Insurance & Banking Subcommittee

Tuesday, March 21, 2023
11:30 AM - 1:30 PM
Morris Hall (17 HOB)

Action Packet

Paul Renner
Speaker

Wyman Duggan
Chair

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

Summary:

Insurance & Banking Subcommittee

Tuesday March 21, 2023 11:30 am

PCS for HB 253	Favorable With Amendment(s)	Yeas: 18	Nays: 0
	Amendment PCS for HB 253 a1 Adopted Without Objection		
HB 487	Favorable With Committee Substitute	Yeas: 18	Nays: 0
	Amendment 411811 Adopted Without Objection		
HB 743	Favorable	Yeas: 18	Nays: 0
HB 901	Favorable	Yeas: 18	Nays: 0
PCS for HB 1111	Favorable	Yeas: 18	Nays: 0
HB 1185	Favorable With Committee Substitute	Yeas: 18	Nays: 0
	Amendment 247623 Adopted Without Objection		
HB 1575	Favorable	Yeas: 18	Nays: 0

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

Attendance:

	Present	*Absent*	*Excused*
Wyman Duggan (Chair)	X		
Adam Anderson	X		
Christopher Benjamin	X		
David Borrero	X		
Adam Botana	X		
Jennifer Canady	X		
Tom Fabricio	X		
Gallop Franklin II	X		
Philip Griffitts, Jr.	X		
Christine Hunschofsky	X		
Rachel Plakon	X		
Joel Rudman	X		
Kevin Steele	X		
Cyndi Stevenson	X		
Allison Tant	X		
John Temple	X		
Chase Tramont	X		
Marie Woodson	X		
Totals:	**18**	**0**	**0**

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

PCS for HB 253 : Regulation of Securities

[X] *Favorable With Amendment(s)*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Adam Anderson	X				
Christopher Benjamin	X				
David Borrero	X				
Adam Botana	X				
Jennifer Canady	X				
Tom Fabricio	X				
Gallop Franklin II	X				
Philip Griffitts, Jr.	X				
Christine Hunschofsky	X				
Rachel Plakon	X				
Joel Rudman	X				
Kevin Steele	X				
Cyndi Stevenson	X				
Allison Tant	X				
John Temple	X				
Chase Tramont	X				
Marie Woodson	X				
Wyman Duggan (Chair)	X				
	Total Yeas: 18	**Total Nays: 0**			

PCS for HB 253 Amendments

Amendment PCS for HB 253 a1

[X] *Adopted Without Objection*

Appearances:

Amendment PCS for HB 253 a1
Mason, Ashley (Ash) (Lobbyist) (State Employee) (Lobbyist Appearance Form Submitted) - Waive In Support
Office of Financial Regulation
200 E Gaines St Ste 504
Tallahassee, FL
Phone: (850) 410-9789

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

HB 487 : Department of Financial Services

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Adam Anderson	X				
Christopher Benjamin	X				
David Borrero	X				
Adam Botana	X				
Jennifer Canady	X				
Tom Fabricio	X				
Gallop Franklin II	X				
Philip Griffitts, Jr.	X				
Christine Hunschofsky	X				
Rachel Plakon	X				
Joel Rudman	X				
Kevin Steele	X				
Cyndi Stevenson	X				
Allison Tant	X				
John Temple	X				
Chase Tramont	X				
Marie Woodson	X				
Wyman Duggan (Chair)	X				
	Total Yeas: 18	**Total Nays: 0**			

HB 487 Amendments

Amendment 411811

[X] *Adopted Without Objection*

Appearances:

Colburn, Ray (General Public) - Waive In Support
Florida Fire Chiefs Association
Executive Director
221 Pinewood Drive Suite 110
Tallahassee, FL 32301
Phone: 407-468-6622

Kalel, Andrew (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
Florida Bail Agents Association
Lobbyist
113 East College Avenue
Tallahassee, FL 32301
Phone: 813-240-7632

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

Location: Morris Hall (17 HOB)

HB 487 : Department of Financial Services (continued)

Appearances: (continued)

Bernier, Heather (General Public) - Waive In Support
Independent Funeral Directors of Florida
Associate Executive Director
1474 East Piedmont Drive #202
Tallahassee, FL 32308
Phone: 850-222-0198

Stowers, Austin (Lobbyist) - Waive In Support
CFO Jimmy Patrons
Legislative Affairs Director
200 East Gaines Street
Tallahassee, FL 32399
Phone: 850-413-2863

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

HB 743 : Estoppel Letters

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Adam Anderson	X				
Christopher Benjamin	X				
David Borrero	X				
Adam Botana	X				
Jennifer Canady	X				
Tom Fabricio	X				
Gallop Franklin II	X				
Philip Griffitts, Jr.	X				
Christine Hunschofsky	X				
Rachel Plakon	X				
Joel Rudman	X				
Kevin Steele	X				
Cyndi Stevenson	X				
Allison Tant	X				
John Temple	X				
Chase Tramont	X				
Marie Woodson	X				
Wyman Duggan (Chair)	X				
	Total Yeas: 18	**Total Nays: 0**			

Appearances:

Kalifeh, Ashley (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
Old Republic National Title Insurance Company
124 W. Jefferson St.
Tallahassee, FL
Phone: 850-222-9075

Sumner, Gary (Lobbyist) - Waive In Support
First American Title Insurance Company
Lobbyist
1424 Piedmont Dr. East
Tallahassee, FL
Phone: 850-509-1981

Daniel, David (Lobbyist) - Waive In Support
Florida Land Title Association
311 East Park Ave.
Tallahassee, FL 32301
Phone: 850-224-5081

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

HB 901 : Secured Transactions

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Adam Anderson	X				
Christopher Benjamin	X				
David Borrero	X				
Adam Botana	X				
Jennifer Canady	X				
Tom Fabricio	X				
Gallop Franklin II	X				
Philip Griffitts, Jr.	X				
Christine Hunschofsky	X				
Rachel Plakon	X				
Joel Rudman	X				
Kevin Steele	X				
Cyndi Stevenson	X				
Allison Tant	X				
John Temple	X				
Chase Tramont	X				
Marie Woodson	X				
Wyman Duggan (Chair)	X				
	Total Yeas: 18	**Total Nays: 0**			

Appearances:

Bell, Doug (Lobbyist) - Waive In Support
Business Law Section - FL Bar
119 S. Monroe St.
Tallahassee, FL 32312
Phone: 850-205-9000

Edenfield, Martha (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
Real Property, Probate & Trust Law Section of the Florida Bar
Dean Mead 106 E. College Avenue, Suite 1200
Tallahassee, FL
Phone: 850-999-4100

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

PCS for HB 1111 : Value-added Insurance Products

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Adam Anderson	X				
Christopher Benjamin	X				
David Borrero	X				
Adam Botana	X				
Jennifer Canady	X				
Tom Fabricio	X				
Gallop Franklin II	X				
Philip Griffitts, Jr.	X				
Christine Hunschofsky	X				
Rachel Plakon	X				
Joel Rudman	X				
Kevin Steele	X				
Cyndi Stevenson	X				
Allison Tant	X				
John Temple	X				
Chase Tramont	X				
Marie Woodson	X				
Wyman Duggan (Chair)	X				
	Total Yeas: 18	**Total Nays: 0**			

Appearances:

Leonard, Curt (Lobbyist) - Proponent
American Council of Life Insurers
Regional VP State Relation
150 S. Monroe St., Suite 206
Tallahassee, FL 32301
Phone: 850-274-1422

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

HB 1185 : Consumer Protection

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Adam Anderson	X				
Christopher Benjamin	X				
David Borrero	X				
Adam Botana	X				
Jennifer Canady	X				
Tom Fabricio	X				
Gallop Franklin II	X				
Philip Griffitts, Jr.	X				
Christine Hunschofsky	X				
Rachel Plakon	X				
Joel Rudman	X				
Kevin Steele	X				
Cyndi Stevenson	X				
Allison Tant	X				
John Temple	X				
Chase Tramont	X				
Marie Woodson	X				
Wyman Duggan (Chair)	X				
	Total Yeas: 18	**Total Nays: 0**			

HB 1185 Amendments

Amendment 247623

[X] *Adopted Without Objection*

Appearances:

Meenan, Tim (Lobbyist) - Waive In Support
National Association of Insurance & Financial Advisors
Lobbyist
325 West College Avenue
Tallahassee, FL 32303
Phone: 850-425-4000

Murray, Timothy (General Public) - Opponent
Triumph Consulting Corporations
President
1556 East Commercial Boulevard
Oakland Park, FL 33334
Phone: 305-725-7580

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

Location: Morris Hall (17 HOB)

HB 1185 : Consumer Protection (continued)

Appearances: (continued)

Raynolds, Tim (General Public) - Opponent
Self
Public Adjuster
15 Paradise Plaza #325
Sarasota, FL 34239
Phone: 941-223-8628

Sizemore, Jeremey (General Public) - Opponent
Coastline Claims
Managing Partner
658 Americas Capital Circle
Jacksonville, FL 32233
Phone: 904-382-5997

Mohan, Juli (General Public) - Opponent
Self
Licensed Public Adjuster
5339 Del Monte Court
Cape Coral, FL 33904
Phone: 940-243-5124

Stowers, Austin (Lobbyist) - Waive In Support
CFO Jimmy Patronis
Legislative Affairs Director
200 East Gaines Street
Tallahassee, FL 32399
Phone: 850-413-5939

Handerhan, Paul (Lobbyist) - Opponent
Florida Association of Public Insurance Adjusters
120 South Monroe Street
Tallahassee, FL 32301
Phone: 850-727-7087

Patronis, Jimmy (State Employee) (General Public) - Proponent
CFO Jimmy Patronis
Chief Financial Officer
PL - 11, The Capitol
Tallahassee, FL 32399
Phone: 850-413-5939

Mink, Matthew (General Public) - Opponent
Matthew Mink Public Adjuster
Public Adjuster
7976 Pleasant Pine Drive
Winterpark, FL 32792
Phone: 321-402-6826

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

Location: Morris Hall (17 HOB)

HB 1185 : Consumer Protection (continued)

Appearances: (continued)

Goldwich, Mark (General Public) - Opponent
Self
2601 Michaelson Way
Jacksonville, FL 32223
Phone: 904-704-2200

DeOlsseira, Vitor (General Public) - Opponent
All Claims Public Adjuster
Owner
10825 Camino Circle
Wellington, FL 33414
Phone: 561-945-2985

Cantens, Michael (Lobbyist) - Waive In Support
Rocket Central
Lobbyist
108 South Monroe Street
Tallahassee, FL 32301
Phone: 305-542-4761

Carter, Tasha (Lobbyist) (State Employee) - Waive In Support
Office of the Insurance Consumer Advocate
Florida's Insurance Consumer Advocate
200 East Gaines Street
Tallahassee, FL 32399
Phone: 850-413-5923

Hall AIC, Dave (General Public) (At Request of Member, Committee or Staff) - Opponent
Golden Trails Public Adjusting
Public Insurance Adjuster
1365 Rila Street South East
Palm Bay, FL 32909
Phone: 740-817-4588

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

3/21/2023 11:30AM

Location: Morris Hall (17 HOB)

HB 1575 : Public Safety Emergency Communications Systems

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Adam Anderson	X				
Christopher Benjamin	X				
David Borrero	X				
Adam Botana	X				
Jennifer Canady	X				
Tom Fabricio	X				
Gallop Franklin II	X				
Philip Griffitts, Jr.	X				
Christine Hunschofsky	X				
Rachel Plakon	X				
Joel Rudman	X				
Kevin Steele	X				
Cyndi Stevenson	X				
Allison Tant	X				
John Temple	X				
Chase Tramont	X				
Marie Woodson	X				
Wyman Duggan (Chair)	X				
	Total Yeas: 18	**Total Nays: 0**			

Appearances:

Hebrank, Kari (Lobbyist) - Information Only
Florida Automatic Fire Alarm Association
Lobbyist
215 South Monroe Street Suite 500
Tallahassee, FL 32301
Phone: 850-224-1585

Committee meeting was reported out: Tuesday, March 21, 2023 6:59PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION	
ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	____

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative Barnaby offered the following:

Amendment

Remove lines 76-1308 and insert:

(a)1. With respect to a dealer, a natural person who is employed, appointed, or authorized by a dealer and who represents the dealer in effecting or attempting to effect purchases or sales of securities.

2. The term does not include the following:

a. A dealer.

b. A partner, officer, or director of a dealer or a person having a similar status or performing similar functions as a dealer, unless such person is specified in subparagraph 1.

c. A dealer's employee whose function is only clerical or

ministerial.

d. A person whose transactions in this state are limited to those transactions described in s. 15(i)(3) of the Securities Exchange Act of 1934, as amended.

(b)1. With respect to an investment adviser, a natural person, including, but not limited to, a partner, officer, director, or branch manager, or a person occupying a similar status or performing similar functions, who:

a. Is employed by or associated with, or is subject to the supervision and control of, an investment adviser registered or required to be registered under this chapter; and

b. Does any of the following:

(I) Makes any recommendation or otherwise gives investment advice regarding securities.

(II) Manages accounts or portfolios of clients.

(III) Determines which recommendation or advice regarding securities should be given.

(IV) Receives compensation to solicit, offer, or negotiate for the sale of investment advisory services.

(V) Supervises employees who perform a function under this sub-subparagraph.

2. The term does not include the following:

a. An investment adviser.

b. An employee whose function is only clerical or ministerial

~~or investment adviser, any of the following:~~

~~1. Any partner, officer, director, or branch manager of a dealer or investment adviser or any person occupying a similar status or performing similar functions;~~

~~2. Any natural person directly or indirectly controlling or controlled by such dealer or investment adviser, other than an employee whose function is only clerical or ministerial; or~~

~~3. Any natural person, other than a dealer, employed, appointed, or authorized by a dealer, investment adviser, or issuer to sell securities in any manner or act as an investment adviser as defined in this section~~.

~~The partners of a partnership and the executive officers of a corporation or other association registered as a dealer, and any person whose transactions in this state are limited to those transactions described in s. 15(h)(2) of the Securities Exchange Act of 1934, are not "associated persons" within the meaning of this definition~~.

(c)~~(b)~~ With respect to a federal covered adviser, a natural ~~any~~ person who is an investment adviser representative and who has a place of business in this state, as such terms are defined in Rule 203A-3 of the Securities and Exchange Commission adopted under the Investment Advisers Act of 1940, as amended.

(4)~~(3)~~ "Boiler room" means an enterprise in which two or more persons engage in telephone communications with members of

the public using two or more telephones at one location, or at more than one location in a common scheme or enterprise.

(5) ~~(4)~~ "Branch office" means any location in this state of a dealer or investment adviser at which one or more associated persons regularly conduct the business of rendering investment advice or effecting any transactions in, or inducing or attempting to induce the purchase or sale of, any security or any location that is held out as such. The commission may adopt by rule exceptions to this definition for dealers in order to maintain consistency with the definition of a branch office used by self-regulatory organizations authorized by the Securities and Exchange Commission, including, but not limited to, the Financial Industry Regulatory Authority. The commission may adopt by rule exceptions to this definition for investment advisers.

(6) ~~(5)~~ "Control," including the terms "controlling," "controlled by," and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(7) ~~(6)(a)~~ "Dealer" includes, unless otherwise specified, ~~any of the following:~~

~~1. Any person, other than an associated person registered under this chapter, who engages, either for all or part of her~~

~~or his time, directly or indirectly, as broker or principal in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person~~.

~~2. Any issuer who through persons directly compensated or controlled by the issuer engages, either for all or part of her or his time, directly or indirectly, in the business of offering or selling securities which are issued or are proposed to be issued by the issuer.~~ a person, other than an associated person of a dealer, that engages, for all or part of the person's time, directly or indirectly, as agent or principal in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.

~~(b)~~ The term ~~"dealer"~~ does not include the following:

(a) A licensed practicing attorney who renders or performs any such services in connection with the regular practice of the attorney's profession.

(b) A bank authorized to do business in this state, except nonbank subsidiaries of a bank.

(c) A trust company having trust powers that it is authorized to exercise in this state, which renders or performs services in a fiduciary capacity incidental to the exercise of its trust powers.

(d) A wholesaler selling exclusively to dealers.

(e) A person buying and selling for the person's own account exclusively through a registered dealer or stock

exchange.

(f) An issuer.

(g) A natural person representing an issuer in the purchase, sale, or distribution of the issuer's own securities if such person:

1. Is an officer, a director, a limited liability company manager or managing member, or a bona fide employee of the issuer;

2. Has not participated in the distribution or sale of securities for any issuer for which such person was, within the preceding 12 months, an officer, a director, a limited liability company manager or managing member, or a bona fide employee;

3. Primarily performs, or is intended to perform at the end of the distribution, substantial duties for, or on behalf of, the issuer other than in connection with transactions in securities; and

4. Does not receive a commission, compensation, or other consideration for the completed sale of the issuer's securities apart from the compensation received for regular duties to the issuer.

~~1. Any licensed practicing attorney who renders or performs any of such services in connection with the regular practice of her or his profession;~~

~~2. Any bank authorized to do business in this state, except nonbank subsidiaries of a bank;~~

~~3. Any trust company having trust powers which it is authorized to exercise in this state, which renders or performs services in a fiduciary capacity incidental to the exercise of its trust powers;~~

~~4. Any wholesaler selling exclusively to dealers;~~

~~5. Any person buying and selling for her or his own account exclusively through a registered dealer or stock exchange; or~~

~~6. Pursuant to s. 517.061(11), any person associated with an issuer of securities if such person is a bona fide employee of the issuer who has not participated in the distribution or sale of any securities within the preceding 12 months and who primarily performs, or is intended to perform at the end of the distribution, substantial duties for, or on behalf of, the issuer other than in connection with transactions in securities.~~

(8)~~(7)~~ "Commission" means the Financial Services Commission.

(9)~~(8)~~ "Office" means the Office of Financial Regulation of the commission.

(10)~~(9)~~ "Federal covered adviser" means a person that ~~who~~ is registered or required to be registered under s. 203 of the Investment Advisers Act of 1940, as amended. The term ~~"federal covered adviser"~~ does not include any person that ~~who~~ is excluded from the definition of investment adviser under subparagraphs (18)(b)1.-8. ~~(14)(b)1.-8.~~

(11) ~~(10)~~ "Federal covered security" means a ~~any~~ security that is a covered security under s. 18(b) of the Securities Act of 1933, as amended, or rules and regulations adopted thereunder.

(12) ~~(11)~~ "Guarantor" means a person that ~~who~~ agrees in writing, or that ~~who~~ holds itself out to the public as agreeing, to pay the indebtedness of another when due, including, without limitation, payments of principal and interest on a bond, debenture, note, or other evidence of indebtedness, without resort by the holder to any other obligor, whether or not such writing expressly states that the person signing is signing as a guarantor. The obligation of a guarantor hereunder shall be a continuing, absolute, and unconditional guaranty of payment, without regard to the validity, regularity, or enforceability of the underlying indebtedness.

(13) ~~(12)~~ "Guaranty" means an agreement in ~~a~~ writing in which one party either agrees, or holds itself out to the public as agreeing, to pay the indebtedness of another when due, including, without limitation, payments of principal and interest on a bond, debenture, note, or other evidence of indebtedness, without resort by the holder to any other obligor, whether or not such writing expressly states that the person signing is signing as a guarantor. An agreement that is not specifically denominated as a guaranty shall nevertheless constitute a guaranty if the holder of the underlying

indebtedness or the holder's ~~her or his~~ representative or trustee has the right to sue to enforce the guarantor's obligations under the guaranty. Words of guaranty or equivalent words that ~~which~~ otherwise do not specify guaranty of payment create a presumption that payment, rather than collection, is guaranteed by the guarantor. Any guaranty in writing is enforceable notwithstanding any statute of frauds.

(14) ~~(13)~~ "Intermediary" means a natural person residing in this ~~the~~ state or a corporation, trust, partnership, limited liability company, association, or other legal entity registered with the Secretary of State to do business in this ~~the~~ state, which facilitates through its website the offer or sale of securities of an issuer with a principal place of business in this state ~~under s. 517.0611~~.

(15)(a) ~~(14)(a)~~ "Investment adviser" means a ~~includes any~~ person, other than an associated person of an investment adviser or a federal covered adviser, that ~~who~~ receives compensation, directly or indirectly, and engages for all or part of the person's ~~her or his~~ time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities~~, except a dealer whose performance of these services is solely incidental to the conduct of her or his business as a dealer and who receives no special compensation for such services~~.

(b) The term ~~"investment adviser"~~ does not include the following:

1. A dealer or associated person of a dealer whose performance of services in paragraph (a) is solely incidental to the conduct of the dealer's or associated person's business as a dealer and who does not receive special compensation for those services.

2. A ~~Any~~ licensed practicing attorney or certified public accountant whose performance of such services is solely incidental to the practice of the attorney's or accountant's ~~her or his~~ profession.~~;~~

~~2. Any licensed certified public accountant whose performance of such services is solely incidental to the practice of her or his profession;~~

3. A ~~Any~~ bank authorized to do business in this state.~~;~~

4. A ~~Any~~ bank holding company as defined in the Bank Holding Company Act of 1956, as amended, authorized to do business in this state.~~;~~

5. A ~~Any~~ trust company having trust powers, as defined in s. 658.12, which it is authorized to exercise in this ~~the~~ state, which trust company renders or performs investment advisory services in a fiduciary capacity incidental to the exercise of its trust powers.~~;~~

6. A ~~Any~~ person that ~~who~~ renders investment advice exclusively to insurance or investment companies.~~;~~

7. A ~~Any~~ person that ~~who~~ does not hold itself ~~herself or himself~~ out to the general public as an investment adviser and has no more than 15 clients within 12 consecutive months in this state.~~;~~

8. A ~~Any~~ person whose transactions in this state are limited to those transactions described in s. 222(d) of the Investment Advisers Act of 1940, as amended. Those clients listed in subparagraph 6. may not be included when determining the number of clients of an investment adviser for purposes of s. 222(d) of the Investment Advisers Act of 1940, as amended.~~;~~ ~~or~~

9. A federal covered adviser.

(16)~~(15)~~ "Issuer" means a ~~any~~ person that ~~who~~ proposes to issue, has issued, or shall hereafter issue any security. A ~~Any~~ person that ~~who~~ acts as a promoter for and on behalf of a corporation, trust, ~~or unincorporated association or~~ partnership, limited liability company, association, or other legal entity of any kind to be formed shall be deemed an issuer.

(17)~~(16)~~ "Offer to sell," "offer for sale," or "offer" means an ~~any~~ attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, or an investment or interest in an investment, for value.

(18)~~(17)~~ "Predecessor" means a person whose ~~the~~ major portion of ~~whose~~ assets has ~~have~~ been acquired directly or indirectly by an issuer.

(19) ~~(18)~~ "Principal" means an executive officer of a corporation, partner of a partnership, sole proprietor of a sole proprietorship, trustee of a trust, or any other person with similar supervisory functions with respect to any organization, whether incorporated or unincorporated.

