)(9) Effective July 1, 2023, the department may not
2837 | issue a temporary bail bond agent license. An individual
2838 | currently licensed as a temporary bail bond agent may continue
2839 | to be licensed in accordance with this chapter. A temporary bail
2840 | bond agent license may not be reinstated if the license expires
2841 | or is terminated, suspended, or revoked ~~The department shall not~~
2842 | ~~issue a temporary bail bond agent's license to any individual~~
2843 | ~~who has held such a temporary license in this state within 2~~
2844 | ~~years after the expiration of such temporary bail bond agent's~~
2845 | ~~license.~~

2846 | Section 60. Subsections (1) through (4) of section
2847 | 648.382, Florida Statutes, are amended to read:

2848 | 648.382 Appointment of bail bond agents and bail bond
2849 | agencies ~~temporary bail bond agents~~; effective date of
2850 | appointment.—

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2851 (1) (a) Each insurer ~~or appointing a bail bond agent and~~
 2852 ~~each insurer,~~ managing general agent, ~~or bail bond agent~~
 2853 appointing a ~~temporary~~ bail bond agent or bail bond agency in
 2854 this state must file the appointment with the department and, at
 2855 the same time, pay the applicable appointment fees and taxes. A
 2856 person appointed under this section must hold a valid bail bond
 2857 agent agent's or ~~temporary~~ bail bond agency agent's license.
 2858 There is no fee for the issuance of any appointment of a bail
 2859 bond agency.

2860 (b) Effective July 1, 2025, each insurer or managing
 2861 general agent appointing a bail bond agency in this state must
 2862 file the appointment with the department. An entity appointed
 2863 under this section must hold a valid bail bond agency license.

2864 (2) Before ~~Prior~~ to any appointment, an appropriate
 2865 officer or official of the appointing insurer ~~in the case of a~~
 2866 ~~bail bond agent or an insurer, managing general agent, or bail~~
 2867 ~~bond agent in the case of a temporary bail bond agent~~ must
 2868 submit:

2869 (a) A certified statement or affidavit to the department
 2870 stating what investigation has been made concerning the proposed
 2871 appointee and the proposed appointee's background and the
 2872 appointing person's opinion to the best of his or her knowledge
 2873 and belief as to the moral character and reputation of the
 2874 proposed appointee. In lieu of such certified statement or
 2875 affidavit, by authorizing the effectuation of an appointment for

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2876 a licensee, the appointing entity certifies to the department
 2877 that such investigation has been made and that the results of
 2878 the investigation and the appointing person's opinion is that
 2879 the proposed appointee is a person of good moral character and
 2880 reputation and is fit to engage in the bail bond business;

2881 (b) An affidavit under oath on a form prescribed by the
 2882 department, signed by the proposed appointee, stating that
 2883 premiums are not owed to any insurer and that the appointee will
 2884 discharge all outstanding forfeitures and judgments on bonds
 2885 previously written. If the appointee does not satisfy or
 2886 discharge such forfeitures or judgments, the former insurer
 2887 shall file a notice, with supporting documents, with the
 2888 appointing insurer, the former agent or agency, and the
 2889 department, stating under oath that the licensee has failed to
 2890 timely satisfy forfeitures and judgments on bonds written and
 2891 that the insurer has satisfied the forfeiture or judgment from
 2892 its own funds. Upon receipt of such notification and supporting
 2893 documents, the appointing insurer shall immediately cancel the
 2894 licensee's appointment. The licensee may be reappointed only
 2895 upon certification by the former insurer that all forfeitures
 2896 and judgments on bonds written by the licensee have been
 2897 discharged. The appointing insurer or former agent or agency
 2898 may, within 10 days, file a petition with the department seeking
 2899 relief from this paragraph. Filing of the petition stays the
 2900 duty of the appointing insurer to cancel the appointment until

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2901 the department grants or denies the petition; ~~and~~
 2902 (c) Any other information that the department reasonably
 2903 requires concerning the proposed appointee; and
 2904 (d) Effective January 1, 2025, a certification that the
 2905 appointing entity obtained from each appointee the following
 2906 sworn statement:

2907
 2908 Pursuant to section 648.382 (2) (b), Florida Statutes, I
 2909 do solemnly swear that I owe no premium to any insurer
 2910 or agency and that I will discharge all outstanding
 2911 forfeitures and judgments on bonds that have been
 2912 previously written. I acknowledge that failure to do
 2913 this will result in my active appointments being
 2914 canceled.