(20) ~~(19)~~ "Promoter" includes the following:

(a) A ~~Any~~ person that ~~who~~, acting alone or in conjunction with one or more other persons, directly or indirectly takes the initiative in founding and organizing the business or enterprise of an issuer.

(b) A ~~Any~~ person that ~~who~~, in connection with the founding or organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more of any class of securities of the issuer or 10 percent or more of the proceeds from the sale of any class of securities. However, a person that ~~who~~ receives such securities or proceeds either solely as underwriting commissions or solely in connection with property shall not be deemed a promoter if such person does not otherwise take part in founding and organizing the enterprise.

(21) ~~(20)~~ "Qualified institutional buyer" means a ~~any~~ qualified institutional buyer, as defined in ~~United States~~ Securities and Exchange Commission Rule 144A, 17 C.F.R. s. 230.144A(a), under the Securities Act of 1933, as amended, or any foreign buyer that satisfies the minimum financial

requirements set forth in such rule.

(22) ~~(21)~~ "Sale" or "sell" means a ~~any~~ contract of sale or disposition of an ~~any~~ investment, security, or interest in a security, for value. With respect to a security or interest in a security, the term ~~defined in this subsection~~ does not include preliminary negotiations or agreements between an issuer or any person on whose behalf an offering is to be made and any underwriter or among underwriters who are or are to be in privity of contract with an issuer. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing shall be conclusively presumed to constitute a part of the subject of such purchase and to have been offered and sold for value. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security or another issuer, is considered to include an offer of the other security.

(23) ~~(22)~~ "Security" includes any of the following:

(a) A note.

(b) A stock.

(c) A treasury stock.

(d) A bond.

(e) A debenture.

(f) An evidence of indebtedness.

(g) A certificate of deposit.

(h) A certificate of deposit for a security.

(i) A certificate of interest or participation.

(j) A whiskey warehouse receipt or other commodity warehouse receipt.

(k) A certificate of interest in a profit-sharing agreement or the right to participate therein.

(l) A certificate of interest in an oil, gas, petroleum, mineral, or mining title or lease or the right to participate therein.

(m) A collateral trust certificate.

(n) A reorganization certificate.

(o) A preorganization subscription.

(p) A ~~Any~~ transferable share.

(q) An investment contract.

(r) A beneficial interest in title to property, profits, or earnings.

(s) An interest in or under a profit-sharing or participation agreement or scheme.

(t) An ~~Any~~ option contract that ~~which~~ entitles the holder to purchase or sell a given amount of the underlying security at a fixed price within a specified period of time.

(u) Any other instrument commonly known as a security, including an interim or temporary bond, debenture, note, or certificate.

(v) A ~~Any~~ receipt for a security, or for subscription to a security, or a ~~any~~ right to subscribe to or purchase any security.

(w) A viatical settlement investment.

(24) ~~(23)~~ "Underwriter" means a person that ~~who~~ has purchased from an issuer or an affiliate of an issuer with a view to, or offers or sells for an issuer or an affiliate of an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking; except that a person is ~~shall be~~ presumed not to be an underwriter with respect to any security which it ~~she or he~~ has owned beneficially for at least 1 year; and, further, a dealer is ~~shall~~ not ~~be~~ considered an underwriter with respect to any securities which do not represent part of an unsold allotment to or subscription by the dealer as a participant in the distribution of such securities by the issuer or an affiliate of the issuer; and, further, in the case of securities acquired on the conversion of another security without payment of additional consideration, the length of time such securities have been beneficially owned by a person includes the period during which the convertible security was beneficially owned and the period during which the security acquired on conversion has been beneficially owned.

(25) ~~(24)~~ "Viatical settlement investment" means an agreement for the purchase, sale, assignment, transfer, devise, or bequest of all or any portion of a legal or equitable interest in a viaticated policy as defined in chapter 626.

Section 2. Paragraph (d) of subsection (3) of section 517.072, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

517.072 Viatical settlement investments.—

(3) The registration provisions of ss. 517.07 and 517.12 do not apply to any of the following transactions in viatical settlement investments; however, such transactions in viatical settlement investments are subject to the provisions of ss. 517.301, 517.311, and 517.312:

(d) The transfer or assignment of a viaticated policy to a bank, trust company, savings institution, insurance company, dealer, investment company as defined in the Investment Company Act of 1940, as amended, pension or profit-sharing trust, ~~or~~ qualified institutional buyer ~~as defined in United States Securities and Exchange Commission Rule 144A, 17 C.F.R. s. 230.144A(a)~~, or to an accredited investor ~~as defined by Rule 501 of Regulation D of the Securities Act Rules~~, provided such transfer or assignment is not for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of this chapter.

(4) The commission may establish by rule requirements and

standards for disclosures to purchasers of viatical settlement investments and recordkeeping requirements for sellers of viatical settlement investments.

Section 3. Paragraphs (a), (g), and (n) of subsection (3) and subsections (6) and (8) of section 517.081, Florida Statutes, are amended to read:

517.081 Registration procedure.—

(3) The office may require the applicant to submit to the office the following information concerning the issuer and such other relevant information as the office may in its judgment deem necessary to enable it to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(a) The names and addresses of:

1. All the directors, trustees, and officers, if the issuer is ~~be~~ a corporation, association, or trust.

2. All the managers or managing members, if the issuer is a limited liability company.

3. ~~; of~~ All the partners, if the issuer is ~~be~~ a partnership.

4. ~~; or of~~ The issuer, if the issuer is a sole proprietorship or natural person ~~be an individual~~.

(g)1. A specimen copy of the securities certificate, if applicable, ~~security~~ and a copy of any circular, prospectus, advertisement, or other description of such securities.

2. The commission shall adopt a form for a simplified

offering circular ~~to be used solely by corporations~~ to register, under this section, securities ~~of the corporation~~ that are sold in offerings in which the aggregate offering price in any consecutive 12-month period does not exceed the amount provided in s. 3(b) of the Securities Act of 1933, as amended. The following issuers shall not be eligible to submit a simplified offering circular adopted pursuant to this subparagraph:

a. An issuer seeking to register securities for resale by persons other than the issuer.

b. An issuer that ~~who~~ is subject to any of the disqualifications described in 17 C.F.R. s. 230.262, adopted pursuant to the Securities Act of 1933, as amended, or that ~~who~~ has been or is engaged or is about to engage in an activity that would be grounds for denial, revocation, or suspension under s. 517.111. For purposes of this subparagraph, an issuer includes an issuer's director, officer, manager or managing member, or equity owner ~~shareholder~~ who owns at least 10 percent of the ownership interests ~~shares~~ of the issuer, promoter, or selling agent of the securities to be offered or any officer, director, or partner of such selling agent.

c. An issuer that ~~who~~ is a development-stage company that either has no specific business plan or purpose or has indicated that its business plan is to merge with an unidentified company or companies.

d. An issuer of offerings in which the specific business

or properties cannot be described.

e. Any issuer the office determines is ineligible because ~~if~~ the form does ~~would~~ not provide full and fair disclosure of material information for the type of offering to be registered by the issuer.

f. Any issuer that ~~corporation which~~ has failed to provide the office the reports required for a previous offering registered pursuant to this subparagraph.

As a condition precedent to qualifying for use of the simplified offering circular, an issuer ~~a corporation~~ shall agree to provide the office with an annual financial report containing a balance sheet as of the end of the issuer's fiscal year and a statement of income for such year, prepared in accordance with United States generally accepted accounting principles and accompanied by an independent accountant's report. If the issuer has more than 100 security holders at the end of a fiscal year, the financial statements must be audited. Annual financial reports must be filed with the office within 90 days after the close of the issuer's fiscal year for each of the first 5 years following the effective date of the registration.

(n) If the issuer is a corporation, there shall be filed with the application a copy of its articles of incorporation with all amendments and of its existing bylaws, if not already on file in the office. If the issuer is a limited liability

company, there shall be filed with the application a copy of the articles of organization with all the amendments and a copy of the company's operating agreement, if not already on file with the office. If the issuer is a trustee, there shall be filed with the application a copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership, unincorporated association, joint-stock company, or any other form of organization whatsoever, there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization, if not already on file in the office.

(6) An issuer filing an application under this section shall, at the time of filing, pay the office a nonreturnable fee of $1,000 per application for each offering that exceeds the amount provided in s. 3(b) of the Securities Act of 1933, as amended, or $200 per application for each offering that does not exceed the amount provided in s. 3(b) of the Securities Act of 1933, as amended.

(8) The office shall deem an application to register securities filed with the office abandoned if the issuer or any person acting on behalf of the issuer has failed to timely complete an application specified by commission rule. ~~The commission may by rule establish requirements and standards for:~~

~~(a) Disclosures to purchasers of viatical settlement~~

~~investments.~~

~~(b) Recordkeeping requirements for sellers of viatical settlement investments.~~

Section 4. Section 517.082, Florida Statutes, is amended to read:

517.082 ~~Notification~~ Registration by notification; federal registration statements.—

(1) ~~Except as provided in subsection (3),~~ Securities offered or sold pursuant to a registration statement filed under the Securities Act of 1933, as amended, are ~~shall be~~ entitled to registration by notification in the manner provided in subsection (2), provided that before ~~prior to~~ the offer or sale the registration statement has become effective.

(2) An application for registration by notification shall be filed with the office, shall contain the following information, and shall be accompanied by all of the following:

(a) An application to sell executed by the issuer, any person on whose behalf the offering is made, a dealer registered under this chapter, or any duly authorized agent of any such person, setting forth the name and address of the applicant, the name and address of the issuer, and the title of the securities to be offered and sold.~~;~~

(b) Copies of such documents filed with the Securities and Exchange Commission as the Financial Services Commission may by rule require.~~;~~

(c) An irrevocable written consent to service as required by s. 517.101.~~; and~~

(d) A nonreturnable fee of $1,000 per application.

A registration under this section becomes effective when the federal registration statement becomes effective or as of the date the application is filed with the office, whichever is later, provided that, in addition to the items listed in paragraphs (a)-(d), the office has received written notification of effective registration under the Securities Act of 1933, as amended, or the Investment Company Act of 1940, as amended, within 10 business days after ~~from~~ the date federal registration is granted. Failure to provide all the information required by this subsection to the office within 60 days after ~~of~~ the date the registration statement becomes effective with the Securities and Exchange Commission shall be a violation of this chapter.

(3) Except for units of limited partnership interests or such other securities as the commission describes by rule as exempt from this subsection due to high investment quality, the provisions of this section may not be used to register securities if the offering price at the time of effectiveness with the Securities and Exchange Commission is $5 or less per share, unless such securities are listed or designated, or approved for listing or designation upon notice of issuance, on a stock exchange registered pursuant to the Securities Exchange

Act of 1934, as amended, or on the National Association of Securities Dealers Automated Quotation (NASDAQ) System, or unless such securities are of the same issuer and of senior or substantially equal rank to securities so listed or designated.

(4) In lieu of filing with the office the application, fees, and documents for registration required by subsection (2), the commission may establish, by rule, procedures for depositing fees and filing documents by electronic means, provided such procedures provide the office with the information and data required by this section.

(5) If the Securities and Exchange Commission has not declared effective the applicant's federal registration statement within 180 days after the applicant's filing with the office of an application for registration by notification, the office must deem the application abandoned.

Section 5. Subsections (1) through (4) of section 517.111, Florida Statutes, are amended to read:

517.111 Revocation or denial of registration of securities.—

(1) The office may revoke or suspend the registration of any security, or may deny any application to register securities, if, upon examination or investigation into the affairs of the issuer of such security, the office determines ~~it shall appear~~ that:

(a) The issuer cannot pay its debts as they become due in

the usual course of business ~~is insolvent~~;

(b) The issuer or any officer, director, manager or managing member, or control person of the issuer has violated any provision of this chapter or any rule made hereunder or any order of the office of which such issuer has notice;

(c) The issuer or any officer, director, manager or managing member, or control person of the issuer has been or is engaged or is about to engage in fraudulent transactions;

(d) The issuer or any officer, director, manager or managing member, or control person of the issuer has been found guilty of a fraudulent act in connection with any sale of securities, has engaged, is engaged, or is about to engage, in making a fictitious sale or purchase of any security, or in any practice or sale of any security which is fraudulent or a violation of any law;

(e) The issuer or any officer, director, manager or managing member, or control person of the issuer has had a final judgment entered against such issuer or person in a civil action on the grounds of fraud, embezzlement, misrepresentation, or deceit;

(f) The issuer or any officer, director, manager or managing member, or control person of the issuer has engaged in any action that would be grounds for revocation, denial, or suspension under s. 517.161(1) ~~demonstrated any evidence of unworthiness~~;

(g) The issuer or any officer, director, manager or managing member, or control person of the issuer ~~is in any other way dishonest or~~ has made any fraudulent representations or failed to disclose any material information in any prospectus or in any circular or other literature that has been distributed concerning the issuer or its securities;

(h) The security registered or sought to be registered is the subject of an injunction entered by a court of competent jurisdiction or is the subject of an administrative stop-order or similar order prohibiting the offer or sale of the security; or

(i) For any security for which registration has been applied pursuant to s. 517.081, the terms of the offer or sale of such securities would not be fair, just, or equitable~~; or~~

~~(j) The issuer or any person acting on behalf of the issuer has failed to timely complete any application for registration filed with the office pursuant to the provisions of s. 517.081 or s. 517.082 or any rule adopted under such sections~~.

(2) In making such examination or investigation, the office shall have access to and may compel the production of all the books and papers of such issuer and may administer oaths to and examine the officers of such issuer or any other person connected therewith as to its business and affairs and may also require a balance sheet exhibiting the assets and liabilities of

any such issuer or its income statement, or both, to be certified to by a public accountant either of this state or of any other state where the issuer's business is located. Whenever the office deems it necessary, it may also require such balance sheet or income statement, or both, to be made more specific in such particulars as the office may require.

(3) ~~(2)~~ If any issuer refuses ~~shall refuse~~ to permit an examination or investigation to be made by the office, it shall be proper ground for revocation of registration.

(4) ~~(3)~~ If the office deems it necessary, it may enter an order suspending the right to sell securities pending any examination or investigation, provided that the order shall state the office's grounds for taking such action.

(5) ~~(4)~~ Notice of the entry of such order shall be given personally or by mail~~, personally, by telephone confirmed in writing, or by telegraph~~ to the issuer. Before such order is made final, the issuer ~~applying for registration~~ shall, on application, be entitled to a hearing.

Section 6. Subsections (1), (2), and (3), paragraph (b) of subsection (6), subsections (7) and (11), paragraph (b) of subsection (15), and subsections (20) and (21) of section 517.12, Florida Statutes, are amended to read:

517.12 Registration of dealers, associated persons, intermediaries, and investment advisers.—

(1) No dealer or associated person shall ~~No dealer,~~

~~associated person, or issuer of securities shall~~ sell or offer for sale any securities in or from offices in this state~~,~~ or sell securities to persons in this state from offices outside this state, by mail or otherwise, unless the person is ~~has been~~ registered with the office as a dealer or as an associated person of a dealer pursuant to ~~the provisions of~~ this section. The office shall not register any person as an associated person of a dealer unless the dealer with which the applicant seeks registration is lawfully registered with the office pursuant to this chapter.

(2) ~~The registration requirements of this section do not apply to the issuers of securities exempted by s. 517.051(1)-(8) and (10).~~

~~(3) Except as otherwise provided in s. 517.061(11)(a)4., (13), (16), (17), or (19),~~ The registration requirements of this section do not apply in a transaction exempted by s. 517.061(1)-(10) and (12), ~~s. 517.061(1)-(12),~~ (14), and (15).

(5)~~(6)~~ A dealer, associated person, or investment adviser, in order to obtain registration, must file with the office a written application, on a form which the commission may by rule prescribe. The commission may establish, by rule, procedures for depositing fees and filing documents by electronic means provided such procedures provide the office with the information and data required by this section. Each dealer or investment adviser must also file an irrevocable written consent to service

of civil process similar to that provided for in s. 517.101. The application shall contain such information as the commission or office may require concerning such matters as:

(b) The applicant's form and place of organization; and, if the applicant is:

1. A corporation, a copy of its articles of incorporation and amendments to the articles of incorporation;

2. A limited liability company, a copy of its articles of organization with amendments to its articles; or

3. ~~, if~~ A partnership, a copy of the partnership agreement.

(6)~~(7)~~ The application must also contain such information as the commission or office may require about the applicant; any member, principal, or director of the applicant or any person having a similar status or performing similar functions; any person directly or indirectly controlling the applicant; or any employee of a dealer or of an investment adviser rendering investment advisory services. Each applicant and any direct owners, principals, or indirect owners that are required to be reported on Form BD or Form ADV pursuant to subsection (14) ~~(15)~~ shall submit fingerprints for live-scan processing in accordance with rules adopted by the commission. The fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement to provide live-scan fingerprinting. The costs of fingerprint processing shall be

borne by the person subject to the background check. The Department of Law Enforcement shall conduct a state criminal history background check, and a federal criminal history background check must be conducted through the Federal Bureau of Investigation. The office shall review the results of the state and federal criminal history background checks and determine whether the applicant meets licensure requirements. The commission may waive, by rule, the requirement that applicants, including any direct owners, principals, or indirect owners that are required to be reported on Form BD or Form ADV pursuant to subsection (14) ~~(15)~~, submit fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. The commission or office may require information about any such applicant or person concerning such matters as:

(a) The applicant's or person's ~~His or her~~ full name, and any other names by which the applicant or person ~~he or she~~ may have been known, and the applicant's or person's ~~his or her~~ age, social security number, photograph, qualifications, and educational and business history.

(b) Any injunction or administrative order by a state or federal agency, national securities exchange, or national securities association involving a security or any aspect of a dealer's or investment adviser's regulated ~~the securities~~ business and any injunction or administrative order by a state

or federal agency regulating banking, insurance, finance, or small loan companies, real estate, mortgage brokers, or other related or similar industries, which injunctions or administrative orders relate to such person.

(c) The applicant's or person's ~~His or her~~ conviction of, or plea of nolo contendere to, a criminal offense or his or her commission of any acts which would be grounds for refusal of an application under s. 517.161.

(d) The names and addresses of other persons of whom the office may inquire as to his or her character, reputation, and financial responsibility.

(10)(a) ~~(11)(a)~~ If the office finds that the applicant ~~is of good repute and character and~~ has complied with the applicable registration provisions of this chapter and the rules made pursuant hereto, it shall register the applicant unless the applicant is otherwise disqualified for registration pursuant to law. The registration of each dealer, investment adviser, and associated person expires on December 31 of the year the registration became effective unless the registrant has renewed its ~~his or her~~ registration on or before that date. Registration may be renewed by furnishing such information as the commission may require, together with payment of the fee required in paragraph (9)(a) ~~(10)(a)~~ for dealers, investment advisers, or associated persons and the payment of any amount lawfully due and owing to the office pursuant to any order of the office or

pursuant to any agreement with the office. Any dealer, investment adviser, or associated person who has not renewed a registration by the time the current registration expires may request reinstatement of such registration by filing with the office, on or before January 31 of the year following the year of expiration, such information as may be required by the commission, together with payment of the fee required in paragraph (9)(a) ~~(10)(a)~~ for dealers, investment advisers, or associated persons and a late fee equal to the amount of such fee. Any reinstatement of registration granted by the office during the month of January shall be deemed effective retroactive to January 1 of that year.

(b) The office shall waive the $50 assessment fee for an associated person required by paragraph (9)(a) ~~(10)(a)~~ for a registrant renewing his or her registration who:

1. Is an active duty member of the United States Armed Forces or the spouse of such member;

2. Is or was a member of the United States Armed Forces and served on active duty within the 2 years preceding the expiration date of the registration pursuant to paragraph (a). To qualify for the fee waiver, a registrant who is a former member of the United States Armed Forces who served on active duty within the 2 years preceding the expiration date of the registration must have received an honorable discharge upon separation or discharge from the United States Armed Forces; or

3. Is the surviving spouse of a member of the United States Armed Forces if the member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's registration expiration date pursuant to paragraph (a).

A registrant seeking such fee waiver must submit proof, in a form prescribed by commission rule, that the registrant meets one of the qualifications in this paragraph.

(14) ~~(15)~~

(b) In lieu of filing with the office the applications specified in subsection (5) ~~(6)~~, the fees required by subsection (9) ~~(10)~~, the renewals required by subsection (10) ~~(11)~~, and the termination notices required by subsection (11) ~~(12)~~, the commission may by rule establish procedures for the deposit of such fees and documents with the Central Registration Depository or the Investment Adviser Registration Depository of the Financial Industry Regulatory Authority, as developed under contract with the North American Securities Administrators Association, Inc.

(19) ~~(20)~~ An intermediary may not engage in business in this state unless the intermediary is registered as a dealer or as an intermediary with the office pursuant to this section to facilitate the offer or sale of securities in accordance with s. 517.0611. An intermediary, in order to obtain registration, must

file with the office a written application on a form prescribed by commission rule and pay a registration fee of $200. The fees under this subsection shall be deposited into the Regulatory Trust Fund of the office. The commission may establish by rule procedures for depositing fees and filing documents by electronic means if such procedures provide the office with the information and data required by this section. Each intermediary must also file an irrevocable written consent to service of civil process, as provided in s. 517.101.

(a) The application must contain such information as the commission or office may require concerning:

1. The name of the applicant and address of its principal office and each office in this state.

2. The applicant's form and place of organization; and, if the applicant is:

a. A corporation, a copy of its articles of incorporation and amendments to the articles of incorporation;

b. A limited liability company, a copy of its articles of organization and amendments to the articles and a copy of the company's operating agreement; or

c. ~~, if~~ A partnership, a copy of the partnership agreement.

3. The website address where securities of the issuer will be offered.

4. Contact information.

(b) The application must also contain such information as the commission may require by rule about the applicant; any member, principal, or director of the applicant or any person having a similar status or performing similar functions; or any persons directly or indirectly controlling the applicant. Each applicant and any direct owners, principals, or indirect owners that are required to be reported on a form adopted by commission rule shall submit fingerprints for live-scan processing in accordance with rules adopted by the commission. The fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement to provide live-scan fingerprinting. The costs of fingerprint processing shall be borne by the person subject to the background check. The Department of Law Enforcement shall conduct a state criminal history background check, and a federal criminal history background check must be conducted through the Federal Bureau of Investigation. The office shall review the results of the state and federal criminal history background checks and determine whether the applicant meets registration requirements. The commission may waive, by rule, the requirement that applicants, including any direct owners, principals, or indirect owners, which are required to be reported on a form adopted by commission rule, submit fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. The

commission, by rule, or the office may require information about any applicant or person, including:

1. The applicant's or person's ~~His or her~~ full name and any other names by which the applicant or person ~~he or she~~ may have been known and the applicant's or person's ~~his or her~~ age, social security number, photograph, qualifications, and educational and business history.

2. Any injunction or administrative order by a state or federal agency, national securities exchange, or national securities association involving a security or any aspect of an intermediary's regulated ~~the securities~~ business and any injunction or administrative order by a state or federal agency regulating banking, insurance, finance, ~~or small loan companies,~~ real estate, mortgage brokers, or other related or similar industries, which relate to such person.

3. The applicant's or person's ~~His or her~~ conviction of, or plea of nolo contendere to, a criminal offense or the applicant's or person's ~~his or her~~ commission of any acts that would be grounds for refusal of an application under s. 517.161.

(c) The application must be amended within 30 days if any information contained in the form becomes inaccurate for any reason.

(d) An intermediary or persons affiliated with the intermediary are not subject to any disqualification described in s. 517.1611 or ~~United States~~ Securities and Exchange

Commission Rule 506(d), 17 C.F.R. 230.506(d), adopted pursuant to the Securities Act of 1933, as amended. Each director, officer, manager or managing member, control person of the issuer, any person occupying a similar status or performing a similar function, and each person holding more than 20 percent of the ownership interests ~~shares~~ of the intermediary is subject to this requirement.

(e) If the office finds that the applicant ~~is of good repute and character and~~ has complied with the applicable registration provisions of this chapter and the rules adopted thereunder, it shall register the applicant. The registration of each intermediary expires on December 31 of the year the registration became effective unless the registrant renews his or her registration on or before that date. Registration may be renewed by furnishing such information as the commission may require by rule, together with payment of a $200 fee and the payment of any amount due to the office pursuant to any order of the office or pursuant to any agreement with the office. An intermediary who has not renewed a registration by the time that the current registration expires may request reinstatement of such registration by filing with the office, on or before January 31 of the year following the year of expiration, such information as required by the commission, together with payment of the $200 fee and a late fee of $200. Any reinstatement of registration granted by the office during the month of January

is deemed effective retroactive to January 1 of that year.

(20) ~~(21)~~ The registration requirements of this section do not apply to any general lines insurance agent or life insurance agent licensed under chapter 626, for the sale of a security as defined in s. 517.021(28)(g) ~~s. 517.021(22)(g)~~, if the individual is directly authorized by the issuer to offer or sell the security on behalf of the issuer and the issuer is a federally chartered savings bank subject to regulation by the Federal Deposit Insurance Corporation. Actions under this subsection shall constitute activity under the insurance agent's license for purposes of ss. 626.611 and 626.621.

Section 7. Section 517.1214, Florida Statutes, is created to read:

517.1214 Continuing education requirements for associated persons of investment advisers and federal covered advisers.—

(1) As used in this section, the term:

(a) "Approved continuing education content" means the materials, written, oral, or otherwise, which have been approved by NASAA or its designee and which make up the educational program provided to an associated person under this section.

(b) "Credit" means a unit designated by NASAA or its designee as at least 50 minutes of educational instruction.

(c) "Home state" means the state in which an associated person of an investment adviser or a federal covered adviser has his or her principal office and place of business.

(d) "NASAA" means the North American Securities Administrators Association, Inc.

(e) "Reporting period" means one 12-month period beginning January 1 and ending December 31. An associated person's initial reporting period with this state commences the first day of the first full reporting period after the individual is registered or required to be registered with this state.

(2) By December 31, 2024, and each December 31 thereafter, each associated person of an investment adviser or a federal covered adviser shall complete the following continuing education content requirements offered by a person that NASAA or its designee has authorized to provide the continuing education content required by this section:

(a) Six credits of approved continuing education content that addresses an associated person's ethical and regulatory obligations, with at least 3 hours covering the topic of ethics; and

(b) Six credits of approved continuing education content that addresses an associated person's skills and knowledge regarding financial products, investment features, and practices in the investment advisory industry.

(3) An associated person of an investment adviser or federal covered adviser who is also registered as an associated person of a Financial Industry Regulatory Authority (FINRA) member dealer and who complies with FINRA's continuing education

requirements is considered to be in compliance with this section's products and practice requirement for each applicable reporting period, provided that the FINRA continuing education content is approved continuing education content.

(4) Credits of continuing education completed by an associated person who was awarded and currently holds a credential that qualifies for examination waiver by passing any tests as prescribed in s. 15(b)(7) of the Securities Exchange Act of 1934, as amended, comply with paragraphs (2)(a) and (b), provided all of the following conditions are met:

(a) The associated person completes the credits of continuing education as a condition of maintaining the credential for the relevant reporting period.

(b) The credits of continuing education completed during the relevant reporting period by the associated person are mandatory to maintain the credential.

(c) The continuing education content provided by the credentialing organization during the relevant reporting period is approved continuing education content.

(5) Each associated person is responsible for ensuring that the authorized provider reports the associated person's completion of the applicable continuing education requirements.

(6) An associated person who completes credits of continuing education in excess of the credits required for the reporting period may not carry forward excess credits to a

subsequent reporting period.

(7) An associated person who fails to comply with this section by the end of a reporting period shall renew as "CE inactive" at the close of the calendar year in this state until the associated person completes and reports all required continuing education credits for all reporting periods as required by this section. If an associated person renews as "CE inactive" at the close of the calendar year and fails to complete and report all required continuing education credits for all reporting periods as required by this section by the close of the next calendar year, the associated person becomes unregistered for purposes of this chapter.

(8) An associated person registered or required to be registered in this state who is registered as an associated person of an investment adviser or federal covered adviser in the individual's home state is considered to be in compliance with this section if:

(a) The associated person's home state has a continuing education requirement of at least 12 hours annually; and

(b) The associated person is in compliance with the home state's associated person of an investment adviser or federal covered adviser continuing education requirements.

(9) An associated person who was previously registered under s. 517.12 and became unregistered must complete continuing education for all reporting periods that occurred between the

time that the associated person became unregistered and when the person became registered again under s. 517.12, unless the associated person takes and passes the required examinations or the examination requirements are waived in connection with the subsequent application for registration.

Section 8. Section 517.1217, Florida Statutes, is amended to read:

517.1217 Rules of conduct and prohibited business practices for dealers and their associated persons and for intermediaries.—

The commission by rule may establish rules of conduct and prohibited business practices for dealers and their associated persons and for intermediaries. In adopting the rules, the commission shall consider general industry standards as expressed in the rules and regulations of the various federal and self-regulatory agencies and regulatory associations, including, but not limited to, the ~~United States~~ Securities and Exchange Commission, the Financial Industry Regulatory Authority, and the North American Securities Administrators Association, Inc.

Section 9. Subsections (1), (4), and (5) of section 517.161, Florida Statutes, are amended to read:

517.161 Revocation, denial, or suspension of registration of dealer, investment adviser, intermediary, or associated person.—

(1) Registration under s. 517.12 may be denied or any registration granted may be revoked, restricted, or suspended by the office if the office determines that such applicant or registrant; any member, principal, or director of the applicant or registrant or any person having a similar status or performing similar functions; or any person directly or indirectly controlling the applicant or registrant:

(a) Has violated any provision of this chapter or any rule or order made under this chapter;

(b) Has made a material false statement in the application for registration;

(c) Has been guilty of a fraudulent act in connection with rendering investment advice or in connection with any sale of securities, has been or is engaged or is about to engage in making fictitious or pretended sales or purchases of any such securities or in any practice involving the rendering of investment advice or the sale of securities which is fraudulent or in violation of the law;

(d) Has made a misrepresentation or false statement to, or concealed any essential or material fact from, any person in the rendering of investment advice or the sale of a security to such person;

(e) Has failed to account to persons interested for all money and property received;

(f) Has not delivered, after a reasonable time, to persons

entitled thereto securities held or agreed to be delivered by the dealer~~, broker,~~ or investment adviser, as and when paid for, and due to be delivered;

(g) Is rendering investment advice or selling or offering for sale securities through any associated person not registered in compliance with ~~the provisions of~~ this chapter;

(h) ~~Has demonstrated unworthiness to transact the business of dealer, investment adviser, intermediary, or associated person;~~

~~(i)~~ Has exercised management or policy control over or owned 10 percent or more of the securities of any dealer, intermediary, or investment adviser that has been declared bankrupt, or had a trustee appointed under the Securities Investor Protection Act; or is, in the case of a dealer, intermediary, or investment adviser, unable to pay its debts as they become due in the usual course of business ~~insolvent~~;

(i)~~(j)~~ Has been convicted of, or has entered a plea of guilty or nolo contendere to, regardless of whether adjudication was withheld, a crime against the laws of this state or any other state or of the United States or of any other country or government which relates to registration as a dealer, investment adviser, issuer of securities, intermediary, or associated person; which relates to the application for such registration; or which involves moral turpitude or fraudulent or dishonest dealing;

(j) ~~(k)~~ Has had a final judgment entered against her or him in a civil action upon grounds of fraud, embezzlement, misrepresentation, or deceit;

~~(l) Is of bad business repute;~~

(k) ~~(m)~~ Has been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or by any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association, involving a violation of any federal or state securities or commodities law or any rule or regulation promulgated thereunder, or any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association, or has been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance ~~or small loan companies~~, real estate, mortgage brokers or lenders, money transmitters, or other related or similar industries. For purposes of this subsection, the office may not deny registration to any applicant who has been continuously registered with the office for 5 years after the date of entry of such decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order provided such decision, finding,

injunction, suspension, prohibition, revocation, denial, judgment, or administrative order has been timely reported to the office pursuant to the commission's rules; ~~or~~

(l)~~(n)~~ Made payment to the office for a registration with a check or electronic transmission of funds that is dishonored by the applicant's or registrant's financial institution;

(m) Failed to pay and fully satisfy any final judgment or arbitration award resulting from an investment-related, client- or customer-initiated arbitration or court proceeding, unless alternative payment arrangements are agreed to in writing between the client or customer and the investment adviser, dealer, or associated person and the investment adviser, dealer, or associated person complies with the terms of the alternative payment arrangement;

(n) Attempted to avoid payment of any final judgment or arbitration award resulting from an investment-related, client- or customer-initiated arbitration or court proceeding, unless alternative payment arrangements are agreed to in writing between the client or customer and the investment adviser, dealer, or associated person and the investment adviser, dealer, or associated person complies with the terms of the alternative payment arrangements; or

(o) Failed to pay and fully satisfy any fine, civil penalty, order of restitution, order of disgorgement, or similar monetary payment obligation imposed upon the investment adviser,

dealer, or associated person by the Securities and Exchange Commission, the securities regulator or other financial services regulator of any state or province, or any securities industry self-regulatory organization.

(4) It shall be sufficient cause for denial of an application or revocation of registration, in the case of a partnership, corporation, limited liability company, or unincorporated association, if any member of the partnership, any manager or managing member of the limited liability company, or any officer, director, or ultimate equitable owner of the corporation or association has committed any act or omission which would be cause for denying, revoking, restricting, or suspending the registration of an individual dealer, investment adviser, intermediary, or associated person. As used in this subsection, the term "ultimate equitable owner" means a natural person who directly or indirectly owns or controls an ownership interest in the corporation, partnership, association, or other legal entity however organized, regardless of whether such natural person owns or controls such ownership interest through one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

(5) The office may deny any request to terminate or withdraw any application or registration if the office believes that an act that ~~which~~ would be a ground for denial, suspension,

restriction, or revocation under this chapter has been committed.

Section 10. Subsection (2) of section 517.1611, Florida Statutes, is amended to read:

517.1611 Guidelines.—

(2) The commission shall adopt by rule disqualifying periods pursuant to which an applicant will be disqualified from eligibility for registration based upon criminal convictions, pleas of nolo contendere, or pleas of guilt, regardless of whether adjudication was withheld, by the applicant; any partner, member, officer, or director of the applicant or any person having a similar status or performing similar functions; or any person directly or indirectly controlling the applicant.

(a) The disqualifying periods shall be 15 years for a felony and 5 years for a misdemeanor.

(b) The disqualifying periods shall be related to crimes involving registration as a dealer, investment adviser, issuer of securities, or associated person or the application for such registration or involving moral turpitude or fraudulent or dishonest dealing.

(c) The rules may also address mitigating factors, an additional waiting period based upon dates of imprisonment or community supervision, an additional waiting period based upon commitment of multiple crimes, and other factors reasonably related to the consideration of an applicant's criminal history.

(d) An applicant is not eligible for registration until the expiration of the disqualifying period set by rule. Section 112.011 does not apply to the registration provisions under this chapter. Nothing in this section changes or amends the grounds for denial under s. 517.161.

Section 11. Section 517.181, Florida Statutes, is repealed.

Section 12. Paragraph (a) of subsection (4) of section 517.201, Florida Statutes, is amended to read:

517.201 Investigations; examinations; subpoenas; hearings; witnesses.—

(4)(a) In the event of substantial noncompliance with a subpoena or subpoena duces tecum issued or caused to be issued by the office pursuant to this section, the office may petition the circuit court of the county in which the person subpoenaed resides or has its principal place of business for an order requiring the subpoenaed person to appear and testify and to produce such books, records, and documents as are specified in such subpoena duces tecum. The court may grant injunctive relief restraining the issuance, sale or offer for sale, purchase or offer to purchase, promotion, negotiation, advertisement, or distribution ~~in or from offices in this state~~ of securities or investments in or from this state by the noncompliant ~~a~~ person or its agent, employee, broker, partner, officer, director,

manager, managing member, equity holder, or any person directly or indirectly controlling the noncompliant person

INSURANCE & BANKING SUBCOMMITTEE

HB 253 by Rep. Barnaby
Relating to Regulation of Securities

AMENDMENT SUMMARY
March 21, 2023

Amendment 1 by Rep. Barnaby (Line 76): The amendment:

- Removes a proposed change to the definition of "control" and reverts this to the statutory definition.
- Removes a proposed definition of the term "control person" from the bill.
- Regarding the terms "natural person" and "individual" the wording is reverted to the language used in the bill as originally filed.
- Reverts certain continuing education-related language to the bill as originally filed.
- Provides technical and grammatical corrections, as needed.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION	
ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	____

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative Salzman offered the following:

Amendment

Remove everything after the enacting clause and insert:

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

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

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

(e) The Division of Investigative and Forensic Services, which shall function as a criminal justice agency for purposes of ss. 943.045-943.08. The division may initiate and conduct investigations into any matter under the jurisdiction of the

Chief Financial Officer and Fire Marshal within or outside of this state as it deems necessary. If, during an investigation, the division has reason to believe that any criminal law of this state or the United States has or may have been violated, it shall refer any records tending to show such violation to state ~~or federal~~ law enforcement and, if applicable, federal ~~or~~ prosecutorial agencies and shall provide investigative assistance to those agencies as appropriate ~~required~~. The division shall include the following bureaus and office:

1. The Bureau of Forensic Services;

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

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

4. The Bureau of Insurance Fraud; and

5. The Bureau of Workers' Compensation Fraud.

~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT.—The Strategic Markets Research and Assessment Unit is established within the Department of Financial Services. The Chief Financial Officer or his or her designee shall report on September 1, 2008, and quarterly thereafter, to the Cabinet, the President of the Senate, and the Speaker of the House of Representatives on the status of the state's financial services markets. At a minimum, the report must include a summary of issues, trends, and threats that broadly impact the condition of the financial~~

~~services industries, along with the effect of such conditions on financial institutions, the securities industries, other financial entities, and the credit market. The Chief Financial Officer shall also provide findings and recommendations regarding regulatory and policy changes to the Cabinet, the President of the Senate, and the Speaker of the House of Representatives.~~

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

112.215 Government employees; deferred compensation program.—

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

(4)(a) The Chief Financial Officer, with the approval of

the State Board of Administration, shall establish a state ~~such~~ plan or plans of deferred compensation for government ~~state~~ employees ~~and may include persons employed by a state university as defined in s. 1000.21, a special district as defined in s. 189.012, or a water management district as defined in s. 189.012~~, including all such investment vehicles or products incident thereto, as may be available through, or offered by, qualified companies or persons, and may approve one or more such plans for implementation ~~by and on behalf of the state and its agencies and employees~~.

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

(c) The Chief Financial Officer, with the approval of the State Board of Administration, may delegate responsibility for administration of the state plan to a person the Chief Financial Officer determines to be qualified, compensate such person, and, directly or through such person or pursuant to a collective bargaining agreement, contract with a private corporation or institution to provide such services as may be part of any such plan or as may be deemed necessary or proper by the Chief

Financial Officer or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, asset purchase, control, and safekeeping, and direct disbursement of funds to employees or other beneficiaries. The Chief Financial Officer may authorize a person, private corporation, or institution to make direct disbursement of funds under the state plan to an employee or other beneficiary.

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

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

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

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

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

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

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

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

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

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

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

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

(12) The Chief Financial Officer may adopt any rule necessary to administer and implement this act with respect to the state deferred compensation plan or plans ~~for state employees and persons employed by a state university as defined~~

~~in s. 1000.21, a special district as defined in s. 189.012, or a water management district as defined in s. 189.012~~.

Section 3. Subsection (1) of section 274.01, Florida Statutes, is amended to read:

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

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

Section 4. Subparagraph (c) of subsection (9) and Subsections (12) and (14) of section 440.13, Florida Statutes, are amended to read:

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

(9) EXPERT MEDICAL ADVISORS.—

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the department may, and the judge of compensation claims ~~shall~~ may, upon his or her own motion or within 15 days after receipt of a written request by either the injured employee, the employer, or

the carrier, order the injured employee to be evaluated by an expert medical advisor. The injured employee and the employer or carrier may agree on the health care provider to serve as an expert medical advisor. If the parties do not agree, the judge of compensation claims shall select an expert medical advisor from the department's list of certified expert medical advisors. If a certified medical advisor within the relevant medical specialty is unavailable, the judge of compensation claims shall appoint any otherwise qualified health care provider to serve as an expert medical advisor without obtaining the department's certification. The opinion of the expert medical advisor is presumed to be correct unless there is clear and convincing evidence to the contrary as determined by the judge of compensation claims. The expert medical advisor appointed to conduct the evaluation shall have free and complete access to the medical records of the employee. An employee who fails to report to and cooperate with such evaluation forfeits entitlement to compensation during the period of failure to report or cooperate.

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

(a) A three-member panel is created, consisting of the Chief Financial Officer, or the Chief Financial Officer's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on

account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by ~~physicians,~~ hospitals and~~,~~ ambulatory surgical centers~~, work-hardening programs, pain programs, and durable medical equipment~~. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the department, including maximum hours in which an outpatient may remain in observation status, which shall not exceed 23 hours. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges, except as otherwise provided by this subsection. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for ~~physicians,~~ hospital inpatient care, hospital outpatient care, and ambulatory surgical centers~~, work-hardening programs, and pain programs~~. A ~~An individual physician,~~ hospital or~~,~~ ambulatory surgical center~~, pain program, or work-hardening program~~ shall be reimbursed the agreed-upon contract price or the maximum

reimbursement allowance in the appropriate schedule.

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

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

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

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

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

and does not include reimbursement for prescription medication.

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

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

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

(h)~~(c)~~ As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price plus $4.18 for the dispensing fee. For repackaged or relabeled prescription medications dispensed by a dispensing practitioner as provided in s. 465.0276, the fee schedule for reimbursement shall be 112.5 percent of the average wholesale price, plus $8.00 for the dispensing fee. For purposes of this subsection, the average wholesale price shall be calculated by multiplying the number of units dispensed times the per-unit average wholesale price set by the original manufacturer of the underlying drug dispensed by the

practitioner, based upon the published manufacturer's average wholesale price published in the Medi-Span Master Drug Database as of the date of dispensing. All pharmaceutical claims submitted for repackaged or relabeled prescription medications must include the National Drug Code of the original manufacturer. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount except where the employer or carrier, or a service company, third party administrator, or any entity acting on behalf of the employer or carrier directly contracts with the provider seeking reimbursement for a lower amount.

(i) ~~(d)~~ Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening

program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

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

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

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

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

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

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

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

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

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

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall

provide administrative support and service to the panel to the extent requested by the panel. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking possession of that medication.

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

Section 5. Subsection (8) of section 440.38, Florida Statutes, is created to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(8) Any form used by the department to evidence an employer's workers' compensation coverage under paragraph (1)(a) must contain the following:

(a) The governing class code or codes;

(b) Payroll information; and

(c) The total number of employees covered by the workers' compensation insurance policy.

Section 6. Effective January 1, 2024, subsection (2) of

section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(2) BOARD OF DIRECTORS.—The board of directors of the association shall consist of nine persons and shall be organized as established in the plan of operation. Each director must ~~All board members shall~~ be experienced in self-insurance in this state. Each director shall serve for a 4-year term and may be reappointed. Appointments after January 1, 2002, shall be made by the department upon recommendation of members of the association or other persons with experience in self-insurance as determined by the Chief Financial Officer. Any vacancy on the board shall be filled for the remaining period of the term in the same manner as appointments other than initial appointments are made. Each director shall be reimbursed for expenses incurred in carrying out the duties of the board on behalf of the association.

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

(b) Directors are subject to the code of ethics under part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. For purposes of applying

part III of chapter 112 to activities of members of the board of directors, those persons are considered public officers and the association is considered their agency. Notwithstanding s. 112.3143(2), a director may not vote on any measure that he or she knows would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such director shall publicly state to the board the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

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

(d) A director who fails to comply with paragraph (b) or

paragraph (c) is subject to the penalties provided under ss. 112.317 and 112.3173.

Section 7. Subsection (25) of section 624.501, Florida Statutes, is amended to read:

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

(25) Reinsurance intermediary:

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

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

Section 8. Subsection (5) of section 626.015, Florida Statutes, is amended to read:

626.015 Definitions.—As used in this part:

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

Section 9. Subsection (4) of section 626.171, Florida Statutes, is amended to read:

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

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

Section 10. Paragraph (c) of subsection (1) of section 626.173, Florida Statutes, is amended to read:

626.173 Insurance agency closure; cancellation of licenses.—

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

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

Section 11. Subsection (8) of section 626.207, Florida Statutes, is amended to read:

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

(8) The department shall adopt rules establishing specific penalties against licensees in accordance with ss. 626.641 and 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s. 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.

626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The purpose of the revocation or suspension is to provide a sufficient penalty to deter future violations of the Florida Insurance Code. The imposition of a revocation or the length of suspension shall be based on the type of conduct and the probability that the propensity to commit further illegal conduct has been overcome at the time of eligibility for relicensure. The length of suspension may be adjusted based on aggravating or mitigating factors, established by rule and consistent with this purpose.

Section 12. Paragraph (j) of subsection (2) of section 626.221, Florida Statutes, is amended to read:

626.221 Examination requirement; exemptions.—

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

(j) An applicant for license as an all-lines adjuster who has the designation of Accredited Claims Adjuster (ACA) from a regionally accredited postsecondary institution in this state; Certified All Lines Adjuster (CALA) from Kaplan Financial Education; Associate in Claims (AIC) from the Insurance Institute of America; Professional Claims Adjuster (PCA) from the Professional Career Institute; Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy; Certified Adjuster (CA) from ALL LINES Training; Certified

Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster Certified Professional (CACP) from WebCE, Inc.; Accredited Insurance Claims Specialist (AICS) from Encore Claim Services; Professional in Claims (PIC) from 2021 Training, LLC; or Universal Claims Certification (UCC) from Claims and Litigation Management Alliance (CLM) whose curriculum has been approved by the department and which includes comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard department testing for the all-lines adjuster license. The department shall adopt rules establishing standards for the approval of curriculum.