2915
 2916 An appointed bail bond agency must have the attestation under
 2917 this paragraph signed by its owner.

2918 (3) By authorizing the effectuation of an appointment for
 2919 a licensee, the appointing insurer certifies to the department
 2920 that the insurer will be bound by the acts of the bail bond
 2921 agent or bail bond agency acting within the scope of the agent's
 2922 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
 2923 ~~temporary bail bond agent, the appointing insurer, managing~~
 2924 ~~general agent, or bail bond agent, as the case may be, must~~
 2925 ~~certify to the department that he or she will supervise the~~

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2926 ~~temporary bail bond agent's activities.~~

2927 (4) Each appointing insurer or, managing general agent, ~~or~~
 2928 ~~bail bond agent~~ must advise the department in writing within 5
 2929 days after receiving notice or learning that an appointee has
 2930 been arrested for, pled guilty or nolo contendere to, or been
 2931 found guilty of, a felony or other offense punishable by
 2932 imprisonment of 1 year or more under the law of any
 2933 jurisdiction, whether judgment was entered or withheld by the
 2934 court.

2935 Section 61. Present subsections (1) through (4) of section
 2936 648.386, Florida Statutes, are redesignated as subsections (2)
 2937 through (5), respectively, a new subsection (1) is added to that
 2938 section, and present subsection (2) of that section is amended,
 2939 to read:

2940 648.386 Qualifications for prelicensing and continuing
 2941 education schools and instructors.—

2942 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
 2943 section, the term "classroom instruction" means a course
 2944 designed to be presented to a group of students by a live
 2945 instructor using lecture, video, webcast, or virtual or other
 2946 audio-video presentation.

2947 (3) ~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
 2948 SCHOOLS.—In order to be considered for approval and
 2949 certification as an approved limited surety agent and
 2950 professional bail bond agent continuing education school, such

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2951 entity must:

2952 (a) Provide a minimum of three classroom-instruction
 2953 continuing education classes per calendar year.

2954 (b) Submit a course curriculum to the department for
 2955 approval.

2956 (c) Offer continuing education classes that comprise ~~which~~
 2957 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
 2958 instruction coursework and are taught by an approved supervising
 2959 instructor or guest lecturer approved by the entity or the
 2960 supervising instructor.

2961 Section 62. Section 648.387, Florida Statutes, is amended
 2962 to read:

2963 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2964 (1) The owner or operator of a bail bond agency shall
 2965 designate a ~~primary~~ bail bond agent in charge for each location,
 2966 and shall file with the department the name and license number
 2967 of the person and the address of the location on a form approved
 2968 by the department. The designation of the ~~primary~~ bail bond
 2969 agent in charge may be changed if the department is notified
 2970 immediately. Failure to notify the department within 10 working
 2971 days after such change is grounds for disciplinary action
 2972 pursuant to s. 648.45.

2973 (2) The ~~primary~~ bail bond agent in charge is responsible
 2974 for the overall operation and management of a bail bond agency
 2975 location, whose responsibilities may include, without

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2976 limitations, hiring and supervising of all individuals within
 2977 the location, whether they deal with the public in the
 2978 solicitation or negotiation of bail bond contracts or in the
 2979 collection or accounting of moneys. A person may be designated
 2980 as the primary bail bond agent in charge for only one agency and
 2981 location.

2982 (3) The department may suspend or revoke the license of
 2983 the owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail
 2984 bond agency agent if the a bail bond agency employs, contracts
 2985 with, or uses the services of a person who has had a license
 2986 denied or whose license is currently suspended or revoked.
 2987 However, a person who has been denied a license for failure to
 2988 pass a required examination may be employed to perform clerical
 2989 or administrative functions for which licensure is not required.