Section 13. Paragraphs (c) and (f) of subsection (3) of section 626.2815, Florida Statutes, are amended to read:

626.2815 Continuing education requirements.—

(3) Each licensee except a title insurance agent must complete a 4-hour update course every 2 years which is specific to the license held by the licensee. The course must be developed and offered by providers and approved by the department. The content of the course must address all lines of insurance for which examination and licensure are required and include the following subject areas: insurance law updates, ethics for insurance professionals, disciplinary trends and case studies, industry trends, premium discounts, determining suitability of products and services, and other similar insurance-related topics the department determines are relevant

to legally and ethically carrying out the responsibilities of the license granted. A licensee who holds multiple insurance licenses must complete an update course that is specific to at least one of the licenses held. Except as otherwise specified, any remaining required hours of continuing education are elective and may consist of any continuing education course approved by the department under this section.

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

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

Section 14. Paragraphs (a), (b), and (e) of subsection (1) of section 626.321, Florida Statutes, are amended, and paragraph (i) is added to that subsection, to read:

626.321 Limited licenses and registration.—

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

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

(b) *Industrial fire insurance or burglary insurance.*—License covering only industrial fire insurance or burglary insurance. ~~A licensee under this paragraph may not hold a license as an agent for any other or additional kind or class of insurance coverage except for life insurance and health~~

~~insurance.~~ Effective July 1, 2019, all licensees holding such limited license and appointment may renew the license and appointment, but no new or additional licenses may be issued pursuant to this paragraph, and a licensee whose limited license under this paragraph has been terminated, suspended, or revoked may not have such license reinstated.

(e) *Credit insurance.*—License covering credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection (GAP) insurance, and any other form of insurance offered in connection with an extension of credit which is limited to partially or wholly extinguishing a credit obligation that the department determines should be designated a form of limited line credit insurance. Effective October 1, 2012, all valid licenses held by persons for any of the lines of insurance listed in this paragraph shall be converted to a credit insurance license. ~~Licensees who wish to obtain a new license reflecting such change must request a duplicate license and pay a $5 fee as specified in s. 624.501(15).~~ The license may be issued only to an individual employed by a life or health insurer as an officer or other salaried or commissioned representative, to an individual employed by or associated with a lending or financial institution or creditor, or to a lending or financial institution or creditor, and may authorize the sale of such

insurance only with respect to borrowers or debtors of such lending or financing institution or creditor. However, only the individual or entity whose tax identification number is used in receiving or is credited with receiving the commission from the sale of such insurance shall be the licensed agent of the insurer. ~~No individual while so licensed shall hold a license as an agent as to any other or additional kind or class of life or health insurance coverage.~~

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

Section 15. Paragraph (n) of subsection (1) of section 626.611, Florida Statutes, is amended to read:

626.611 Grounds for compulsory refusal, suspension, or revocation of agent's, title agency's, adjuster's, customer representative's, service representative's, or managing general

agent's license or appointment.—

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

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

Section 16. Subsection (18) is added to section 626.621, Florida Statutes, to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—The department may, in its discretion, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, adjuster,

667 customer representative, service representative, or managing
668 general agent, and it may suspend or revoke the eligibility to
669 hold a license or appointment of any such person, if it finds
670 that as to the applicant, licensee, or appointee any one or more
671 of the following applicable grounds exist under circumstances
672 for which such denial, suspension, revocation, or refusal is not
673 mandatory under s. 626.611:
674 (18) Cancellation of the applicant's, licensee's, or
675 appointee's resident license in a state other than Florida.
676 Section 17. Paragraphs (d) and (g) of subsection (2) and
677 paragraphs (a), (b), and (e) through (j) of subsection (3) of
678 section 626.7492, Florida Statutes, are amended to read:
679 626.7492 Reinsurance intermediaries.—
680 (2) DEFINITIONS.—As used in this section:
681 (d) "Producer" means a licensed ~~an~~ agent, broker, or
682 insurance agency that is appointed as a reinsurance intermediary
683 ~~licensed~~ pursuant to the applicable provision of the Florida
684 Insurance Code.
685 (g) "Reinsurance intermediary manager" means any person
686 who has authority to bind, or manages all or part of, the
687 assumed reinsurance business of a reinsurer, including the
688 management of a separate division, department, or underwriting
689 office, and acts as a representative ~~an agent~~ for the reinsurer
690 whether known as a reinsurance intermediary manager, manager, or
691 other similar term. Notwithstanding the above, none of the

following persons is a reinsurance intermediary manager with respect to the reinsurer for the purposes of this section:

1. An employee of the reinsurer;

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

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

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

(3) LICENSURE.—

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

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

2. In another state, unless the reinsurance intermediary broker is a licensed producer in this state or in another state

having a law substantially similar to this section or the reinsurance intermediary broker is licensed in this state as an insurance agency and appointed as a ~~nonresident~~ reinsurance intermediary.

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

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

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

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

(e) If the applicant for a reinsurance intermediary appointment ~~license~~ is a nonresident, the applicant, as a condition precedent to receiving or holding an appointment ~~a license~~, must designate the Chief Financial Officer as agent for service of process in the manner, and with the same legal effect, provided for by this section for designation of service

of process upon unauthorized insurers. Such applicant shall also furnish the department with the name and address of a resident of this state upon whom notices or orders of the department or process affecting the nonresident reinsurance intermediary may be served. The licensee shall promptly notify the department in writing of each change in its designated agent for service of process, and the change shall not become effective until acknowledged by the department.

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

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

(g)~~(h)~~ The grounds and procedures for refusal of an ~~a license or~~ appointment or suspension or revocation of a license

or appointment issued to a reinsurance intermediary under this section are as set forth in ss. 626.611-626.691 for insurance representatives in general.

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

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

Section 18. Subsection (5) of section 626.752, Florida Statutes, is amended to read:

626.752 Exchange of business.—

(5) Within 15 days after the last day of each month, any insurer accepting business under this section shall report to the department the name, address, telephone number, and social security number of each agent from which the insurer received more than four personal lines risks during the calendar year, except for risks being removed from the Citizens Property Insurance Corporation and placed with that insurer by a brokering agent. Once the insurer has reported pursuant to this subsection an agent's name to the department, additional reports on the same agent shall not be required. However, the fee set forth in s. 624.501 must be paid for the agent by the insurer for each year until the insurer notifies the department that the insurer is no longer accepting business from the agent pursuant to this section. The insurer may require that the agent reimburse the insurer for the fee. If the insurer or employer

does not pay the fees and taxes due pursuant to this subsection within 21 days after notice by the department, the department must suspend the insurer's or employer's authority to appoint licensees until all outstanding fees and taxes have been paid.

Section 19. Subsection (3) of section 626.785, Florida Statutes, is amended to read:

626.785 Qualifications for license.—

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

Section 20. Subsection (4) of section 626.793, Florida Statutes, is amended to read:

626.793 Excess or rejected business.—

(4) Within 15 days after the last day of each month, any insurer accepting business under this section shall report to

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

Section 21. Subsection (5) of section 626.837, Florida Statutes, is amended to read:

626.837 Excess or rejected business.—

(5) Within 15 days after the last day of each month, any insurer accepting business under this section shall report to the department the name, address, telephone number, and social security number of each agent from which the insurer received more than four risks during the calendar year. Once the insurer has reported pursuant to this subsection an agent's name to the department, additional reports on the same agent shall not be

required. However, the fee set forth in s. 624.501 must be paid for the agent by the insurer for each year until the insurer notifies the department that the insurer is no longer accepting business from the agent pursuant to this section. The insurer may require that the agent reimburse the insurer for the fee. If the insurer or employer does not pay the fees and taxes due pursuant to this subsection within 21 days after notice by the department, the department must suspend the insurer's or employer's authority to appoint licensees until all outstanding fees and taxes have been paid.

Section 22. Paragraph (e) is added to subsection (2) of section 626.8411, Florida Statutes, to read:

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

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

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

Section 23. Present subsections (8) through (11) of section 626.8437, Florida Statutes, are redesignated as subsections (9) through (12), respectively, and a new subsection (8) and subsection (13) are added to that section, read:

626.8437 Grounds for denial, suspension, revocation, or refusal to renew license or appointment.—The department shall deny, suspend, revoke, or refuse to renew or continue the

license or appointment of any title insurance agent or agency, and it shall suspend or revoke the eligibility to hold a license or appointment of such person, if it finds that as to the applicant, licensee, appointee, or any principal thereof, any one or more of the following grounds exist:

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

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

Section 24. Subsections (7) and (8) are added to section 626.844, Florida Statutes, to read:

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

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

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

Section 25. Section 626.8473, Florida Statutes, is amended to read:

626.8473 Escrow; trust fund.—

(1) A title insurance agency ~~agent~~ may engage in business as an escrow agent as to funds received from others to be subsequently disbursed ~~by the title insurance agent~~ in connection with real estate closing transactions involving the issuance of title ~~insurance binders,~~ commitments, policies of title insurance, or guarantees of title, provided that a licensed and appointed title insurance agency ~~agent~~ complies

with the requirements of s. 626.8419 ~~s. 626.8417~~, including such requirements added after the initial licensure of the agency ~~agent~~.

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

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

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

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

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

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

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

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

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

(d) If the funds converted or misappropriated are $100,000

or more, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Section 26. Subsection (19) of section 626.854, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

Section 27. Section 626.874, Florida Statutes, is amended to read:

626.874 Catastrophe or emergency adjusters.—

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

(2) If any person not a licensed adjuster who has been

permitted to adjust such losses, claims, or damages under the conditions and circumstances set forth in subsection (1), engages in any of the misconduct described in or contemplated by chapter 626 ~~ss. 626.611 and 626.621~~, the department, without notice and hearing, shall be authorized to issue its order denying such person the privileges granted under this section; and thereafter it shall be unlawful for any such person to adjust any such losses, claims, or damages in this state.

Section 28. Subsection (2) of section 626.9892, Florida Statutes, is amended to read:

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

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

Section 29. Present subsections (7) through (12) of section 626.9957, Florida Statutes, are redesignated as subsections (8) through (13), respectively, and a new subsection (7) is added to that section, to read:

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

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

Section 30. Paragraph (c) of subsection (4) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(c) The Joint Underwriting Association shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the Joint Underwriting Association, an attorney named by The Florida Bar, a physician named by the Florida Medical Association, a dentist named by the Florida Dental Association, and a hospital representative named by the Florida Hospital Association. The Chief Financial Officer shall select the representatives of the five insurers or other persons with experience in medical malpractice insurance as determined by the Chief Financial Officer. One insurer representative shall be selected from recommendations of the American Insurance

Association. One insurer representative shall be selected from recommendations of the Property Casualty Insurers Association of America. One insurer representative shall be selected from recommendations of the Florida Insurance Council. Two insurer representatives shall be selected to represent insurers that are not affiliated with these associations. Vacancies on the board shall be filled for the remaining period of the term in the same manner as the initial appointments. During the first meeting of the board after June 30 of each year, the board shall choose one of its members to serve as chair of the board and another member to serve as vice chair of the board. There is no liability on the part of, and no cause of action shall arise against, any member insurer, self-insurer, or its agents or employees, the Joint Underwriting Association or its agents or employees, members of the board of governors, or the office or its representatives for any action taken by them in the performance of their powers and duties under this subsection.

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

2. Board members are subject to the code of ethics under part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. For purposes of applying

part III of chapter 112 to activities of members of the board of governors, those persons are considered public officers and the Joint Underwriting Association is considered their agency. Notwithstanding s. 112.3143(2), a board member may not vote on any measure that he or she knows would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such board member shall publicly state to the board the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

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

4. A board member who fails to comply with subparagraph 2.

or subparagraph 3. is subject to the penalties provided under ss. 112.317 and 112.3173.

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

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

(2) At the time of issuance and renewal of a policy or at the time a first-party claim within the scope of this section is filed by the policyholder, the insurer shall notify the policyholder of its right to participate in the mediation program under this section. A claim is not eligible for mediation until an insurer has made a claim determination or elected to repair pursuant to s. 627.70131. The department shall prepare a consumer information pamphlet for distribution to persons participating in mediation.

(3) The costs of mediation must be reasonable, and the insurer must bear all of the cost of conducting mediation conferences, except as otherwise provided in this section. If a policyholder fails to appear at the conference, the conference must be rescheduled upon the policyholder's payment of the costs of a rescheduled conference. If the insurer fails to appear at the conference, the insurer must pay the policyholder's actual cash expenses incurred in attending the conference if the insurer's failure to attend was not due to a good cause acceptable to the department. An insurer will be deemed to have

failed to appear if the insurer's representative lacks authority to settle the full value of the claim. The insurer shall incur an additional fee for a rescheduled conference necessitated by the insurer's failure to appear at a scheduled conference. The fees assessed by the department ~~administrator~~ must include a charge necessary to defray the expenses of the department related to its duties under this section and must be deposited in the Insurance Regulatory Trust Fund. The department may suspend the insurer's authority to appoint licensees if the insurer does not timely pay the required fees.

Section 38. Subsection (18) is added to section 627.7074, Florida Statutes, to read:

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

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

Section 32. Section 627.745, Florida Statutes, is amended to read:

627.745 Mediation of claims.—

(1)(a) In any claim filed with an insurer for personal injury in an amount of $10,000 or less or any claim for property damage in any amount, arising out of the ownership, operation, use, or maintenance of a motor vehicle, either party may demand

mediation of the claim prior to the institution of litigation.

(b) The costs of mediation must be reasonable, and the insurer must bear all of the cost of conducting mediation conferences, except as otherwise provided in this section. If a policyholder fails to appear at the conference, the conference must be rescheduled upon the policyholder's payment of the costs of a rescheduled conference. If the insurer fails to appear at the conference, the insurer must pay the policyholder's actual cash expenses incurred in attending the conference if the insurer's failure to attend was not due to a good cause acceptable to the department. An insurer is deemed to have failed to appear if the insurer's representative lacks authority to settle the full value of the claim. The insurer shall incur an additional fee, paid to the mediator, for a rescheduled conference necessitated by the insurer's failure to appear at a scheduled conference. The fees assessed by the department or administrator must include a charge necessary to defray the expenses of the department related to its duties under this section and must be deposited in the Insurance Regulatory Trust Fund. The department or administrator may request that the department suspend the insurer's authority to appoint licensees if the insurer does not timely pay the per-mediation-event administrative fee.

~~(b) A request for mediation shall be filed with the department on a form approved by the department. The request for~~

~~mediation shall state the reason for the request for mediation and the issues in dispute which are to be mediated. The filing of a request for mediation tolls the applicable time requirements for filing suit for a period of 60 days following the conclusion of the mediation process or the time prescribed in s. 95.11, whichever is later.~~

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

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

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

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

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

~~(2) Upon receipt of a request for mediation, the department shall refer the request to a mediator. The mediator shall notify the applicant and all interested parties, as~~

~~identified by the applicant, and any other parties the mediator believes may have an interest in the mediation, of the date, time, and place of the mediation conference. The conference may be held by telephone, if feasible. The mediation conference shall be held within 45 days after the request for mediation.~~

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

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

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

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

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

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

(b) Material misstatement, misrepresentation, or fraud in

obtaining or attempting to obtain the approval.

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

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

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

The department may adopt rules to administer this subsection.

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

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

(b) Provisions governing who may attend mediation conferences.

(c) Selection of mediators.

(d) Criteria for the conduct of mediation conferences.

(e) Right to legal counsel.

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

~~(a) Is fair.~~

~~(b) Promotes settlement.~~

~~(c) Avoids delay.~~

~~(d) Is nonadversarial.~~

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

(f) Controls of costs and expenses of mediation.

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

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

Section 33. Present subsections (7) through (12) of section 631.141, Florida Statutes, are redesignated as subsections (8) through (13), respectively, and a new subsection (7) is added to that section, to read:

631.141 Conduct of delinquency proceeding; domestic and

alien insurers.—

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

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

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

Section 34. Subsections (1) and (3) of section 631.252, Florida Statutes, are amended to read:

631.252 Continuation of coverage.—

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

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

date of entry of the liquidation order;

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

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

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

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

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

Section 35. Subsection (1) of section 631.56, Florida Statutes, is amended, and subsections (5) through (8) are added to that section, to read:

631.56 Board of directors.—

(1) The board of directors of the association shall

consist of not less than five or more than nine persons serving terms as established in the plan of operation. Three members of the board must be representatives from domestic insurers, appointed by the Chief Financial Officer. The department shall approve and appoint to the board persons recommended by the member insurers or other persons with experience in property and casualty insurance or motor vehicle insurance as determined by the Chief Financial Officer. ~~In the event the department finds that any recommended person does not meet the qualifications for service on the board, the department shall request the member insurers to recommend another person.~~ Each member shall serve for a 4-year term and may be reappointed. Vacancies on the board shall be filled for the remaining period of the term in the same manner as initial appointments.

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

(6) Board members are subject to the code of ethics under part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. For purposes of applying part III of chapter 112 to activities of members of the board of directors, those persons are considered public officers and the association is considered their agency. Notwithstanding s.

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

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

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

Section 36. Paragraph (a) of subsection (1) of section 631.716, Florida Statutes, is amended, and subsections (4)

through (7) are added to that section, to read:

631.716 Board of directors.—

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

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

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

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

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

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

Section 37. Subsection (1) of section 631.816, Florida

Statutes, is amended, and subsections (8) through (11) are added to that section, to read:

631.816 Board of directors.—

(1) The board of directors of the plan shall consist of not less than five or more than nine persons serving terms as established in the plan of operation. The department shall approve and appoint to the board persons recommended by the member HMOs or other persons with experience in health insurance as determined by the Chief Financial Officer. ~~In the event the department finds that any recommended person does not meet the qualifications for service on the board, the department shall request the member HMOs to recommend another person.~~ Each member shall serve for a 4-year term and may be reappointed, except that terms may be staggered as defined in the plan of operation. Vacancies on the board shall be filled for the remaining period of the term in the same manner as initial appointments. In determining voting rights, each HMO is entitled to vote on the basis of cumulative weighted voting based on the net written premium for non-Medicare and non-Medicaid policies.

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

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

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

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

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

Section 38. Subsection (1) of section 631.912, Florida Statutes, is amended, and subsections (4), (5), and (6) are added to that section, to read:

631.912 Board of directors.—

(1) The board of directors of the corporation shall consist of 11 persons, 1 of whom is the insurance consumer advocate appointed under s. 627.0613 or designee and 1 of whom is designated by the Chief Financial Officer. The department shall appoint to the board 6 persons selected by private carriers from among the 20 workers' compensation insurers with the largest amount of direct written premium as determined by the department, and 2 persons selected by the self-insurance funds or other persons with experience in workers' compensation insurance as determined by the Chief Financial Officer. The Governor shall appoint one person who has commercial insurance experience. At least two of the private carriers shall be foreign carriers authorized to do business in this state. The board shall elect a chairperson from among its members. The Chief Financial Officer may remove any board member for cause. Each board member shall be appointed to serve a 4-year term and may be reappointed. A vacancy on the board shall be filled for the remaining period of the term in the same manner by which the

original appointment was made.

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

(5) Notwithstanding s. 112.3148, s. 112.3149, or any other law, a board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or

an employee or representative of such person or entity, which has a contractual relationship with the corporation or which is under consideration for a contract.

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

Section 39. Section 633.1423, Florida Statutes, is created to read:

633.1423 State Fire Marshal direct-support organization.—

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

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

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

(b) Be organized and operated to raise funds; request and receive grants, gifts, and bequests of money; conduct programs and activities; acquire, receive, hold, invest, and administer, in its own name, securities, funds, or property; and make grants and expenditures to or for the direct or indirect benefit of the division. Grants and expenditures may include the cost of

education or training of firefighters, or the recognition of exemplary service of firefighters.

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

1. Consistent with the goals of the division and laws relating to the safety and training of firefighters.

2. In the best interest of the state.

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

(d) Use all of its grants and expenditures solely for the purpose of educating, training, and recognizing firefighters, and not for advertising using the likeness or name of any elected official nor for the purpose of lobbying as defined in s. 11.045(1).

(e) Be subject to an annual financial audit in accordance with s. 215.981.

(3) CONTRACT.—The organization shall operate under written contract with the division. The contract must provide for:

(a) Certification by the division that the organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the department and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the organization.

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

organization for firefighter safety, training, and recognition to the division if the organization is no longer approved to operate by the division or if the organization ceases to exist, or to the state if the division ceases to exist.

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

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

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

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

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

(6) DEPOSITORY ACCOUNT.—Any moneys received by the organization may be held in a separate depository account in the

name of the organization and subject to the contract with the division.

(7) ANNUAL BUDGETS AND REPORTS.—The organization shall submit to the division its annual budget and financial reports, its federal Internal Revenue Service Application for Recognition of Exemption Form 1023, and its federal Internal Revenue Service Return of Organization Exempt from Income Tax Form 990.

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

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

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

Section 40. Section 634.181, Florida Statutes, is amended to read:

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

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

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

(b) ~~(2)~~ If the license or appointment is willfully used, or

to be used, to circumvent any of the requirements or prohibitions of this part, any applicable provision of the Florida Insurance Code, or rule of the department or commission.

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

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

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

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

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

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

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

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

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

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

(m) Having been the subject of, or having had a license, permit, appointment, registration, or other authority to conduct business subject to, any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, final agency action, or administrative order by any court of competent jurisdiction, administrative law proceeding, state agency,

federal agency, national securities, commodities, or options exchange, or national securities, commodities, or options association involving a violation of any federal or state securities or commodities law or any rule or regulation adopted thereunder, or a violation of any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association.

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

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

Section 41. Section 634.191, Florida Statutes, is amended to read:

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

(1) The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license or appointment of any salesperson if it finds that as to the

salesperson any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 634.181:

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

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

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

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

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

(f) ~~(6)~~ Failure to report to the department within 30 days the final disposition of an administrative action taken against a salesperson by a governmental agency or other regulatory

agency in this state or any other state or jurisdiction relating to the business of insurance, the sale of securities, or an activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty. The salesperson must submit a copy of the order, consent to order, or other relevant legal documents to the department ~~Having been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the cases~~.

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

Section 42. Section 634.320, Florida Statutes, is amended to read:

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

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

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

(b) ~~(2)~~ The license or appointment is willfully used, or to

be used, to circumvent any of the requirements or prohibitions of this part.

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

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

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

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

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

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

(i) ~~(9)~~ Unlawfully rebating, or attempting to unlawfully rebate, or unlawfully dividing, or offering to divide, her or

his commission with another.

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

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

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

(2) When a licensee is charged with a felony enumerated in s. 626.207(2), the department shall, immediately upon receipt of

information on or indictment for the felony, temporarily suspend a license or appointment issued under this chapter. Such suspension shall continue if the licensee is found guilty of, or pleads guilty or nolo contendere to, the crime, regardless of whether a judgment or conviction is entered, during a pending appeal. A person may not transact insurance business after suspension of his or her license or appointment.

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

Section 43. Section 634.321, Florida Statutes, is amended to read:

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

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

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

(b) ~~(2)~~ Violation of any provision of this part, or of any other law applicable to the business of warranties, in the

course of dealings under the license or appointment.