2990 (4) An owner, a bail bond agent in charge ~~operator~~, or a
 2991 bail bond agency primary agent may not employ, contract with, or
 2992 use the services of any person in a bail bond agency who has
 2993 been charged with, found guilty of, or pled guilty or nolo
 2994 contendere to a felony or a crime punishable by imprisonment of
 2995 1 year or more under the law of any jurisdiction, without regard
 2996 to whether judgment was entered or withheld by the court.

2997 (5) A bail bond agency location may not conduct surety
 2998 business unless a ~~primary~~ bail bond agent in charge is
 2999 designated by, and provides services to, the bail bond agency at
 3000 all times. If the bail bond agent in charge designated with the

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3001 department ends his or her affiliation with the bail bond agency
 3002 for any reason and if the bail bond agency fails to designate
 3003 another bail bond agent in charge within the 10-day period under
 3004 subsection (1) and such failure continues for 90 days, the bail
 3005 bond agency license automatically expires on the 91st day after
 3006 the date the designated bail bond agent in charge ended his or
 3007 her affiliation with the agency ~~The failure to designate a~~
 3008 ~~primary agent on a form prescribed by the department, within 10~~
 3009 ~~working days after an agency's inception or a change of primary~~
 3010 ~~agent, is a violation of this chapter, punishable as provided in~~
 3011 ~~s. 648.45.~~

3012 Section 63. Section 648.3875, Florida Statutes, is created
 3013 to read:

3014 648.3875 Bail bond agent in charge; qualifications.-

3015 (1) An application for designation as a bail bond agent in
 3016 charge must be submitted on forms prescribed by the department.
 3017 The application must include the applicant's full name and the
 3018 applicant's license number issued pursuant to s. 648.27.

3019 (2) To qualify as a bail bond agent in charge, it must
 3020 affirmatively appear that, at the time of application and
 3021 throughout the period of licensure, the applicant has complied
 3022 with s. 648.285 and that the applicant has been licensed as a
 3023 bail bond agent for the 24 months immediately preceding the
 3024 appointment as the bail bond agent in charge.

3025 Section 64. Section 648.39, Florida Statutes, is amended

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3026 to read:

3027 648.39 Termination of appointment of managing general
 3028 agents, bail bond agents, and ~~temporary~~ bail bond agencies
 3029 ~~agents.~~—

3030 (1) An insurer that ~~who~~ terminates the appointment of a
 3031 managing general agent, bail bond agent, or ~~temporary~~ bail bond
 3032 agency ~~agent~~ shall, within 10 days after such termination, file
 3033 written notice thereof with the department together with a
 3034 statement that it has given or mailed notice to the terminated
 3035 agent or agency. Such notice filed with the department must
 3036 state the reasons, if any, for such termination. Information so
 3037 furnished to the department is confidential and exempt from ~~the~~
 3038 ~~provisions of~~ s. 119.07(1).

3039 (2) Each insurer shall, within 5 days after terminating
 3040 the appointment of any managing general agent, bail bond agent,
 3041 or ~~temporary~~ bail bond agency ~~agent~~, give written notice thereof
 3042 to each clerk of the circuit court and sheriff with whom such
 3043 person is registered.

3044 (3) An insurer that terminates the appointment of a
 3045 managing general agent or, ~~or~~ bail bond agent, ~~or temporary bail~~
 3046 ~~bond agent~~ may authorize such person to continue to attempt the
 3047 arrest and surrender of a defendant for whom a surety bond had
 3048 been written by the bail bond agent before ~~prior to~~ termination
 3049 and to seek discharge of forfeitures and judgments as provided
 3050 in chapter 903.

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3051 Section 65. Section 648.41, Florida Statutes, is repealed.

3052 Section 66. Section 648.42, Florida Statutes, is amended

3053 to read:

3054 648.42 Registration of bail bond agents.—A bail bond agent
 3055 may not become a surety on an undertaking unless he or she has
 3056 registered in the office of the sheriff and with the clerk of
 3057 the circuit court in the county in which the bail bond agent
 3058 resides. The bail bond agent may register in a like manner in
 3059 any other county, and any bail bond agent shall file a certified
 3060 copy of his or her appointment by power of attorney from each
 3061 insurer which he or she represents as a bail bond agent with
 3062 each of such officers. Registration and filing of a certified
 3063 copy of renewed power of attorney shall be performed by April 1
 3064 of each odd-numbered year. The clerk of the circuit court and
 3065 the sheriff may ~~shall~~ not permit the registration of a bail bond
 3066 agent unless such bail bond agent is currently licensed by the
 3067 department and appointed by an insurer ~~the department~~. ~~Nothing~~
 3068 ~~in this section shall prevent the registration of a temporary~~
 3069 ~~licensee at the jail for the purposes of enabling the licensee~~
 3070 ~~to perform the duties under such license as set forth in this~~
 3071 ~~chapter.~~

3072 Section 67. Subsections (1) and (2) and paragraphs (c) and
 3073 (d) of subsection (8) of section 648.44, Florida Statutes, are
 3074 amended to read:

3075 648.44 Prohibitions; penalty.—

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3076 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
 3077 may not:

3078 (a) Suggest or advise the employment of, or name for
 3079 employment, any particular attorney or attorneys to represent
 3080 his or her principal.

3081 (b) Directly or indirectly solicit business in or on the
 3082 property or grounds of a jail, prison, or other place where
 3083 prisoners are confined or in or on the property or grounds of
 3084 any court. The term "solicitation" includes the distribution of
 3085 business cards, print advertising, or other written or oral
 3086 information directed to prisoners or potential indemnitors,
 3087 unless a request is initiated by the prisoner or a potential
 3088 indemnitor. Permissible print advertising in the jail is
 3089 strictly limited to a listing in a telephone directory and the
 3090 posting of the bail bond agent's or agency's name, address, e-
 3091 mail address, web address, and telephone number in a designated
 3092 location within the jail.

3093 (c) Initiate in-person or telephone solicitation after
 3094 9:00 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
 3095 ~~eases,~~ at the residence of the detainee or the detainee's
 3096 family. Any solicitation ~~not prohibited by this chapter~~ must
 3097 comply with the telephone solicitation requirements in ss.
 3098 501.059(2) and (4), 501.613, and 501.616(6).

3099 (d) Wear or display any identification other than the
 3100 department issued or approved license or approved department

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3101 identification, which includes a citation of the licensee's
 3102 arrest powers, in or on the property or grounds of a jail,
 3103 prison, or other place where prisoners are confined or in or on
 3104 the property or grounds of any court.

3105 (e) Pay a fee or rebate or give or promise anything of
 3106 value to a jailer, police officer, peace officer, or committing
 3107 trial court judge or any other person who has power to arrest or
 3108 to hold in custody or to any public official or public employee
 3109 in order to secure a settlement, compromise, remission, or
 3110 reduction of the amount of any bail bond or estreatment thereof.

3111 (f) Pay a fee or rebate or give anything of value to an
 3112 attorney in a bail bond matter, except in defense of any action
 3113 on a bond.

3114 (g) Pay a fee or rebate or give or promise anything of
 3115 value to the principal or anyone in his or her behalf.

3116 (h) Participate in the capacity of an attorney at a trial
 3117 or hearing of one on whose bond he or she is surety.

3118 (i) Loiter in or about a jail, courthouse, or where
 3119 prisoners are confined.

3120 (j) Accept anything of value from a principal for
 3121 providing a bail bond except the premium and transfer fee
 3122 authorized by the office, except that the bail bond agent or
 3123 bail bond agency may accept collateral security or other
 3124 indemnity from the principal or another person in accordance
 3125 with ~~the provisions of~~ s. 648.442, together with documentary

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3126 stamp taxes, if applicable. No fees, expenses, or charges of any
 3127 kind shall be permitted to be deducted from the collateral held
 3128 or any return premium due, except as authorized by this chapter
 3129 or rule of the department or commission. A bail bond agent or
 3130 bail bond agency may, upon written agreement with another party,
 3131 receive a fee or compensation for returning to custody an
 3132 individual who has fled the jurisdiction of the court or caused
 3133 the forfeiture of a bond.

3134 (k) Write more than one power of attorney per charge on a
 3135 bond, except in the case of a cosurety, unless the power of
 3136 attorney prohibits a cosurety.