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

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

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

(f) ~~(6)~~ Failure to report to the department within 30 days the final disposition of an administrative action taken against a sales representative by a governmental agency or other regulatory agency in this state or any other state or jurisdiction relating to the business of insurance, the sale of securities, or an activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty. The sales representative must submit a copy of the order, consent to order, or other relevant legal documents to the department ~~Being found guilty of or pleading guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state~~

~~thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court~~.

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

Section 44. Section 634.419, Florida Statutes, is amended to read:

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

Section 45. Section 634.422, Florida Statutes, is amended to read:

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

(1) The department shall deny, suspend, revoke, or refuse

to renew or continue the license or appointment of any sales representative if it is found that any one or more of the following grounds applicable to the sales representative exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 46. Section 634.423, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

(f) ~~(6)~~ Failure to report to the department within 30 days the final disposition of an administrative action taken against a sales representative by a governmental agency or other regulatory agency in this state or any other state or jurisdiction relating to the business of insurance, the sale of securities, or an activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty. The sales

representative must submit a copy of the order, consent to order, or other relevant legal documents to the department ~~Being found guilty of or pleading guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country, without regard to whether judgment of conviction has been entered by the court having jurisdiction of such case~~.

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

Section 47. Section 648.25, Florida Statutes, is reordered and amended to read:

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

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

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

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

(b) An entity that:

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

2. Engages in or employs others to engage in any activity

that may be performed only by a licensed and appointed bail bond agent.

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

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

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

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

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

(8) ~~(7)~~ "Professional bail bond agent" means any person who

pledges United States currency, United States postal money orders, or cashier's checks as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.

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

Section 48. Subsection (3) of section 648.26, Florida Statutes, is amended to read:

648.26 Department of Financial Services; administration.—

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

Section 49. Subsection (5) of section 648.27, Florida Statutes, is amended to read:

648.27 Licenses and appointments; general.—

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

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

Section 50. Section 648.285, Florida Statutes, is amended to read:

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

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

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

(3) An application for a bail bond agency license must be signed by an individual required to be listed in the application under paragraph (a). A bail bond agency license may permit a third party to complete, submit, and sign an application on the bail bond agency's behalf; however, the bail bond agency is responsible for ensuring that the information on the application

is true and correct, and the bail bond agency is accountable for any misstatements or misrepresentations. The application for a bail bond agency license must include:

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

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

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

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

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

(f) Such additional information as the department requires by rule to ascertain the trustworthiness and competence of

persons required to be listed on the application and to ascertain that such persons meet the requirements of this code. However, the department may not require that credit or character reports be submitted for persons required to be listed on the application.

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

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

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

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

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

Section 51. Subsection (1) of section 648.30, Florida Statutes, is amended to read:

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

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

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

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

Section 52. Section 648.31, Florida Statutes, is amended

to read:

648.31 Appointment taxes and fees.—The department shall collect in advance all appointment taxes and fees for the issuance of any appointment to a bail bond agent ~~or temporary bail bond agent,~~ as provided in s. 624.501.

Section 53. Subsection (2) of section 648.34, Florida Statutes, is amended to read:

648.34 Bail bond agents; qualifications.—

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

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

(b) ~~The applicant~~ Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a resident of this state. An individual who is a resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence, at the time of application for license, of a license in the applicant's name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance

satisfactory to the department that his or her resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

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

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

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

(f) Within 2 years immediately before applying for the license, has successfully completed a basic certification course in the criminal justice system which consists of at least 120 hours of classroom instruction with a passing grade of 80 percent or higher and has successfully completed a

correspondence course for bail bond agents approved by the department.

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

Section 54. Section 648.355, Florida Statutes, is amended to read:

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

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

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

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

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

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

~~(e) The applicant must be employed full-time at the time of licensure, and at all times throughout the existence of the temporary license, by only one licensed and appointed supervising bail bond agent, who supervises the work of the applicant and is responsible for the licensee's conduct in the bail bond business. The applicant must be appointed by the same insurers as the supervising bail bond agent. The supervising bail bond agent shall certify monthly to the department under oath, on a form prescribed by the department, the names and hours worked each week of all temporary bail bond agents. Filing a false certification is grounds for the immediate suspension of the license and imposition of a $5,000 administrative fine. The~~

~~department may adopt rules that establish standards for the employment requirements.~~

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

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

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

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

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

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

criminal history report based on the applicant's fingerprints.

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

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

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

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

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

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

Section 55. Subsections (1) through (4) of section 648.382, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 56. Present subsections (1) through (4) of section 648.386, Florida Statutes, are redesignated as subsections (2) through (5), respectively, a new subsection (1) is added to that section, and present subsection (2) of that section is amended, to read:

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

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

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

entity must:

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

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

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

Section 57. Section 648.387, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

Section 58. Section 648.3875, Florida Statutes, is created to read:

648.3875 Bail bond agent in charge; qualifications.—

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

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

Section 59. Section 648.39, Florida Statutes, is amended

to read:

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

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

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

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

Section 60. Section 648.41, Florida Statutes, is repealed.

Section 61. Section 648.42, Florida Statutes, is amended to read:

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

Section 62. Subsections (1) and (2) and paragraphs (c) and (d) of subsection (8) of section 648.44, Florida Statutes, are amended to read:

648.44 Prohibitions; penalty.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

purpose of executing a bond.

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

(a) Jailers or persons employed in any jail.

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

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

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

(e) Attorneys.

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

(8)

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

(d) Upon the filing of an information or indictment against a bail bond agent ~~or temporary bail bond agent~~, the

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

Section 63. Subsection (1) of section 648.441, Florida Statutes, is amended to read:

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

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

Section 64. Subsection (3) of section 648.46, Florida Statutes, is amended to read:

648.46 Procedure for disciplinary action against licensees.—

(3) The complaint and all information obtained pursuant to

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

Section 65. Section 648.50, Florida Statutes, is amended to read:

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

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

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

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

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

Section 66. Subsections (4), (5), and (6) of section 717.135, Florida Statutes, is amended to read:

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

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

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

(5) Fees and costs may be owed or paid to, or received by, a claimant's representative only after a filed claim has been approved and if the claimant's representative used an agreement authorized by this section.

(6) A claimant's representative may not use or distribute any other agreement of any type, conveyed by any method, ~~form, or other media~~ with respect to the claimant or seller which relates, directly or indirectly, to unclaimed property accounts held by the department or the Chief Financial Officer other than the agreements authorized by this section. Any engagement, authorization, recovery, or fee agreement that is not authorized by this section is void. A claimant's representative is subject to administrative and civil enforcement under s. 717.1322 if he or she uses an agreement that is not authorized by this section. Nothing herein is intended to inhibit lawful non-agreement, non-contractual or advertising communications between or among the parties.

Section 67. Paragraph (a) of subsection (4) of section 843.021, Florida Statutes, is amended to read:

843.021 Unlawful possession of a concealed handcuff key.—

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

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

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

Section 68. Paragraph (b) of subsection (6) of section 28.2221, Florida Statutes, is amended to read:

28.2221 Electronic access to official records.—

(6)

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

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

b. A title insurance agent or title insurance agency as these terms are defined in s. 626.841 ~~s. 626.841(1) and (2), respectively~~; or

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

2. The photo identification and affirmation by sworn

affidavit may be delivered in person, by mail, or by electronic transmission to the county recorder.

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

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

5. Affidavits submitted by a title insurer, title insurance agent, or title insurance agency must include the Florida Company Code or the license number, as applicable, and an attestation to the affiant requestor's authorization to transact business in this state. Affidavits submitted by an attorney authorized under this section must include the affiant requestor's Florida Bar number and a statement that the affiant requestor has an agency agreement with a title insurer directly or through his or her law firm.

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

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

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

Section 69. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

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

(4) AGENCY PERSONNEL INFORMATION.—

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

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone

numbers, and telephone numbers associated with personal communications devices.

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

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal

activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and

s. 24(a), Art. I of the State Constitution.

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

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of

compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s.

24(a), Art. I of the State Constitution.

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

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

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor

supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors

of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of

schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed

service component described in s. 397.311(26).

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

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt

from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may

not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section are not associated with the property or otherwise displayed in the public records of the agency.

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

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

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

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as <u>these terms are</u> defined in <u>s. 626.841</u> ~~s. 626.841(1) or (2)~~,

respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

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

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or

court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

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

Section 70. Subsection (4) of section 631.152, Florida Statutes, is amended to read:

631.152 Conduct of delinquency proceeding; foreign insurers.—

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

Section 71. Paragraph (b) of subsection (3) of section 631.398, Florida Statutes, is amended to read:

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

(3)

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

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

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

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

4. Submit a final report analyzing the history and causes of the insolvency and the review of the Office of Insurance Regulation's regulatory oversight of the insurer to the Governor, the President of the Senate, the Speaker of the House

of Representatives, and the office within 30 days of the conclusion of the insolvency proceeding.

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

Section 72. Subsection (2) of section 903.09, Florida Statutes, is amended to read:

903.09 Justification of sureties.—

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

Section 73. (1) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on the effectiveness imposed under s. 120.541(3), Florida Statutes: Rule 69L-7.020, Florida Administrative Code, titled "Florida Workers' Compensation Health Care Provider Reimbursement Manual" as filed for adoption with the Department of State pursuant to the certification package dated October 22, 2021.

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

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

Section 74. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

INSURANCE & BANKING SUBCOMMITTEE

HB 487 by Rep. Salzman
Department of Financial Services

AMENDMENT SUMMARY
March 21, 2023

Amendment 1 by Rep. Salzman (Strike-all): The amendment:

- Removes various sections of the bill to address single subject concerns.
- Sunsets the State Fire Marshal Direct Service Organization created by the bill, consistent with applicable statute. It will sunset on October 1, 2028, unless saved from repeal by the Legislature.
- Significant additions to the bill include:
    - Requires the Deferred Compensation Plan to be at least partially self-funded.
    - Requires Workers' Compensation Proof of Coverage to include certain data to help control for fraudulent use of check cashing business.
    - Creates a limited lines agent license for Preneed Funeral Agreement Insurance.
    - Increases certain regulatory authority over licensed insurance agents and agencies.
    - Reduces the standard for receipt of anti-fraud rewards by no longer requiring a conviction in the reported case.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative Giallombardo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (35) through (38) of section 494.001, Florida Statutes, are renumbered as subsections (36) through (39), respectively, subsection (3) is amended, and a new subsection (35) is added to that section, to read:

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

(3) "Branch office" means a location, other than a mortgage broker's or mortgage lender's principal place of business or a remote location:

(a) The address of which appears on business cards, stationery, or advertising used by the licensee in connection with business conducted under this chapter;

(b) At which the licensee's name, advertising or promotional materials, or signage suggests that mortgage loans are originated, negotiated, funded, or serviced; or

(c) At which mortgage loans are originated, negotiated, funded, or serviced by a licensee.

(35) "Remote location" means a location, other than a principal place of business or a branch office, at which a loan originator of a licensee may conduct business. Licensees may allow loan originators to work from remote locations if:

(a) The licensee has written policies and procedures for supervision of loan originators working from remote locations.

(b) Access to company platforms and customer information is in accordance with the licensee's comprehensive written information security plan.

(c) An in-person customer interaction does not occur at a loan originator's residence, unless such residence is a licensed location.

(d) Physical records are not maintained at a remote location.

(e) Customer interactions and conversations about consumers will be in compliance with federal and state information security requirements, including applicable

provisions under the Gramm-Leach-Bliley Act and the Safeguards Rule established by the Federal Trade Commission, set forth at 16 CFR Part 314, as such requirements may be amended from time to time.

(f) Loan originators working at remote locations access the company's secure systems, including a cloud-based system, directly from any out-of-office device such employee uses, including a laptop, telephones desktop computer, and tablet, via a virtual private network or comparable system that ensures secure connectivity and requires passwords or other forms of authentication to access.

(g) Licensee ensures that appropriate security updates, patches, or other alterations to the security of all devices used at remote locations are installed and maintained.

(h) Licensee has an ability to remotely lock or erase company-related contents of any device or otherwise remotely limit all access to a company's secure systems.

(i) The Nationwide Multistate Licensing System and Registry's record of a loan originator who works from a remote location designates the principal place of business as the loan originator's registered location or the loan originator has elected a licensed branch office as a registered location.

Section 2. Subsection (1) of section 494.0067, Florida Statutes, is amended to read:

494.0067 Requirements of mortgage lenders.—

(1) A mortgage lender that makes mortgage loans on real estate in this state shall transact business from a principal place of business, branch office, or remote location. Each principal place of business, ~~and~~ each branch office, and remote location shall be operated under the full charge, control, and supervision of the licensee pursuant to this part.

Section 3. Section 501.2042, Florida Statutes, is created to read:

501.2042 Unlawful acts and practices by online crowd-funding campaigns.—

(1) As used in this section, the term:

(a) "Crowd-funding campaign" means an online fundraising initiative that is intended to receive monetary donations from donors and is created by an organizer in the interest of a beneficiary.

(b) "Crowd-funding platform" means an entity doing business in this state and that provides an online medium for the creation and facilitation of a crowd-funding campaign.

(c) "Disaster" means any natural, technological, or civil emergency that occurs in this state and that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor, or the President of the United States.

(d) "Organizer" means a person who:

1. Resides or is domiciled in this state.

2. Has an account on a crowd-funding platform and has created a crowd-funding campaign either as a beneficiary or on behalf of a beneficiary who resides in the state, regardless of whether the beneficiary or the crowd-funding campaign has received donations.

(2) When an organizer arranges a crowd-funding campaign related to a disaster, the organizer must produce to the crowd-funding platform a complete and accurate accounting of all donations received and expended by the crowd-funding campaign for the benefit of state residents. The crowd-funding platform must publish all received accountings on its website.

Section 4. Section 520.23, Florida Statutes, is amended to read:

520.23 Disclosures required.—Each agreement governing the sale or lease of a distributed energy generation system shall, at a minimum, include a written statement printed in at least 12-point type that is separate from the agreement, is separately acknowledged by the buyer or lessee, and includes the following information and disclosures, if applicable:

(1) The name, address, telephone number, and e-mail address of the buyer or lessee.

(2) The name, address, telephone number, e-mail address, and valid state contractor license number of the person responsible for installing the distributed energy generation system.

(3) The name, address, telephone number, e-mail address, and valid state contractor license number of the distributed energy generation system maintenance provider, if different from the person responsible for installing the distributed energy generation system.

(4) The customer contact center phone number for the Department of Business and Professional Regulation.

(5) ~~(4)~~ A written statement indicating whether the distributed energy generation system is being purchased or leased.

(a) If the distributed energy generation system will be leased, the written statement must include a disclosure in substantially the following form: "You are entering into an agreement to lease a distributed energy generation system. You will lease (not own) the system installed on your property."

(b) If the distributed energy generation system will be purchased, the written statement must include a disclosure in substantially the following form: "You are entering into an agreement to purchase a distributed energy generation system. You will own (not lease) the system installed on your property."

(6) ~~(5)~~ The total cost to be paid by the buyer or lessee, including any interest, installation fees, document preparation fees, service fees, or other fees.

(7) ~~(6)~~ A payment schedule, including any amounts owed at contract signing, at the commencement of installation, at the

completion of installation, and any final payments. If the distributed energy generation system is being leased, the written statement must include the frequency and amount of each payment due under the lease and the total estimated lease payments over the term of the lease.

(8)~~(7)~~ Each state or federal tax incentive or rebate, if any, relied upon by the seller in determining the price of the distributed energy generation system.

(9)~~(8)~~ A description of the assumptions used to calculate any savings estimates provided to the buyer or lessee, and if such estimates are provided, a statement in substantially the following form: "It is important to understand that future electric utility rates are estimates only. Your future electric utility rates may vary."

(10)~~(9)~~ A description of any one-time or recurring fees, including, but not limited to, estimated system removal fees, maintenance fees, Internet connection fees, and automated clearinghouse fees. If late fees may apply, the description must describe the circumstances triggering such late fees.

(11)~~(10)~~ A statement notifying the buyer whether the distributed energy generation system is being financed and, if so, a statement in substantially the following form: "If your system is financed, carefully read any agreements and/or disclosure forms provided by your lender. This statement does not contain the terms of your financing agreement. If you have

any questions about your financing agreement, contact your finance provider before signing a contract."

(12) ~~(11)~~ A statement notifying the buyer whether the seller is assisting in arranging financing of the distributed energy generation system and, if so, a statement in substantially the following form: "If your system is financed, carefully read any agreements and/or disclosure forms provided by your lender. This statement does not contain the terms of your financing agreement. If you have any questions about your financing agreement, contact your finance provider before signing a contract."

(13) ~~(12)~~ A provision notifying the buyer or lessee of the right to rescind the agreement for a period of at least 3 business days after the agreement is signed. This subsection does not apply to a contract to sell or lease a distributed energy generation system in a solar community in which the entire community has been marketed as a solar community and all of the homes in the community are intended to have a distributed energy generation system, or a solar community in which the developer has incorporated solar technology for purposes of meeting the Florida Building Code in s. 553.73.

(14) ~~(13)~~ A description of the distributed energy generation system design assumptions, including the make and model of the major components, system size, estimated first-year energy production, and estimated annual energy production

decreases, including the overall percentage degradation over the estimated life of the distributed energy generation system, and the status of utility compensation for excess energy generated by the system at the time of contract signing. A seller who provides a warranty or guarantee of the energy production output of the distributed energy generation system may provide a description of such warranty or guarantee in lieu of a description of the system design and components.

(15) ~~(14)~~ A description of any performance or production guarantees.

(16) ~~(15)~~ A description of the ownership and transferability of any tax credits, rebates, incentives, or renewable energy certificates associated with the distributed energy generation system, including a disclosure as to whether the seller will assign or sell any associated renewable energy certificates to a third party.

(17) ~~(16)~~ A statement in substantially the following form: "You are responsible for property taxes on property you own. Consult a tax professional to understand any tax liability or eligibility for any tax credits that may result from the purchase of your distributed energy generation system."

(18) ~~(17)~~ The approximate start and completion dates for the installation of the distributed energy generation system.

(19) ~~(18)~~ A disclosure as to whether maintenance and repairs of the distributed energy generation system are included in the purchase price.

(20) ~~(19)~~ A disclosure as to whether any warranty or maintenance obligations related to the distributed energy generation system may be sold or transferred by the seller to a third party and, if so, a statement in substantially the following form: "Your contract may be assigned, sold, or transferred without your consent to a third party who will be bound to all the terms of the contract. If a transfer occurs, you will be notified if this will change the address or phone number to use for system maintenance or repair requests."

(21) ~~(20)~~ If the distributed energy generation system will be purchased, a disclosure notifying the buyer of the requirements for interconnecting the system to the utility system.

(22) ~~(21)~~ A disclosure notifying the buyer or lessee of the party responsible for obtaining interconnection approval.

(23) ~~(22)~~ A description of any roof warranties.

(24) A statement in substantially the following form: "You should consider the age and remaining life of your roof prior to installing a distributed energy generation system. Replacement of your roof may require reinstallation of the distributed energy generation system."

(25) ~~(23)~~ A disclosure notifying the lessee whether the seller will insure a leased distributed energy generation system against damage or loss and, if applicable, the circumstances under which the seller will not insure the system against damage or loss.

(26) ~~(24)~~ A statement~~, if applicable,~~ in substantially the following form: "You are responsible for obtaining insurance policies or coverage for any loss of or damage to the system. Consult an insurance professional to understand how to protect against the risk of loss or damage to the system."

(27) A statement in substantially the following form: "Placing a distributed energy generation system on your roof may impact your future insurance premiums. You are responsible for contacting your insurance carrier, prior to entering into a purchase or lease agreement, to confirm whether your current policy or coverage will need to be modified upon installing the distributed energy generation system onto your dwelling."

(28) ~~(25)~~ A disclosure notifying the buyer or lessee whether the seller or lessor will place a lien on the buyer's or lessee's home or other property as a result of entering into a purchase or lease agreement for the distributed energy generation system.

(29) ~~(26)~~ A disclosure notifying the buyer or lessee whether the seller or lessor will file a fixture filing or a

State of Florida Uniform Commercial Code Financing Statement Form (UCC-1) on the distributed energy generation system.

(30) ~~(27)~~ A disclosure identifying whether the agreement contains any restrictions on the buyer's or lessee's ability to modify or transfer ownership of a distributed energy generation system, including whether any modification or transfer is subject to review or approval by a third party.

(31) ~~(28)~~ A disclosure as to whether the lease agreement may be transferred to a purchaser upon sale of the home or real property to which the system is affixed, and any conditions for such transfer.

(32) ~~(29)~~ A blank section that allows the seller to provide additional relevant disclosures or explain disclosures made elsewhere in the disclosure form.

The requirement to provide a written statement under this section may be satisfied by the electronic delivery of a document within 24 hours after execution of the written statement containing the required statement if the intended recipient of the electronic document affirmatively acknowledges its receipt. An electronic document satisfies the font and other formatting standards required for the written statement if the format and the relative size of characters of the electronic document are reasonably similar to those required in the written

document or if the information is otherwise displayed in a reasonably conspicuous manner.

Section 5. Subsection (6) of section 560.111, Florida Statutes, is amended to read:

560.111 Prohibited acts.—

(6) A person who knowingly and willfully violates s. 560.309(11), s. 560.310(2)(d) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Subsection (11) of section 560.309, Florida Statutes, is amended to read:

560.309 Conduct of business.—

(11) A licensee shall not cash corporate checks where the aggregate face amount of all corporate check(s) cashed for each payee exceeds 200% of the payee's workers' compensation policy coverage amount during the same dates as the workers' compensation policy coverage period.

Section 7. Section 626.551, Florida Statutes, is amended to read:

626.551 Notice of change of address, name.—A licensee must notify the department, in writing, within 5 ~~30~~ days after a change of name, residence address, principal business street address, mailing address, contact telephone numbers, including a business telephone number, or e-mail address. A licensee who has moved his or her principal place of residence and principal

place of business from this state shall have his or her license and all appointments immediately terminated by the department. Failure to notify the department within the required time shall result in a fine not to exceed $250 for the first offense and a fine of at least $500 or suspension or revocation of the license pursuant to s. 626.611, s. 626.6115, s. 626.621, or s. 626.6215 for a subsequent offense. The department may adopt rules to administer and enforce this section.

Section 8. Section 626.602, Florida Statutes, is amended to read:

626.602 Insurance agency and adjusting firm names; disapproval.—The department may disapprove the use of any true or fictitious name, other than the bona fide natural name of an individual, by any insurance agency or adjusting firm on any of the following grounds:

(1) The name interferes with or is too similar to a name already filed and in use by another agency, or adjusting firm, or insurer.

(2) The use of the name may mislead the public in any respect.

(3) The name states or implies that the agency or adjusting firm is an insurer, motor club, hospital service plan, state or federal agency, charitable organization, or entity that primarily provides advice and counsel rather than sells or solicits insurance, settles claims, or is entitled to engage in

insurance activities not permitted under licenses held or applied for. This provision does not prohibit the use of the word "state" or "states" in the name of the agency. The use of the word "state" or "states" in the name of an agency or adjusting firm does not in and of itself imply that the agency or adjusting firm is a state agency.