3137 (l) Execute a bond in this state on his or her own behalf.

3138 (m) Execute a bond in this state if a judgment has been
 3139 entered on a bond executed by the bail bond agent or the bail
 3140 bond agency is a named party on the judgment, which has remained
 3141 unpaid for 35 days, unless the full amount of the judgment is
 3142 deposited with the clerk in accordance with s. 903.27(5).

3143 (n) Make a statement or representation to a court, unless
 3144 such statement or representation is under oath. Such statement
 3145 or representation may not be false, misleading, or deceptive.

3146 (o) Attempt to collect, through threat or coercion,
 3147 amounts due for the payment of any indebtedness related to the
 3148 issuance of a bail bond in violation of s. 559.72.

3149 (p) Conduct bail bond business with any person, other than
 3150 the defendant, on the grounds of the jail or courthouse for the

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3151 | purpose of executing a bond.

3152 | (2) The following persons or classes may ~~shall~~ not be bail

3153 | bond agents, ~~temporary bail bond agents,~~ or employees of a bail

3154 | bond agent or a bail bond agency ~~business~~ and may ~~shall~~ not

3155 | directly or indirectly receive any benefits from the execution

3156 | of any bail bond:

3157 | (a) Jailers or persons employed in any jail.

3158 | (b) Police officers or employees of any police department

3159 | or law enforcement agency.

3160 | (c) Committing trial court judges, employees of a court,

3161 | or employees of the clerk of any court.

3162 | (d) Sheriffs and deputy sheriffs or employees of any

3163 | sheriff's department.

3164 | (e) Attorneys.

3165 | (f) Persons having the power to arrest or persons who have

3166 | authority over or control of federal, state, county, or

3167 | municipal prisoners.

3168 | (8)

3169 | (c) Any law enforcement agency, state attorney's office,

3170 | court clerk, or insurer that is aware that a bail bond agent ~~or~~

3171 | ~~temporary bail bond agent~~ has been convicted of or who has

3172 | pleaded guilty or no contest to a crime as described in

3173 | paragraph (a) shall notify the department of this fact.

3174 | (d) Upon the filing of an information or indictment

3175 | against a bail bond agent ~~or temporary bail bond agent,~~ the

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3176 state attorney or clerk of the circuit court shall immediately
 3177 furnish the department a certified copy of the information or
 3178 indictment.

3179 Section 68. Subsection (1) of section 648.441, Florida
 3180 Statutes, is amended to read:

3181 648.441 Furnishing supplies to unlicensed bail bond agent
 3182 prohibited; civil liability and penalty.—

3183 (1) An insurer, managing general agent, bail bond agent,
 3184 or ~~temporary~~ bail bond agency ~~agent~~ appointed under this chapter
 3185 may not furnish to any person any blank forms, applications,
 3186 stationery, business card, or other supplies to be used in
 3187 soliciting, negotiating, or effecting bail bonds until such
 3188 person has received from the department a license to act as a
 3189 bail bond agent and is appointed by the insurer. This section
 3190 does not prohibit an unlicensed employee, under the direct
 3191 supervision and control of a licensed and appointed bail bond
 3192 agent, from possessing or executing in the bail bond agency, any
 3193 forms, except for powers of attorney, bond forms, and collateral
 3194 receipts, while acting within the scope of his or her
 3195 employment.

3196 Section 69. Subsection (3) of section 648.46, Florida
 3197 Statutes, is amended to read:

3198 648.46 Procedure for disciplinary action against
 3199 licensees.—

3200 (3) The complaint and all information obtained pursuant to

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3201 the investigation of the department are confidential and exempt
 3202 from the provisions of s. 119.07(1) until such investigation is
 3203 completed or ceases to be active. For the purpose of this
 3204 section, an investigation is considered "active" while the
 3205 investigation is being conducted by the department with a
 3206 reasonable, good faith belief that it may lead to the filing of
 3207 administrative, civil, or criminal proceedings. An investigation
 3208 does not cease to be active if the department is proceeding with
 3209 reasonable dispatch and there is good faith belief that action
 3210 may be initiated by the department or other administrative or
 3211 law enforcement agency. This subsection does not prevent the
 3212 department or office from disclosing the complaint or such
 3213 information as it deems necessary to conduct the investigation,
 3214 to update the complainant as to the status and outcome of the
 3215 complaint, or to share such information with any law enforcement
 3216 agency or other regulatory body.

3217 Section 70. Section 648.50, Florida Statutes, is amended
 3218 to read:

3219 648.50 Effect of suspension, revocation upon associated
 3220 licenses and licensees.—

3221 (1) Upon the suspension, revocation, or refusal to renew
 3222 or continue any license or appointment or the eligibility to
 3223 hold a license or appointment of a bail bond agent or ~~temporary~~
 3224 bail bond agency agent, the department shall at the same time
 3225 likewise suspend or revoke all other licenses or appointments

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3226 and the eligibility to hold any other such licenses or
 3227 appointments which may be held by the licensee under the Florida
 3228 Insurance Code.

3229 (2) In case of the suspension or revocation of the license
 3230 or appointment, or the eligibility to hold a license or
 3231 appointment, of any bail bond agent, the license, appointment,
 3232 or eligibility of any and all bail bond agents who are members
 3233 of a bail bond agency, whether incorporated or unincorporated,
 3234 ~~and any and all temporary bail bond agents employed by such bail~~
 3235 ~~bond agency,~~ who knowingly are parties to the act which formed
 3236 the ground for the suspension or revocation may likewise be
 3237 suspended or revoked.

3238 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
 3239 ~~temporary bail bond agent~~ has been revoked or suspended may not
 3240 ~~shall~~ be employed by any bail bond agent, have any ownership
 3241 interest in any business involving bail bonds, or have any
 3242 financial interest of any type in any bail bond business during
 3243 the period of revocation or suspension.

3244 Section 71. Subsections (4) and (6) of section 717.135,
 3245 Florida Statutes, are amended to read:

3246 717.135 Recovery agreements and purchase agreements for
 3247 claims filed by a claimant's representative; fees and costs.—

3248 (4) A claimant's representative must use the Unclaimed
 3249 Property Recovery Agreement or the Unclaimed Property Purchase
 3250 Agreement as the exclusive means of entering into an agreement

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3251 or a contract engaging with a claimant or seller to file a claim
 3252 with the department.

3253 (6) A claimant's representative may not use or distribute
 3254 any other agreement of any type, conveyed by any method, form,
 3255 ~~or other media~~ with respect to the claimant or seller which
 3256 relates, directly or indirectly, to unclaimed property accounts
 3257 held by the department or the Chief Financial Officer other than
 3258 the agreements authorized by this section. Any engagement,
 3259 authorization, recovery, or fee agreement that is not authorized
 3260 by this section is void. A claimant's representative is subject
 3261 to administrative and civil enforcement under s. 717.1322 if he
 3262 or she uses an agreement that is not authorized by this section.
 3263 This subsection does not prohibit lawful nonagreement,
 3264 noncontractual, or advertising communications between or among
 3265 the parties.

3266 Section 72. Paragraph (a) of subsection (4) of section
 3267 843.021, Florida Statutes, is amended to read:

3268 843.021 Unlawful possession of a concealed handcuff key.—

3269 (4)(a) It is a defense to a charge of violating this
 3270 section that the person in custody and in possession of a
 3271 concealed handcuff key is:

3272 1. A federal, state, or local law enforcement officer,
 3273 including a reserve or auxiliary officer, a licensed security
 3274 officer, or a private investigator as defined in s. 493.6101; or

3275 2. A professional bail bond agent, ~~temporary bail bond~~

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3276 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3277 Section 73. Subsection (4) of section 631.152, Florida
3278 Statutes, is amended to read:

3279 631.152 Conduct of delinquency proceeding; foreign
3280 insurers.—

3281 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
3282 ancillary delinquency proceedings opened for the purpose of
3283 obtaining records necessary to adjudicate the covered claims of
3284 Florida policyholders.

3285 Section 74. Paragraph (b) of subsection (3) of section
3286 631.398, Florida Statutes, is amended to read:

3287 631.398 Prevention of insolvencies.—To aid in the
3288 detection and prevention of insurer insolvencies or impairments:

3289 (3)

3290 (b) For an insolvency involving a domestic property
3291 insurer, the department shall:

3292 1. Begin an analysis of the history and causes of the
3293 insolvency once the department is appointed by the court as
3294 receiver.