(4)(a) The name contains the word "Medicare" or "Medicaid."

(b) An insurance agency whose name contains the word "Medicare" or "Medicaid" but which is licensed as of July 1, 2021, may continue to use that name until June 30, 2023, provided that the agency's license remains valid. If the agency's license expires or is suspended or revoked, the agency may not be relicensed using that name. Licenses for agencies with names containing either of these words automatically expire on July 1, 2023, unless these words are removed from the name. This paragraph is repealed July 1, 2023.

Section 9. Section 626.854, Florida Statutes, is amended to read:

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

(1) A "public adjuster" is any person, except a duly licensed attorney at law as exempted under s. 626.860, who, for

money, commission, or any other thing of value, directly or indirectly prepares, completes, or files an insurance claim for an insured or third-party claimant, regardless of how that person describes or presents his or her services, or who, for money, commission, or any other thing of value, acts on behalf of, or aids an insured or third-party claimant in negotiating for or effecting the settlement of a claim or claims for loss or damage covered by an insurance contract, regardless of how that person describes or presents his or her services, or who advertises for employment as an adjuster of such claims. The term also includes any person who, for money, commission, or any other thing of value, directly or indirectly solicits, investigates, or adjusts such claims on behalf of a public adjuster, an insured, or a third-party claimant. The term does not include a person who photographs or inventories damaged personal property or business personal property or a person performing duties under another professional license, if such person does not otherwise solicit, adjust, investigate, or negotiate for or attempt to effect the settlement of a claim.

(2) This definition does not apply to:

(a) A licensed health care provider or employee thereof who prepares or files a health insurance claim form on behalf of a patient.

(b) A licensed health insurance agent who assists an insured with coverage questions, medical procedure coding

issues, balance billing issues, understanding the claims filing process, or filing a claim, as such assistance relates to coverage under a health insurance policy.

(c) A person who files a health claim on behalf of another and does so without compensation.

(3) A public adjuster may not give legal advice or act on behalf of or aid any person in negotiating or settling a claim relating to bodily injury, death, or noneconomic damages.

(4) For purposes of this section, the term "insured" includes only the policyholder and any beneficiaries named or similarly identified in the policy.

(5) A public adjuster may not directly or indirectly through any other person or entity solicit an insured or claimant by any means except on Monday through Saturday of each week and only between the hours of 8 a.m. and 8 p.m. on those days.

(6)(a) When entering a contract for adjuster services after July 1, 2023, a public adjuster is prohibited from contracting with anyone other than the named insured unless the named insured provides written consent, subsequent to entering a contract for public adjusting services.

(b) In the event a public adjuster contracts with a third party in settling the named insured's claim, without first obtaining the insured's written consent, payment of the third party's fees shall be made from the public adjuster's fee.

(7) ~~(6)~~ An insured or claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation within 10 days after the date on which the contract is executed. If the contract was entered into based on events that are the subject of a declaration of a state of emergency by the Governor, an insured or claimant may cancel the public adjuster's contract to adjust a claim without penalty or obligation within 30 days after the date of the event, or 10 days after the date on which the contract is executed, whichever is longer. The public adjuster's contract must contain the following language in minimum 18-point bold type immediately before the space reserved in the contract for the signature of the insured or claimant: "You, the insured, may cancel this contract for any reason without penalty or obligation to you within 10 days after the date of this contract. If this contract was entered into based on events that are the subject of a declaration of a state of emergency by the Governor, you may cancel this contract for any reason without penalty or obligation to you within 30 days after the date of the event, or 10 days after the date on which the contract is executed, whichever is longer. You may also cancel the contract without penalty or obligation to you if I, as your public adjuster, fail to provide you and your insurer a copy of a written estimate within 60 days of the execution of the contract in accordance with s. 626.854(14)(b), Florida Statutes." The ~~by providing~~

notice of cancellation shall be provided to ...(name of public adjuster)..., submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address specified in the contract.

(8) ~~(7)~~ It is an unfair and deceptive insurance trade practice pursuant to s. 626.9541 for a public adjuster or any other person to circulate or disseminate any advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance which is untrue, deceptive, or misleading.

(a) The following statements, made in any public adjuster's advertisement or solicitation, are considered deceptive or misleading:

1. A statement or representation that invites an insured policyholder to submit a claim when the policyholder does not have covered damage to insured property.

2. A statement or representation that invites an insured policyholder to submit a claim by offering monetary or other valuable inducement.

3. A statement or representation that invites an insured policyholder to submit a claim by stating that there is "no risk" to the policyholder by submitting such claim.

4. A statement or representation, or use of a logo or shield, that implies or could mistakenly be construed to imply that the solicitation was issued or distributed by a

460 governmental agency or is sanctioned or endorsed by a
461 governmental agency.
462 (b) For purposes of this paragraph, the term "written
463 advertisement" includes only newspapers, magazines, flyers, and
464 bulk mailers. The following disclaimer, which is not required to
465 be printed on standard size business cards, must be added in
466 bold print and capital letters in typeface no smaller than the
467 typeface of the body of the text to all written advertisements
468 by a public adjuster:
469 "THIS IS A SOLICITATION FOR BUSINESS. IF YOU HAVE HAD A
470 CLAIM FOR AN INSURED PROPERTY LOSS OR DAMAGE AND YOU ARE
471 SATISFIED WITH THE PAYMENT BY YOUR INSURER, YOU MAY
472 DISREGARD THIS ADVERTISEMENT."
473 (9) ~~(8)~~ A public adjuster, a public adjuster apprentice, or
474 any person or entity acting on behalf of a public adjuster or
475 public adjuster apprentice may not give or offer to give a
476 monetary loan or advance to a client or prospective client.
477 (10) ~~(9)~~ A public adjuster, public adjuster apprentice, or
478 any individual or entity acting on behalf of a public adjuster
479 or public adjuster apprentice may not give or offer to give,
480 directly or indirectly, any article of merchandise having a
481 value in excess of $25 to any individual for the purpose of
482 advertising or as an inducement to entering into a contract with
483 a public adjuster.

(11) If the insurer, not later than 14 days after the date on which the loss is reported to the insurer, either pays or commits in writing to pay to the insured the policy limit of the insurance policy, the public adjuster shall:

(a) Inform the insured that, due to the insurer's payment or commitment to pay the policy limit, the loss recovery amount might not be increased by the insurer.

(b) Not receive a commission consisting of a percentage of the total amount of the paid by an insurer to resolve the claim.

(c) Be entitled only to $1,000 from the insured for the time spent and expenses incurred on the claim by the public adjuster, until the claim is paid or the insured receives a written commitment to pay from the insurer.

(12) If the public adjuster enters into a contract with an insured or claimant after the insured or claimant unsuccessfully negotiates an insurance claim payment and the public adjuster is successful in obtaining a higher insurance claim payment, the public adjuster shall receive a commission consisting of 10 percent of the difference between the last insurance claim payment offer made to the insured before the insured signed a contract with the public adjuster and the final insurance claim payment obtained through the work of the public adjuster after entering into the contract with the insured or claimant.

(13) ~~(10)~~ (a) If a public adjuster enters into a contract with an insured or claimant to reopen a claim or file a

supplemental claim that seeks additional payments for a claim that has been previously paid in part or in full or settled by the insurer, the public adjuster may not charge, agree to, or accept from any source compensation, payment, commission, fee, or any other thing of value based on a previous settlement or previous claim payments by the insurer for the same cause of loss. The charge, compensation, payment, commission, fee, or any other thing of value must be based only on the claim payments or settlements paid to the insured, exclusive of attorney fees and costs, obtained through the work of the public adjuster after entering into the contract with the insured or claimant. Compensation for the reopened or supplemental claim may not exceed 20 percent of the reopened or supplemental claim payment. In no event shall the contracts described in this paragraph exceed the limitations in paragraph (b).

(b) A public adjuster may not charge, agree to, or accept from any source compensation, payment, commission, fee, or any other thing of value in excess of:

1. Ten percent of the amount of insurance claim payments or settlements, exclusive of attorney fees and costs, paid to the insured by the insurer for claims based on events that are the subject of a declaration of a state of emergency by the Governor. This provision applies to claims made during the year after the declaration of emergency. After that year, the limitations in subparagraph 2. apply.

2. Twenty percent of the amount of insurance claim payments or settlements, exclusive of attorney fees and costs, paid to the insured by the insurer for claims that are not based on events that are the subject of a declaration of a state of emergency by the Governor.

(c) Insurance claim payments made by the insurer do not include policy deductibles, and public adjuster compensation may not be based on the deductible portion of a claim.

(d) Public adjuster compensation may not be based on amounts attributable to additional living expenses, unless such compensation is affirmatively agreed to in a separate agreement that includes a disclosure in substantially the following form: "I agree to retain and compensate the public adjuster for adjusting my additional living expenses and securing payment from my insurer for amounts attributable to additional living expenses payable under the policy issued on my (home/mobile home/condominium unit)."

(e) Public adjuster rate of compensation may not be increased based solely on the fact that the claim is litigated.

(f) Any maneuver, shift, or device through which the limits on compensation set forth in this subsection are exceeded is a violation of this chapter punishable as provided under s. 626.8698.

(14)(a) ~~(11)~~ Each public adjuster must provide to the claimant or insured a written estimate of the loss to assist in

the submission of a proof of loss or any other claim for payment of insurance proceeds within 60 days after the date of the contract. The written estimate must include an itemized, per-unit estimate of the repairs, including itemized information on equipment, materials, labor, and supplies, in accordance with accepted industry standards. The public adjuster shall retain such written estimate for at least 5 years and shall make the estimate available to the claimant or insured, the insurer, and the department upon request.

(b) An insured may cancel the contract with no additional penalties or fees charged by the public adjuster if such an estimate is not provided within 60 days after executing the contract, subject to the cancellation notice requirement in this section.

(15) ~~(12)~~ A public adjuster, public adjuster apprentice, or any person acting on behalf of a public adjuster or apprentice may not accept referrals of business from any person with whom the public adjuster conducts business if there is any form or manner of agreement to compensate the person, directly or indirectly, for referring business to the public adjuster. A public adjuster may not compensate any person, except for another public adjuster, directly or indirectly, for the principal purpose of referring business to the public adjuster.

(16) ~~(13)~~ A company employee adjuster, independent adjuster, attorney, investigator, or other persons acting on

behalf of an insurer that needs access to an insured or claimant or to the insured property that is the subject of a claim must provide at least 48 hours' notice to the insured or claimant, public adjuster, or legal representative before scheduling a meeting with the claimant or an onsite inspection of the insured property. The insured or claimant may deny access to the property if the notice has not been provided. The insured or claimant may waive the 48-hour notice.

(17) ~~(14)~~ The public adjuster must ensure that prompt notice is given of the claim to the insurer, the public adjuster's contract is provided to the insurer, the property is available for inspection of the loss or damage by the insurer, and the insurer is given an opportunity to interview the insured directly about the loss and claim. The insurer must be allowed to obtain necessary information to investigate and respond to the claim.

(a) The insurer may not exclude the public adjuster from its in-person meetings with the insured. The insurer shall meet or communicate with the public adjuster in an effort to reach agreement as to the scope of the covered loss under the insurance policy. The public adjuster shall meet or communicate with the insurer in an effort to reach agreement as to the scope of the covered loss under the insurance policy. This section does not impair the terms and conditions of the insurance policy in effect at the time the claim is filed.

(b) A public adjuster may not restrict or prevent an insurer, company employee adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of the insurer from having reasonable access at reasonable times to any insured or claimant or to the insured property that is the subject of a claim.

(c) A public adjuster may not act or fail to reasonably act in any manner that obstructs or prevents an insurer or insurer's adjuster from timely conducting an inspection of any part of the insured property for which there is a claim for loss or damage. The public adjuster representing the insureds may be present for the insurer's inspection, but if the unavailability of the public adjuster otherwise delays the insurer's timely inspection of the property, the public adjuster or the insureds must allow the insurer to have access to the property without the participation or presence of the public adjuster or insureds in order to facilitate the insurer's prompt inspection of the loss or damage.

(18) ~~(15)~~ A licensed contractor under part I of chapter 489, or a subcontractor of such licensee, may not advertise, solicit, offer to handle, handle, or perform public adjuster services as provided in subsection (1) unless licensed and compliant as a public adjuster under this chapter. The prohibition against solicitation does not preclude a contractor from suggesting or otherwise recommending to a consumer that the

consumer consider contacting his or her insurer to determine if the proposed repair is covered under the consumer's insurance policy, except as it relates to solicitation prohibited in s. 489.147. In addition, the contractor may discuss or explain a bid for construction or repair of covered property with the residential property owner who has suffered loss or damage covered by a property insurance policy, or the insurer of such property, if the contractor is doing so for the usual and customary fees applicable to the work to be performed as stated in the contract between the contractor and the insured.

(19) ~~(16)~~ A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured through a signed affidavit.

(20) ~~(17)~~ A public adjuster, a public adjuster apprentice, or a person acting on behalf of an adjuster or apprentice may not enter into a contract or accept a power of attorney that vests in the public adjuster, the public adjuster apprentice, or the person acting on behalf of the adjuster or apprentice the effective authority to choose the persons or entities that will perform repair work in a property insurance claim or provide goods or services that will require the insured or third-party claimant to expend funds in excess of those payable to the public adjuster under the terms of the contract for adjusting services.

(21) ~~(18)~~ Subsections (5)-(20) ~~(5)-(17)~~ apply only to residential property insurance policies and condominium unit owner policies as described in s. 718.111(11).

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

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

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

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

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

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

(23) ~~(20)~~ The department may take administrative actions and impose fines against any persons performing claims adjusting, soliciting, or any other services described in this section without the licensure required under this section or s. 626.112.

(24) ~~(21)~~ A public adjuster, public adjuster apprentice, or public adjusting firm that solicits a claim and does not enter

into a contract with an insured or a third-party claimant pursuant to paragraph (13)(a) ~~(10)(a)~~ may not charge an insured or a third-party claimant or receive payment by any other source for any type of service related to the insured or third-party claimant's claim.

(25) ~~(22)~~(a) Any following act by a public adjuster, a public adjuster apprentice, or a person acting on behalf of a public adjuster or public adjuster apprentice is prohibited and shall result in discipline as applicable under this part:

1. Offering to a residential property owner a rebate, gift, gift card, cash, coupon, waiver of any insurance deductible, or any other thing of value in exchange for:

a. Allowing a contractor, a public adjuster, a public adjuster apprentice, or a person acting on behalf of a public adjuster or public adjuster apprentice to conduct an inspection of the residential property owner's roof; or

b. Making an insurance claim for damage to the residential property owner's roof.

2. Offering, delivering, receiving, or accepting any compensation, inducement, or reward for the referral of any services for which property insurance proceeds would be used for roofing repairs or replacement.

(b) Notwithstanding the fine set forth in s. 626.8698, a public adjuster or public adjuster apprentice may be subject to a fine not to exceed $10,000 per act for a violation of this

subsection and a fine not to exceed $20,000 per act for a violation of this subsection that occurs during a state of emergency declared by executive order or proclamation of the Governor pursuant to s. 252.36.

(c) A person who engages in an act prohibited by this subsection and who is not a public adjuster or a public adjuster apprentice, or is not otherwise exempt from licensure, is guilty of the unlicensed practice of public adjusting and may be:

1. Subject to all applicable penalties set forth in this part.

2. Notwithstanding subparagraph 1., subject to a fine not to exceed $10,000 per act for a violation of this subsection and a fine not to exceed $20,000 per act for a violation of this subsection that occurs during a state of emergency declared by executive order or proclamation of the Governor pursuant to s. 252.36.

Section 10. Section 626.860, Florida Statutes, is amended to read:

626.860 Attorneys at law; exemption.—Attorneys at law duly licensed to practice law in the courts of this state, and in good standing with The Florida Bar, shall not be required to be licensed under ~~the provisions of~~ this code to authorize them to adjust or participate in the adjustment of any claim, loss, or damage arising under policies or contracts of insurance. This

exemption does not extend to the employees, interns, volunteers, or contractors of an attorney or of a law firm.

Section 11. Section 626.875, Florida Statutes, is amended to read:

626.875 Office and records.—

(1)(a) Each appointed independent adjuster and licensed public adjuster must maintain a place of business in this state which is accessible to the public and keep therein the usual and customary records pertaining to transactions under the license. This provision does not prohibit maintenance of such an office in the home of the licensee.

(b) A license issued under this chapter must at all times be posted in a conspicuous place in the principal place of business of the license holder. If the licensee is conducting business away from the place of business such that the license cannot be posted, the licensee shall have such license in his or her actual possession at the time of carrying on such business.

(2) The records of the adjuster relating to a particular claim or loss shall be so retained in the adjuster's place of business for a period of not less than 5 years after completion of the adjustment and shall be available for inspection by the department at all times. This provision shall not be deemed to prohibit return or delivery to the insurer or insured of documents furnished to or prepared by the adjuster and required by the insurer or insured to be returned or delivered thereto.

At a minimum, the following records must be maintained for a period of not less than 5 years:

(a) Name, address, telephone number, and e-mail address of the insured, and the name of the attorney representing the insured, if applicable.

(b) The date, location, and amount of the loss.

(c) An unaltered copy of the executed disclosure document required by s. 626.8796.

(d) An unaltered copy of the executed public adjuster contract required by s. 626.8796.

(e) A copy of the estimate of damages provided to the insurer.

(f) The name of the insurer; the name of the claims representative of the insurer; and the amount, expiration date, and number of each policy under which the loss is covered.

(g) An itemized statement of the recoveries by the insured from the sources known to the adjuster.

(h) An itemized statement of all compensation received by the public adjuster from any source, in connection with the loss.

(i) A register of all money received, deposited, disbursed, and withdrawn in connection with a transaction with the insured, including fees, transfers, and disbursements in connection with the loss.

Section 12. Section 626.8796, Florida Statutes, is amended to read:

626.8796 Public adjuster contracts; disclosure statement; fraud statement.—

(1) All contracts for public adjuster services must be in writing in at least 12-point font, titled "Public Adjuster Contract" and prominently display the following statement on the contract in minimum 18-point bold type before the space reserved for in the contract for the signature of the insured: "Pursuant to s. 817.234, Florida Statutes, any person who, with the intent to injure, defraud, or deceive an insurer or insured, prepares, presents, or causes to be presented a proof of loss or estimate of cost or repair of damaged property in support of a claim under an insurance policy knowing that the proof of loss or estimate of claim or repairs contains false, incomplete, or misleading information concerning any fact or thing material to the claim commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes."

(2) A public adjuster contract relating to a property and casualty claim must contain the full name, permanent business address, phone number, e-mail address, and license number of the public adjuster; the full name of the public adjusting firm; and the insured's full name, ~~and~~ street address, phone number, and e-mail address, together with a brief description of the loss.

The contract must state the percentage of compensation for the public adjuster's services in minimum 18-point bold type before the space reserved for in the contract for the signature of the insured; the type of claim, including an emergency claim, nonemergency claim, or supplemental claim; the initials of the named insured on each page that does not contain the insured's signature; the signatures of the public adjuster and all named insureds; and the signature date. If all of the named insureds' signatures are not available, the public adjuster must submit an affidavit signed by the available named insureds attesting that they have authority to enter into the contract and settle all claim issues on behalf of the named insureds. An unaltered copy of the executed contract must be remitted to the insured at the time of execution and to the insurer within 10 ~~30~~ days after execution. A public adjusting firm that adjusts claims primarily for commercial entities with operations in more than one state and that does not directly or indirectly perform adjusting services for insurers or individual homeowners is deemed to comply with the requirements of this subsection if, at the time a proof of loss is submitted, the public adjusting firm remits to the insurer an affidavit signed by the public adjuster or public adjuster apprentice that identifies:

(a) The full name, permanent business address, phone number, e-mail address, and license number of the public adjuster or public adjuster apprentice.

(b) The full name of the public adjusting firm.

(c) The insured's full name, ~~and~~ street address, phone number, and e-mail address, together with a brief description of the loss.

(d) An attestation that the compensation for public adjusting services will not exceed the limitations provided by law.

(e) The type of claim, including an emergency claim, nonemergency claim, or supplemental claim.

(3) The public adjuster shall not provide services until both the insured and insurer have been provided with unaltered copies of the executed contract.

(4) The insured may rescind the contract for public adjuster services if the public adjuster has not submitted a written estimate to the insurer within 60 days of executing the contract.

(5) Before the signing of the contract, the public adjuster shall provide the insured with a separate disclosure document to be signed by the insured, on a form adopted by the department, regarding the claim process that accomplishes the following:

(a) Defines the following types of adjusters who may be involved in the claim process: company adjuster, independent adjuster, and public adjuster.

(b) Explains that the public adjuster is not a representative or employee of the insurer.

(c) Explains that the insured is not required to hire a public adjuster, but has a right to do so.

(d) Explains that an insured has a right to initiate direct communications with the insured's attorney, the insurer, the company adjuster, the insurer's attorney, or any person regarding the settlement of the insured's claim.

(e) Explains that the public adjuster's salary, fee, commission, or other consideration to be paid to a public adjuster is the insured's responsibility.

(f) Explains that the public adjuster is required to provide the insured an unaltered copy of the executed contract at the time of execution.

(g) Explains that if the contract was entered based on events that are the subject of a declaration of a state of emergency by the Governor, the insured has a right to rescind the contract within 30 days.

(6) A contract that does not comply with this section is invalid and unenforceable.

(7) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, including rules to adopt forms required by this section.

Section 13. Section 626.8797, Florida Statutes, is amended to read:

626.8797 Proof of loss; fraud statement.—All proof-of-loss statements must prominently display the following statement in minimum 18-point bold type before the space reserved in the contract for the signature of the insured: "Pursuant to s. 817.234, Florida Statutes, any person who, with the intent to injure, defraud, or deceive any insurer or insured, prepares, presents, or causes to be presented a proof of loss or estimate of cost or repair of damaged property in support of a claim under an insurance policy knowing that the proof of loss or estimate of claim or repairs contains any false, incomplete, or misleading information concerning any fact or thing material to the claim commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes."

Section 14. Paragraph (a) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(a) Misrepresentations and false advertising of insurance policies.—Knowingly making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, comparison,

or property and casualty certificate of insurance altered after being issued, which:

1. Misrepresents the benefits, advantages, conditions, or terms of any insurance policy.

2. Misrepresents the dividends or share of the surplus to be received on any insurance policy.

3. Makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy.

4. Is misleading, or is a misrepresentation, as to the financial condition of any person or as to the legal reserve system upon which any life insurer operates.

5. Uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof.

6. Is a misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any insurance policy.

7. Is a misrepresentation for the purpose of effecting a pledge or assignment of, or effecting a loan against, any insurance policy.

8. Misrepresents any insurance policy as being shares of stock or misrepresents ownership interest in the company.

9. Uses any advertisement that would mislead or otherwise cause a reasonable person to believe mistakenly that the state or the Federal Government is responsible for the insurance sales

activities of any person or stands behind any person's credit or that any person, the state, or the Federal Government guarantees any returns on insurance products or is a source of payment of any insurance obligation of or sold by any person.

10. Fails to disclose a third party that receives royalties, referral fees, or other remuneration for sponsorship, marketing, or use of third-party branding for a policy of health insurance as defined in s. 624.603.

Section 15. Paragraph (c) of subsection (2) of section 627.4025, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

627.4025 Residential coverage and hurricane coverage defined.—

(2) As used in policies providing residential coverage:

(c) "Hurricane" for purposes of paragraphs (a) and (b) means a storm system that has been declared to be a hurricane by the National Hurricane Center of the National Weather Service. The duration of the hurricane includes the time period, in Florida:

1. Beginning at the time a ~~hurricane watch or~~ hurricane warning is issued for any part of Florida by the National Hurricane Center of the National Weather Service; and

~~2. Continuing for the time period during which the hurricane conditions exist anywhere in Florida; and~~

~~3.~~ Ending 24 ~~72~~ hours following the termination of the last hurricane watch or hurricane warning issued for any part of Florida by the National Hurricane Center of the National Weather Service.

(d) "Hurricane deductible" means the deductible applicable to loss caused by a hurricane.

Section 16. Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 627.4133, Florida Statutes, are amended to read:

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

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

(b) An insurer issuing a policy providing coverage for property, casualty, except mortgage guaranty, surety, or marine insurance, other than motor vehicle insurance subject to s. 627.728 or s. 627.7281, shall give the first-named insured written notice of cancellation or termination other than nonrenewal at least 45 days prior to the effective date of the cancellation or termination, including in the written notice the reason or reasons for the cancellation or termination, except that:

1. When cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor shall be given. As used in this subparagraph and s. 440.42(3), the term "nonpayment of premium" means failure of

the named insured to discharge when due any of her or his obligations in connection with the payment of premiums on a policy or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit, or failure to maintain membership in an organization if such membership is a condition precedent to insurance coverage. "Nonpayment of premium" also means the failure of a financial institution to honor an insurance applicant's check after delivery to a licensed agent for payment of a premium, even if the agent has previously delivered or transferred the premium to the insurer. If a dishonored check represents the initial premium payment, the contract and all contractual obligations shall be void ab initio unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail, and if the contract is void, any premium received by the insurer from a third party shall be refunded to that party in full; and

2. When such cancellation or termination occurs during the first 90 days during which the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment of premium, at least 20 days' written notice of cancellation or termination accompanied by the reason therefor shall be given except where there has been a material

misstatement or misrepresentation or failure to comply with the underwriting requirements established by the insurer.

After the policy has been in effect for 60 ~~90~~ days, no such policy shall be canceled by the insurer except when there has been a material misstatement, a nonpayment of premium, a failure to comply with underwriting requirements established by the insurer within 90 days of the date of effectuation of coverage, or a substantial change in the risk covered by the policy or when the cancellation is for all insureds under such policies for a given class of insureds. This subsection does not apply to individually rated risks having a policy term of less than 90 days.

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner, mobile home owner, farmowner, condominium association, condominium unit owner, apartment building, or other policy covering a residential structure or its contents:

(b) The insurer shall give the first-named insured written notice of nonrenewal, cancellation, or termination at least 120 days before the effective date of the nonrenewal, cancellation, or termination. The notice must include the reason for the nonrenewal, cancellation, or termination, except that:

1. If cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor must be given. As used in this subparagraph, the term "nonpayment of premium" means failure of the named insured to discharge when due her or his obligations for paying the premium on a policy or an installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under a premium finance plan or extension of credit, or failure to maintain membership in an organization if such membership is a condition precedent to insurance coverage. The term also means the failure of a financial institution to honor an insurance applicant's check after delivery to a licensed agent for payment of a premium even if the agent has previously delivered or transferred the premium to the insurer. If a dishonored check represents the initial premium payment, the contract and all contractual obligations are void ab initio unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail. If the contract is void, any premium received by the insurer from a third party must be refunded to that party in full.

2. If cancellation or termination occurs during the first 90 days the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment of premium, at

least 20 days' written notice of cancellation or termination accompanied by the reason therefor must be given unless there has been a material misstatement or misrepresentation or a failure to comply with the underwriting requirements established by the insurer.

3. After the policy has been in effect for 60 ~~90~~ days, the policy may not be canceled by the insurer unless there has been a material misstatement; a nonpayment of premium; a failure to comply, within 90 days after the date of effectuation of coverage, with underwriting requirements established by the insurer before the date of effectuation of coverage; or a substantial change in the risk covered by the policy or unless the cancellation is for all insureds under such policies for a given class of insureds. This subparagraph does not apply to individually rated risks that have a policy term of less than 90 days.

4. After a policy or contract has been in effect for more than 90 days, the insurer may not cancel or terminate the policy or contract based on credit information available in public records.

5. A policy that is nonrenewed by Citizens Property Insurance Corporation, pursuant to s. 627.351(6), for a policy that has been assumed by an authorized insurer offering replacement coverage to the policyholder is exempt from the notice requirements of paragraph (a) and this paragraph. In such

cases, the corporation must give the named insured written notice of nonrenewal at least 45 days before the effective date of the nonrenewal.

6. Notwithstanding any other provision of law, an insurer may cancel or nonrenew a property insurance policy after at least 45 days' notice if the office finds that the early cancellation of some or all of the insurer's policies is necessary to protect the best interests of the public or policyholders and the office approves the insurer's plan for early cancellation or nonrenewal of some or all of its policies. The office may base such finding upon the financial condition of the insurer, lack of adequate reinsurance coverage for hurricane risk, or other relevant factors. The office may condition its finding on the consent of the insurer to be placed under administrative supervision pursuant to s. 624.81 or to the appointment of a receiver under chapter 631.

7. A policy covering both a home and a motor vehicle may be nonrenewed for any reason applicable to the property or motor vehicle insurance after providing 90 days' notice.

Section 17. Effective January 1, 2024, section 627.4554, Florida Statutes, is amended to read:

627.4554 Suitability in Annuity Transactions.—

(1) PURPOSE.—The purpose of this section is to require agents to act in the best interest of the consumer when making a recommendation of an annuity and to require insurers to

establish and maintain a system to supervise so ~~set forth standards and procedures for making recommendations to consumers which result in transactions involving annuity products, and to establish a system for supervising such recommendations in order to ensure~~ that the insurance needs and financial objectives of consumers are effectively ~~appropriately~~ addressed at the time of the transaction.

(2) SCOPE.—This section applies to any sale or recommendation of ~~made to a consumer to purchase, exchange, or replace~~ an annuity ~~by an insurer or its agent, and which results in the purchase, exchange, or replacement recommended~~.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Agent" means a person or entity required to be licensed under the laws of this state to sell, solicit, or negotiate insurance, including annuities. For purposes of this section, the term includes an insurer where no agent is involved ~~has the same meaning as provided in s. 626.015~~.

(b) "Annuity" means an insurance product under state law which is individually solicited, whether classified as an individual or group annuity.

(c) "Cash compensation" means any discount, concession, fee, service fee, commission, sales charge, loan, override, or cash benefit received by an agent in connection with the recommendation or sale of an annuity from an insurer, intermediary, or directly from the consumer.

(d) "Consumer profile information" means information that is reasonably appropriate to determine whether a recommendation addresses the consumer's financial situation, insurance needs and financial objectives, including, at a minimum, the following:

1. Age.

2. Annual income.

3. Financial situation and needs, including debts and other obligations.

4. Financial experience.

5. Insurance needs.

6. Financial objectives.

7. Intended use of the annuity.

8. Financial time horizon.

9. Existing assets or financial products, including investment, annuity, and insurance holdings.

10. Liquidity needs.

11. Liquid net worth.

12. Risk tolerance, including, but not limited to, willingness to accept nonguaranteed elements in the annuity.

13. Financial resources used to fund the annuity.

14. Tax status.

(e)~~(c)~~ "FINRA" means the Financial Industry Regulatory Authority or a succeeding agency.

(f) ~~(d)~~ "Insurer" has the same meaning as provided in s. 624.03.

(g) "Intermediary" means an entity contracted directly with an insurer or with another entity contracted with an insurer to facilitate the sale of the insurer's annuities by agents.

(h) "Material conflict of interest" means a financial interest of the agent in the sale of an annuity that a reasonable person would expect to influence the impartiality of a recommendation. The term does not include cash compensation or noncash compensation.

(i) "Noncash compensation" means any form of compensation that is not cash compensation, including, but not limited to, health insurance, office rent, office support, and retirement benefits.

(j) "Nonguaranteed elements" means the premiums, credited interest rates, including any bonus; benefits; values; dividends; noninterest based credits; charges; or elements of formulas used to determine any of these, that are subject to company discretion and are not guaranteed at issue. An element is considered nonguaranteed if any of the underlying nonguaranteed elements are used in its calculation.

(k) ~~(e)~~ "Recommendation" means advice provided by an ~~insurer or its~~ agent to an individual ~~a~~ consumer that was intended to result or does result ~~which would result~~ in a ~~the~~

purchase, an exchange, or a replacement of an annuity in accordance with that advice. The term does not include general communication to the public, generalized customer services, assistance or administrative support, general educational information and tools, prospectuses, or other product and sales material.

(l)~~(f)~~ "Replacement" means a transaction in which a new annuity ~~policy or contract~~ is to be purchased and it is known or should be known to the proposing ~~insurer or its~~ agent, or to the proposing insurer whether or not an agent is involved, that by reason of such transaction an existing annuity or other insurance policy has been or is to be any of the following ~~or contract will be~~:

1. Lapsed, forfeited, surrendered or partially surrendered, assigned to the replacing insurer, or otherwise terminated;

2. Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value due to the use of nonforfeiture benefits or other policy values;

3. Amended so as to effect a reduction in benefits or the term for which coverage would otherwise remain in force or for which benefits would be paid;

4. Reissued with a reduction in cash value; or

5. Used in a financed purchase.

(m) "SEC" means the United States Securities and Exchange Commission.

~~(g) "Suitability information" means information related to the consumer which is reasonably appropriate to determine the suitability of a recommendation made to the consumer, including the following:~~

~~1. Age;~~

~~2. Annual income;~~

~~3. Financial situation and needs, including the financial resources used for funding the annuity;~~

~~4. Financial experience;~~

~~5. Financial objectives;~~

~~6. Intended use of the annuity;~~

~~7. Financial time horizon;~~

~~8. Existing assets, including investment and life insurance holdings;~~

~~9. Liquidity needs;~~

~~10. Liquid net worth;~~

~~11. Risk tolerance; and~~

~~12. Tax status.~~

(4) EXEMPTIONS.—Unless otherwise specifically included, this section does not apply to transactions involving:

(a) Direct-response solicitations where there is no recommendation based on information collected from the consumer pursuant to this section;

(b) Contracts used to fund:

1. An employee pension or welfare benefit plan that is covered by the federal Employee Retirement and Income Security Act;

2. A plan described by s. 401(a), s. 401(k), s. 403(b), s. 408(k), or s. 408(p) of the Internal Revenue Code, if established or maintained by an employer;

3. A government or church plan defined in s. 414 of the Internal Revenue Code, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax-exempt organization under s. 457 of the Internal Revenue Code; or

4. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

(c) ~~5.~~ Settlements or assumptions of liabilities associated with personal injury litigation or a dispute or claim-resolution process; or

(d) ~~6.~~ Formal prepaid funeral contracts.

(5) DUTIES OF INSURERS AND AGENTS.—

(a) An agent, when making a recommendation of an annuity, shall act in the best interest of the consumer under the circumstances known at the time the recommendation is made, without placing the financial interest of the agent or insurer ahead of the consumer's interest. An agent has acted in the best interest of the consumer if the agent has satisfied the

following obligations regarding care, disclosure, conflict of interest, and documentation:

1.a. The agent, in making a recommendation, shall exercise reasonable diligence, care, and skill to:

(I) Know the financial situation, insurance needs, and financial objectives of the consumer.

(II) Understand the available options after making a reasonable inquiry into options available to the agent.

(III) Have a reasonable basis to believe the recommended option effectively addresses the consumer's financial situation, insurance needs, and financial objectives over the life of the product, as evaluated in light of the consumer profile information.

(IV) Communicate the reason or reasons for the recommendation.

b. The requirements of subparagraph a. include:

(I) Making reasonable efforts to obtain consumer profile information from the consumer before the recommendation of an annuity.

(II) Requiring an agent to consider the types of products the agent is authorized and licensed to recommend or sell address the consumer's financial situation, insurance needs, and financial objectives. This does not require analysis or consideration of any products outside the authority and license of the agent or other possible alternative products or

strategies available in the market at the time of the recommendation. Agents shall be held to standards applicable to agents with similar authority and licensure.

(III) Having a reasonable basis to believe the consumer would benefit from certain features of the annuity, such as annuitization, death or living benefit or other insurance-related features.

c. The requirements of this subsection do not create a fiduciary obligation or relationship and only create a regulatory obligation as provided in this section.

d. The consumer profile information, characteristics of the insurer and product costs, rates, benefits and features are those factors generally relevant in making a determination whether an annuity effectively addresses the consumer's financial situation, insurance needs, and financial objectives but the level of importance of each factor under the care obligation of this paragraph may vary depending on the facts and circumstances of a particular case. However, each factor may not be considered in isolation.

e. The requirements under subparagraph a. apply to the particular annuity as a whole and the underlying subaccounts to which funds are allocated at the time of purchase or exchange of an annuity, and riders and similar product enhancements, if any.

f. Subparagraph a. does not require that the annuity with the lowest one-time occurrence compensation structure or

multiple occurrence compensation structure shall necessarily be recommended.

g. Subparagraph a. does not require the agent to have ongoing monitoring obligations under the care obligation, although such an obligation may be separately owed under the terms of a fiduciary, consulting, investment, advising, or financial planning agreement between the consumer and the agent.

h. In the case of an exchange or replacement of an annuity, the agent shall consider the whole transaction, which includes taking into consideration whether:

(I) The consumer will incur a surrender charge; be subject to the commencement of a new surrender period; lose existing benefits, such as death, living or other contractual benefits; or be subject to increased fees, investment advisory fees, or charges for riders and similar product enhancements.

(II) The replacing product would substantially benefit the consumer in comparison to the replaced product over the life of the product.

(III) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding 60 months.

i. This section does not require an agent to obtain any license other than an agent license with the appropriate line of authority to sell, solicit, or negotiate insurance in this state, including, but not limited to, any securities license, in

order to fulfill the duties and obligations contained in this section; provided, the agent does not give advice or provide services that are otherwise subject to securities laws or engage in any other activity requiring other professional licenses.

2.a. Before the recommendation or sale of an annuity, the agent shall prominently disclose to the consumer on a form substantially similar to that posted on the office website as Appendix A:

(I) A description of the scope and terms of the relationship with the consumer and the role of the agent in the transaction.

(II) An affirmative statement on whether the agent is licensed and authorized to sell the following products:

(A) Fixed annuities.

(B) Fixed indexed annuities.

(C) Variable annuities.

(D) Life insurance.

(E) Mutual funds.

(F) Stocks and bonds.

(G) Certificates of deposit.

(III) An affirmative statement describing the insurers for which the agent is authorized, contracted or appointed, or otherwise able to sell insurance products, using the following descriptions:

(A) From one insurer;

(B) From two or more insurers; or

(C) From two or more insurers, although primarily contracted with one insurer.

(IV) A description of the sources and types of cash compensation and noncash compensation to be received by the agent, including whether the agent is to be compensated for the sale of a recommended annuity by commission as part of premium or other remuneration received from the insurer, intermediary or other agent, or by fee as a result of a contract for advice or consulting services; and

(V) A notice of the consumer's right to request additional information regarding cash compensation described in subparagraph b.

b. Upon request of the consumer or the consumer's designated representative, the agent shall disclose:

(I) A reasonable estimate of the amount of cash compensation to be received by the agent, which may be stated as a range of amounts or percentages.

(II) Whether the cash compensation is a one-time or multiple occurrence amount, and if a multiple occurrence amount, the frequency and amount of the occurrence, which may be stated as a range of amounts or percentages; and ~~When recommending the purchase or exchange of an annuity to a consumer which results in an insurance transaction or series of insurance transactions, the agent, or the insurer where no agent is involved, must have~~

~~reasonable grounds for believing that the recommendation is suitable for the consumer, based on the consumer's suitability information, and that there is a reasonable basis to believe all of the following:~~

c.1. Before or at the time of the recommendation or sale of an annuity, the agent shall have a reasonable basis to believe the consumer has been ~~reasonably~~ informed of various features of the annuity, such as the potential surrender period and surrender charge; potential tax penalty if the consumer sells, exchanges, surrenders, or annuitizes the annuity; mortality and expense fees; any annual fees; investment advisory fees; potential charges for and features of riders or other options of the annuity; limitations on interest returns; potential changes in nonguaranteed elements of the annuity; insurance and investment components; and market risk.

2. The consumer would benefit from certain features of the annuity, such as tax-deferred growth, annuitization, or the death or living benefit.

3. An agent shall identify and avoid or reasonably manage and disclose material conflicts of interest, including material conflicts of interest related to an ownership interest.

4. An agent shall at the time of the recommendation or sale:

a. Make a written record of any recommendation and the basis for the recommendation, subject to this section.

b. Obtain a consumer signed statement on a form substantially similar to that posted on the office website as Appendix B, documenting:

(I) A consumer's refusal to provide the consumer profile information, if any.

(II) A consumer's understanding of the ramifications of not providing his or her consumer profile information or providing insufficient consumer profile information.

c. Obtain a consumer signed statement on a form substantially similar to that posted on the office website as Appendix C, acknowledging the annuity transaction is not recommended if a consumer decides to enter into an annuity transaction that is not based on the agent's recommendation.

5. Application of the best interest obligation. Any requirement applicable to an agent under this subsection shall apply to every agent who has exercised material control or influence in the making of a recommendation and has received direct compensation as a result of the recommendation or sale, regardless of whether the agent has had any direct contact with the consumer. Activities such as providing or delivering marketing or education materials, product wholesaling or other back office product support, and general supervision of an agent do not, in and of themselves, constitute material control or influence.

~~3. The particular annuity as a whole, the underlying subaccounts to which funds are allocated at the time of purchase or exchange of the annuity, and riders and similar product enhancements, if any, are suitable; and, in the case of an exchange or replacement, the transaction as a whole is suitable for the particular consumer based on his or her suitability information.~~

~~4. In the case of an exchange or replacement of an annuity, the exchange or replacement is suitable after considering whether the consumer:~~

~~a. Will incur a surrender charge; be subject to the commencement of a new surrender period; lose existing benefits, such as death, living, or other contractual benefits; or be subject to increased fees, investment advisory fees, or charges for riders and similar product enhancements;~~

~~b. Would benefit from product enhancements and improvements; and~~

~~c. Has had another annuity exchange or replacement, including an exchange or replacement within the preceding 36 months.~~

~~(b) Before executing a purchase, exchange, or replacement of an annuity resulting from a recommendation, an insurer or its agent must make reasonable efforts to obtain the consumer's suitability information. The information shall be collected on form DFS-H1-1980, which is hereby incorporated by reference, and~~

~~completed and signed by the applicant and agent. Questions requesting this information must be presented in at least 12-point type and be sufficiently clear so as to be readily understandable by both the agent and the consumer. A true and correct executed copy of the form must be provided by the agent to the insurer, or to the person or entity that has contracted with the insurer to perform this function as authorized by this section, within 10 days after execution of the form, and shall be provided to the consumer no later than the date of delivery of the contract or contracts.~~

~~(c) Except as provided under paragraph (d), an insurer may not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity is suitable based on the consumer's suitability information.~~

(b)~~(d)~~ 1. Except as provided under subparagraph 2, ~~An insurer's issuance of an annuity must be reasonable based on all the circumstances actually known to the insurer at the time the annuity is issued. However,~~ an ~~insurer or its~~ agent shall not have ~~does not have~~ an obligation to a consumer related to an annuity transaction under paragraph (a)1.~~(a) or paragraph (c)~~ if:

a.~~1.~~ A recommendation has not been made;

b.~~2.~~ A recommendation was made and is later found to have been based on materially inaccurate information provided by the consumer;

c.~~3.~~ A consumer refuses to provide relevant consumer profile ~~suitability~~ information and the annuity transaction is not recommended; or

d.~~4.~~ A consumer decides to enter into an annuity transaction that is not based on a recommendation of an insurer or its agent.

2. An insurer's issuance of an annuity subject to subparagraph 1. shall be reasonable under all the circumstances actually known to the insurer at the time the annuity is issued.

(c)1. Except as permitted under paragraph (b), an insurer may not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives based on the consumer's consumer profile information.

~~(c) At the time of sale, the agent or the agent's representative must:~~

~~1. Make a record of any recommendation made to the consumer pursuant to paragraph (a);~~

~~2. Obtain the consumer's signed statement documenting his or her refusal to provide suitability information, if applicable; and~~

~~3. Obtain the consumer's signed statement acknowledging that an annuity transaction is not recommended if he or she~~

~~decides to enter into an annuity transaction that is not based on the insurer's or its agent's recommendation, if applicable.~~

~~(f) Before executing a replacement or exchange of an annuity contract resulting from a recommendation, the agent must provide on form DFS-H1-1981, which is hereby incorporated by reference, information that compares the differences between the existing annuity contract and the annuity contract being recommended in order to determine the suitability of the recommendation and its benefit to the consumer. A true and correct executed copy of this form must be provided by the agent to the insurer, or to the person or entity that has contracted with the insurer to perform this function as authorized by this section, within 10 days after execution of the form, and must be provided to the consumer no later than the date of delivery of the contract or contracts.~~

2.~~(g)~~ An insurer shall establish and maintain a supervision system that is reasonably designed to achieve the insurer's and its agent's compliance with this section including, but not limited to, the following:~~.~~

~~1. Such system must include, but is not limited to:~~

a. The insurer shall establish and maintain ~~Maintaining~~ reasonable procedures to inform its agents of the requirements of this section and incorporating those requirements into relevant agent training manuals.~~;~~

b. The insurer shall establish and maintain ~~Establishing~~ standards for agent product training and shall establish and maintain reasonable procedures to require its agents to comply with the requirements of subsection (6).~~;~~

c. The insurer shall provide ~~Providing~~ product-specific training and training materials that explain all material features of its annuity products to its agents.~~;~~

d. The insurer shall establish and maintain ~~Maintaining~~ procedures for the review of each recommendation before issuance of an annuity which are designed to ensure that there is a reasonable basis to determine the recommended annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives ~~for determining that a recommendation is suitable~~. Such review procedures may use a screening system for identifying selected transactions for additional review and may be accomplished electronically or through other means, including, but not limited to, physical review. Such electronic or other system may be designed to require additional review only of those transactions identified for additional review using established selection criteria.~~;~~

e. The insurer shall establish and maintain ~~Maintaining~~ reasonable procedures to detect recommendations that are not in compliance with paragraphs (a), (b), (d), and (e). This may include, but is not limited to ~~suitable, such as~~ confirmation of

consumer profile information, systematic customer surveys, agent and consumer interviews, confirmation letters, agent statements or attestations, and internal monitoring programs. This sub-subparagraph does not prevent an insurer from using sampling procedures or from confirming the consumer profile ~~suitability~~ information after the issuance or delivery of the annuity.~~; and~~

f. The insurer shall establish and maintain reasonable procedures to assess, prior to, or upon issuance or delivery of, an annuity, whether an agent has provided to the consumer the information required to be provided under this subsection.

g. The insurer shall establish and maintain reasonable procedures to identify and address suspicious consumer refusals to provide consumer profile information.

h. The insurer shall establish and maintain reasonable procedures to identify and eliminate any sales contests, sales quotas, bonuses, and noncash compensation that are based on the sales of specific annuities within a limited period of time. The requirements of this subparagraph are not intended to prohibit the receipt of health insurance, office rents, office support, retirement benefits, or other employee benefits by employees as long as those benefits are not based upon the volume of sales of a specific annuity within a limited period of time.

i.~~f.~~ The insurer shall annually provide ~~providing~~ a written report to senior managers, including the senior manager who is responsible for audit functions, which details a review,

along with appropriate testing, which is reasonably designed to determine the effectiveness of the supervision system, the exceptions found, and corrective action taken or recommended, if any.