3295 2. Submit an initial report analyzing the history and
3296 causes of the insolvency to the Governor, the President of the
3297 Senate, the Speaker of the House of Representatives, and the
3298 office. The initial report must be submitted no later than 4
3299 months after the department is appointed as receiver. The
3300 initial report shall be updated at least annually until the

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3301 submission of the final report. The report may not be used as
 3302 evidence in any proceeding brought by the department or others
 3303 to recover assets on behalf of the receivership estate as part
 3304 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
 3305 of a report under this subparagraph shall not be considered a
 3306 waiver of any evidentiary privilege the department may assert
 3307 under state or federal law.

3308 3. Provide a special report to the Governor, the President
 3309 of the Senate, the Speaker of the House of Representatives, and
 3310 the office, within 10 days upon identifying any condition or
 3311 practice that may lead to insolvency in the property insurance
 3312 marketplace.

3313 4. Submit a final report analyzing the history and causes
 3314 of the insolvency and the review of the Office of Insurance
 3315 Regulation's regulatory oversight of the insurer to the
 3316 Governor, the President of the Senate, the Speaker of the House
 3317 of Representatives, and the office within 30 days of the
 3318 conclusion of the insolvency proceeding.

3319 5. Review the Office of Insurance Regulation's regulatory
 3320 oversight of the insurer.

3321 Section 75. Subsection (2) of section 903.09, Florida
 3322 Statutes, is amended to read:

3323 903.09 Justification of sureties.—

3324 (2) A bond agent, as defined in s. 648.25(3) ~~s. 648.25(2)~~,
 3325 shall justify her or his suretyship by attaching a copy of the

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3326 power of attorney issued by the company to the bond or by
3327 attaching to the bond United States currency, a United States
3328 postal money order, or a cashier's check in the amount of the
3329 bond; but the United States currency, United States postal money
3330 order, or cashier's check cannot be used to secure more than one
3331 bond. Nothing herein shall prohibit two or more qualified
3332 sureties from each posting any portion of a bond amount, and
3333 being liable for only that amount, so long as the total posted
3334 by all cosureties is equal to the amount of bond required.

3335 Section 76. (1) The following rules are ratified for the
3336 sole and exclusive purpose of satisfying any condition on the
3337 effectiveness imposed under s. 120.541(3), Florida Statutes:
3338 Rule 69L-7.020, Florida Administrative Code, titled "Florida
3339 Workers' Compensation Health Care Provider Reimbursement Manual"
3340 as filed for adoption with the Department of State pursuant to
3341 the certification package dated October 22, 2021; Rule 69L-
3342 7.730, Florida Administrative Code, titled "Health Care Provider
3343 Medical Billing and Reporting Responsibilities" as filed for
3344 adoption with the Department of State pursuant to the
3345 certification package dated April 6, 2023; and Rule 69L-7.740,
3346 Florida Administrative Code, titled "Insurer Authorization and
3347 Medical Bill Review Responsibilities" as filed for adoption with
3348 the Department of State pursuant to the certification package
3349 dated April 6, 2023.

3350 (2) This section serves no other purpose and may not be

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3351 codified in the Florida Statutes. After this section becomes
 3352 law, its enactment and effective dates shall be noted in the
 3353 Florida Administrative Code, the Florida Administrative
 3354 Register, or both, as appropriate. This section does not alter
 3355 rulemaking additions delegated by prior law, does not constitute
 3356 legislative preemption of or exception to any provision of law
 3357 governing adoption or enforcement of the rule cited, and is
 3358 intended to preserve the status of any cited rule as a rule
 3359 under chapter 120, Florida Statutes. This section does not cure
 3360 any rulemaking defect or preempt any challenge based on a lack
 3361 of authority or a violation of the legal requirements governing
 3362 the adoption of any rule cited.

3363 (3) This section takes effect July 1, 2023.

3364 Section 77. Except as otherwise expressly provided in this
 3365 act, this act shall take effect upon becoming a law.