3.~~2.~~ An insurer is not required to include in its supervision system:

a. Agent recommendations to consumers of products other than the annuities offered by the insurer;

b. Consideration of or comparison to options available to the agent or compensation relating to those options other than annuities or other products offered by the insurer.

4.~~3.~~ An insurer may contract for performance of a function, including maintenance of procedures, required under subparagraph 1.

a. An insurer's supervision system under this subsection shall include supervision of contractual performance under this subsection ~~If an insurer contracts for the performance of a function, the insurer must include the supervision of contractual performance as part of those procedures listed in subparagraph 1~~. These include, but are not limited to:

(I) Monitoring and, as appropriate, conducting audits to ensure that the contracted function is properly performed; and

(II) Annually obtaining a certification from a senior manager who has responsibility for the contracted function that the manager has a reasonable basis to represent, and does not

represent ~~for representing~~ that the function is being properly performed.

b. An insurer is responsible for taking appropriate corrective action and may be subject to sanctions and penalties pursuant to subsection (8) ~~(7)~~ regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with sub-subparagraph a.

(d)~~(h)~~ Neither an agent nor an insurer shall ~~may not~~ dissuade, or attempt to dissuade, a consumer from:

1. Truthfully responding to an insurer's request for confirmation of consumer profile ~~suitability~~ information;

2. Filing a complaint; or

3. Cooperating with the investigation of a complaint.

(e)1.~~(i)~~ Recommendations and sales made in compliance with comparable standards shall ~~FINRA requirements pertaining to the suitability and supervision of annuity transactions~~ satisfy the requirements of this section. This applies to all recommendations and ~~FINRA broker-dealer~~ sales of ~~variable~~ annuities made by financial professionals in compliance with business rules, controls, and procedures that satisfy a comparable standard even if such standard would not otherwise apply to the product or recommendation at issue ~~and fixed annuities if the suitability and supervision is similar to those applied to variable annuity sales.~~ However, this paragraph does not limit the ability of the office or the department to

investigate and enforce~~, including investigate, the provisions of~~ this section.

2. Subparagraph 1. shall not limit the insurer's obligation to comply with subsection (5)(c)1., although the insurer may base its analysis on information received from either the financial professional or the entity supervising the financial professional.

3. For this paragraph to apply, an insurer shall ~~must~~:

a.~~1.~~ Monitor relevant conduct of the financial professional seeking to rely on subparagraph 1. or the entity responsible for supervising the financial professional, such as the financial professional's broker-dealer or an investment adviser registered under federal or state securities law, ~~the FINRA member broker-dealer~~ using information collected in the normal course of an insurer's business; and

b.~~2.~~ Provide to the entity responsible for supervising the financial professional seeking to rely on subparagraph 1., such as the financial professional's broker dealer or investment adviser registered under federal or state securities laws, ~~FINRA member broker-dealer~~ information and reports that are reasonably appropriate to assist such entity ~~the FINRA member broker-dealer~~ in maintaining its supervision system.

4. For purposes of this paragraph, the term:

a. "Comparable standards" means:

(I) With respect to broker-dealers and registered representatives of broker-dealers, applicable SEC and FINRA rules pertaining to best interest obligations and supervision of annuity recommendations and sales including, but not limited to, Regulation Best Interest, 17 C.F.R. s. 240.151-1, and any amendments or successor regulations thereto;

(II) With respect to investment advisers registered under federal or state securities laws or investment adviser representatives, the fiduciary duties and all other requirements imposed on such investment advisers or investment adviser representatives by contract or under the Investment Advisers Act of 1940 or applicable state securities laws, including, but not limited to, Form ADV and interpretations; and

(III) With respect to plan fiduciaries or fiduciaries, the duties, obligations, prohibitions and all other requirements attendant to such status under ERISA, or the IRC and any amendments or successor statutes thereto.

b. "Financial professional" means an agent that is regulated and acting as:

(I) A broker dealer registered under federal or state securities laws or a registered representative of a broker-dealer;

(II) An investment adviser registered under federal or state securities laws or an investment adviser representative

associated with the federal or state registered investment adviser; or

(III) A plan fiduciary under Section 3(21) of the Employee Retirement Income Security Act of 1974 (ERISA) or fiduciary under Section 4975(e)(3) of the Internal Revenue Code (IRC) or any amendments or successor statutes thereto.

(6) AGENT TRAINING.—

(a) An agent shall not solicit the sale of an annuity product unless the agent has adequate knowledge of the product to recommend the annuity and the agent is in compliance with the insurer's standards for product training. An agent may rely on insurer-provided product-specific training standards and materials to comply with this subsection.

(b)1.a. An agent who engages in the sale of annuity products shall complete a one-time 4 hour training course. This requirement is not part of an agent's continuing education requirement in s. 626.2815; however, if a course provider submits and receives approval from the Department of Financial Services, then the course could also be eligible for continuing education credit pursuant to s. 626.2815.

b. Agents who hold a life insurance line of authority on the effective date of this act and who desire to sell annuities shall complete the requirements of this subsection within 6 months after the effective date of this act. Individuals who obtain a life insurance line of authority after the effective

date of this act may not engage in the sale of annuities until the annuity training course required under this subsection has been completed.

2. The minimum length of the training required under this subsection is 4 hours.

3. The training required under this subsection shall include information on the following topics:

a. The types of annuities and various classifications of annuities.

b. Identification of the parties to an annuity.

c. How product-specific annuity contract features affect consumers.

d. The application of income taxation of qualified and nonqualified annuities.

e. The primary uses of annuities.

f. Appropriate standard of conduct, sales practices, replacement, and disclosure requirements.

4. Providers of courses intended to comply with this subsection shall cover all topics listed in the prescribed outline and shall not present any marketing information or provide training on sales techniques or provide specific information about a particular insurer's products. Additional topics may be offered in conjunction with and in addition to the required outline.

5. An agent who has completed an annuity training course prior to the effective date of this act shall, within 6 months after the effective date of this act, complete either:

a. A new 4-hour training course; or

b. An additional one-hour training course on appropriate sales practices, replacement, and disclosure requirements under this section.

6. Annuity training courses may be conducted and completed by classroom or self-study methods.

7. Providers of annuity training shall issue certificates of completion.

8. The satisfaction of the training requirements of another state that are substantially similar to the provisions of this subsection shall be deemed to satisfy the training requirements of this subsection in this state.

9. The satisfaction of the training requirements of any course or courses with components substantially similar to the provisions of this subsection shall be deemed to satisfy the training requirements of this subsection in this state.

10. An insurer shall verify that an agent has completed the annuity training course required under this subsection before allowing the agent to sell an annuity product for that insurer.

(7) ~~(6)~~ RECORDKEEPING.—

(a) Insurers and agents must maintain or be able to make available to the office or department records of the information collected from the consumer and other information used in making the recommendations that were the basis for insurance transactions for 5 years after the insurance transaction is completed by the insurer. An insurer may maintain the documentation on behalf of its agent.

(b) Records required to be maintained under this subsection may be maintained in paper, photographic, microprocess, magnetic, mechanical, or electronic media, or by any process that accurately reproduces the actual document.

(8) ~~(7)~~ COMPLIANCE MITIGATION; PENALTIES.—

(a) An insurer is responsible for compliance with this section. If a violation occurs because of the action or inaction of the insurer or its agent which results in harm to a consumer, the office may order the insurer to take reasonably appropriate corrective action for the consumer and may impose appropriate penalties and sanctions.

(b) The department may order:

1. An ~~insurance~~ agent to take reasonably appropriate corrective action for a consumer harmed by a violation of this section by the ~~insurance~~ agent, including monetary restitution of penalties or fees incurred by the consumer, and impose appropriate penalties and sanctions.

2. A managing general agency or insurance agency that employs or contracts with an ~~insurance~~ agent to sell or solicit the sale of annuities to consumers to take reasonably appropriate corrective action for a consumer harmed by a violation of this section by the ~~insurance~~ agent.

(c) In addition to any other penalty authorized under chapter 626, the department shall order an insurance agent to pay restitution to a consumer who has been deprived of money by the agent's misappropriation, conversion, or unlawful withholding of moneys belonging to the consumer in the course of a transaction involving annuities. The amount of restitution required to be paid may not exceed the amount misappropriated, converted, or unlawfully withheld. This paragraph does not limit or restrict a person's right to seek other remedies as provided by law.

(d) Any applicable penalty under the Florida Insurance Code for a violation of this section shall be reduced or eliminated according to a schedule adopted by the office or the department, as appropriate, if corrective action for the consumer was taken promptly after a violation was discovered.

(e) A violation of this section does not create or imply a private cause of action.

(9)~~(8)~~ PROHIBITED CHARGES.—An annuity contract issued to a senior consumer age 65 or older may not contain a surrender or deferred sales charge for a withdrawal of money from an annuity

exceeding 10 percent of the amount withdrawn. The charge shall be reduced so that no surrender or deferred sales charge exists after the end of the 10th policy year or 10 years after the date of each premium payment if multiple premiums are paid, whichever is later. This subsection does not apply to annuities purchased by an accredited investor, as defined in Regulation D as adopted by the United States Securities and Exchange Commission, or to those annuities specified in paragraph (4)(b).

(10) ~~(9)~~ RULES.—The department and the commission may adopt rules to administer this section.

(11) The Department is authorized to adopt by rulemaking the three forms prescribed in Appendix A through C of the National Association of Insurance Commissioners Suitability in Annuity Transactions Model Regulation as follows:
INSURANCE AGENT (PRODUCER) DISCLOSURE FOR ANNUITIES;
CONSUMER REFUSAL TO PROVIDE INFORMATION; and
Consumer Decision to Purchase an Annuity NOT Based on a Recommendation.

Section 18. Paragraph (b) of subsection (8) of section 634.041, Florida Statutes, is amended to read:

634.041 Qualifications for license.—To qualify for and hold a license to issue service agreements in this state, a service agreement company must be in compliance with this part, with applicable rules of the commission, with related sections

of the Florida Insurance Code, and with its charter powers and must comply with the following:

(8)

(b) A service agreement company does not have to establish and maintain an unearned premium reserve if it secures and maintains contractual liability insurance in accordance with the following:

1. Coverage of 100 percent of the claim exposure is obtained from an insurer approved by the office, which holds a certificate of authority under s. 624.401 to do business within this state, or secured through a risk retention group, which is authorized to do business within this state under s. 627.943 or s. 627.944. Such insurer or risk retention group must maintain a surplus as regards policyholders of at least $15 million.

2. If the service agreement company does not meet its contractual obligations, the contractual liability insurance policy binds its issuer to pay or cause to be paid to the service agreement holder all legitimate claims and cancellation refunds for all service agreements issued by the service agreement company while the policy was in effect. This requirement also applies to those service agreements for which no premium has been remitted to the insurer.

3. If the issuer of the contractual liability policy is fulfilling the service agreements covered by the contractual liability policy and the service agreement holder cancels the

service agreement, the issuer must make a full refund of unearned premium to the consumer, subject to the cancellation fee provisions of s. 634.121(3). The sales representative and agent must refund to the contractual liability policy issuer their unearned pro rata commission.

4. The policy may not be canceled, terminated, or nonrenewed by the insurer or the service agreement company unless a 90-day written notice thereof has been given to the office by the insurer before the date of the cancellation, termination, or nonrenewal.

5. The service agreement company must provide the office with the claims statistics.

6. A policy issued in compliance with this subparagraph may either pay 100 percent of claims as they are incurred, or 100 percent of claims due in the event of the failure of the service agreement company to pay such claims when due.

All funds or premiums remitted to an insurer by a motor vehicle service agreement company under this part shall remain in the care, custody, and control of the insurer and shall be counted as an asset of the insurer; provided, however, this requirement does not apply when the insurer and the motor vehicle service agreement company are affiliated companies and members of an insurance holding company system. If the motor vehicle service agreement company chooses to comply with this paragraph but also

maintains a reserve to pay claims, such reserve shall only be considered an asset of the covered motor vehicle service agreement company and may not be simultaneously counted as an asset of any other entity.

Section 19. Paragraphs (d), (e), and (f) of subsection (17) of section 634.401, Florida Statutes, are amended to read:

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

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

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

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

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

Section 20. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

Section 21. Except as otherwise expressly provided, this act shall take effect July 1, 2023.

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

Remove everything before the enacting clause and insert:
An act relating to consumer protection; amending s. 494.001, F.S.; revising the definition of the term "branch office"; defining the term "remote location"; authorizing a licensee under ch. 494, F.S., to allow loan originators to work from remote locations if specified conditions are met; amending s. 494.0067, F.S.; specifying that mortgage lenders may transact business from branch offices and remote locations; providing a requirement for operating remote locations; creating s. 501.2042, F.S.; defining terms; providing requirements for organizers of crowd-funding campaigns related to disasters and for crowd-funding platforms; amending s. 520.23, F.S.; revising disclosure requirements for agreements governing the sale or lease of a distributed energy generation system; amending s. 626.551, F.S.; revising the timeframe in which an insurance representative must notify the Department of Financial Services of certain changes in information; amending s. 626.602, F.S.; providing applicability of provisions relating to the disapproval of insurance agency names to adjusting firms; revising grounds on which such names may be disapproved by the department; providing for repeal of a provision upon becoming obsolete; amending s. 626.854, F.S.; revising the definition of "public adjuster"; prohibiting public adjusters from contracting

with anyone other than the named insured without the insured's written consent; specifying a penalty for noncompliance; specifying timeframes in which an insured or a claimant may cancel a public adjuster's contract without penalty or contract under certain circumstances; revising requirements for public adjuster's contracts; specifying requirements for public adjusters if the insurer, within a certain timeframe, pays or commits in writing to pay to the insured the policy limit of the policy; specifying the commission a public adjuster receives under certain circumstances; amending s. 626.860, F.S.; providing that an attorney's exemption from public adjuster licensure requirements do not apply to certain persons; amending s. 626.875, F.S.; revising recordkeeping requirements for appointed independent adjusters and licensed public adjusters; amending s. 626.8796, F.S.; revising requirements for public adjuster contracts; specifying requirements for and prohibitions on public adjusters relating to such contracts; providing construction; authorizing the department to adopt rules; amending s. 626.8797, F.S.; revising a fraud statement requirement in proof-of-loss statements; amending s. 626.9541, F.S.; adding a unfair or deceptive insurance act relating to health insurance contracts; amending s. 627.4025, F.S.; revising the definition of the term "hurricane," and defining the term "hurricane deductible," as used in policies providing residential coverage; amending s. 627.4133, F.S.; revising the

timeframe after which certain insurers may not cancel policies except for specified reasons; amending s. 627.4554, F.S.; revising legislative purpose; revising applicability; revising and defining terms; revising and specifying duties of insurers and agents relating to the recommendation and sale of annuity investments; specifying comparable standards that comply with such requirements; specifying agent training requirements; providing and revising construction; amending s. 634.041, F.S.; specifying authorized methods of paying claims for motor vehicle service agreements; amending s. 634.401, F.S.; revising the definition of the term "manufacturer"; providing a directive to the Division of Law Revision; providing an effective date.

COMMERCE COMMITTEE

HB 1185 by Rep. Giallombardo
Consumer Protection

AMENDMENT SUMMARY
March 21, 2023

Amendment 1 by Giallombardo (Strike-all): The strike-all amendment makes the following modifications and clarifications to the bill as filed:

- Prohibits certain acts by check-cashing businesses.
- Changes the timeframes for cancellation public adjuster contracts consumers entered into based on events that were the subject of a declared state of emergency.
- Changes the commission that a public adjuster can collect for services rendered when an insurer agrees to pay policy limits to an insured to a flat fee of $1,000, rather than reasonable compensation, because reasonable is an undefined term.
- Increases the proposed number of days that a public adjuster has to provide an estimate to an insured and an insurer from 45 days to 60 days to conform with other statutory provisions regarding public adjusters.
- Removes a proposed prohibition on the issuance of a public adjuster license to someone who has pleaded guilty or nolo contendere to a crime involving theft or dishonesty within the ten years preceding application. Current prohibitions are retained.
- Deletes the proposed requirement that an applicant for a public adjuster's license provide proof of an errors and omissions policy in the amount of $500,000 at the time of application.
- Removes the proposed requirement that an insurer issue separate checks to an insured and a public adjuster when a public adjuster is involved in the resolution of a claim.
- Increases the proposed number of days that a public adjuster has to provide an executed contract to an insurer from three days to ten days.
- Changes solvency requirements for motor vehicle manufacturers who sell service warranties.
- Establishes that the annuity-related portions of the bill are effective January 1, 2024.
- Changes the bill from being effective upon becoming law to being effective July 1, 2023, except as otherwise provided.
- Makes other clarifying changes and technical changes to conform with bill drafting conventions.

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: HB487

Amendment Barcode Number: _____

Name: Heather Bernier

Representing: Independent Funeral Directors of FL

Title: Assoc. Executive Director

Address: 1474 E. Piedmont Dr. #202

City: Tallahassee State/Zip: FL 32308

Phone Number: 850.222.0198 Meeting Date: 3/21/23

Committee/Subcommittee: ~~HB487~~ / Insurance Banking Sub

Presentation/Workshop Topic: Preneed Insurance Limited License

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [X]

- [ ] I wish to speak
- [ ] Appearing in response to an inquiry for information made by member, committee, or staff
- [ ] Appearing in response to subpoena
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [ ] Opponent [ ] Waive in Support [X] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

78106269

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **March 21, 2023 11:30 AM**

- [x] Bill/PCS/PCB Number: **HB 487 : Department of Financial Services**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Kalel, Andrew**

Representing: **Florida Bail Agents Association**

Title:

Address: **113 East College Avenue**

City: **Tallahassee** State/Zip: **FL**

Phone Number: **(813) 240-7632**

- [x] Registered Lobbyist
- [ ] State Employee
- [ ] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [x] Lobbyist Appearance Form Submitted

Bill
Waive In Support
Amendment

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: HB 487

Amendment Barcode Number: _____

Name: Ray Colburn

Representing: FLORIDA FIRE CHIEFS' ASSOC.

Title: EXECUTIVE DIRECTOR

Address: 221 Pinewood Dr.

City: TALLAHASSEE State/Zip: FL

Phone Number: 407 468-6622 Meeting Date: _____

Committee/Subcommittee: INSURANCE & BANKING

Presentation/Workshop Topic: DEPT OF FINANCIAL SERVICES

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [X]

- [ ] I wish to speak
- [ ] Appearing in response to an inquiry for information made by member, committee, or staff
- [ ] Appearing in response to subpoena
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill:	Proponent	[X]	Opponent	[ ]	Waive in Support	[X]	Waive in Opposition	[ ]	Info only [ ]
Amendment:	Proponent	[ ]	Opponent	[ ]	Waive in Support	[ ]	Waive in Opposition	[ ]	Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill ☑ Amendment ☐

Bill/PCS/PCB Number: 487

Amendment Barcode Number: _____

Name: AUSTIN STOWERS

Representing: CFO JIMMY PATRONIS

Title: Legislative Affairs Director

Address: 200 E Gaines

City: Tallahassee State/Zip: FL 32399

Phone Number: 850 413 5939 Meeting Date: 3/21

Committee/Subcommittee: Insurance & Banking

Presentation/Workshop Topic: _____

Registered Lobbyist: YES ☑ NO ☐

State Employee: YES ☑ NO ☐

☐ I wish to speak

☐ Appearing in response to an inquiry for information made by member, committee, or staff

☐ Appearing in response to subpoena

☐ Appearing at the written request of the chair

☐ Judge or elected officer appearing in official capacity

☐ Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent ☐ Opponent ☐ Waive in Support ☑ Waive in Opposition ☐ Info only ☐

Amendment: Proponent ☐ Opponent ☐ Waive in Support ☐ Waive in Opposition ☐ Info only ☐

36643441

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **March 21, 2023 11:30 AM**

- [x] Bill/PCS/PCB Number: **HB 743 : Estoppel Letters**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Kalifeh, Ashley**

Representing: **Old Republic National Title Insurance Company**

Title:

Address: **124 W. Jefferson St.**

City: **Tallahassee** State/Zip: **F**

Phone Number: **(850) 222-9075**

- [x] Registered Lobbyist
- [ ] State Employee
- [ ] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [x] Lobbyist Appearance Form Submitted

Bill
Waive In Support
Amendment

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: 743

Amendment Barcode Number: _____

Name: Gary Sumner

Representing: First American Title Insurance

Title: Lobbyist

Address: 1424 Piedmont Dr, East

City: Tall State/Zip: FL 32308

Phone Number: 850-509-1981 Meeting Date: _____

Committee/Subcommittee: House Insurance

Presentation/Workshop Topic: _____

Registered Lobbyist: YES [X] NO [ ]

State Employee: YES [ ] NO [ ]

- [ ] I wish to speak
- [ ] Appearing in response to an inquiry for information made by member, committee, or staff
- [ ] Appearing in response to subpoena
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [ ] Opponent [ ] Waive in Support [X] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill ☑ Amendment ☐

Bill/PCS/PCB Number: 743

Amendment Barcode Number: _____

Name: DAVID DANIEL

Representing: FLORIDA LAND TITLE ASSOCIATION

Title: _____

Address: 311 EAST PARK AVENUE

City: TALLAHASSEE State/Zip: FL, 32301

Phone Number: 850 224-5081 Meeting Date: 3.21.23

Committee/Subcommittee: INSURANCE & BANKING SUB

Presentation/Workshop Topic: _____

Registered Lobbyist: YES ☑ NO ☐

State Employee: YES ☐ NO ☑

- ☐ I wish to speak
- ☐ Appearing in response to an inquiry for information made by member, committee, or staff
- ☐ Appearing in response to subpoena
- ☐ Appearing at the written request of the chair
- ☐ Judge or elected officer appearing in official capacity
- ☐ Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent ☑ Opponent ☐ Waive in Support ☑ Waive in Opposition ☐ Info only ☐

Amendment: Proponent ☐ Opponent ☐ Waive in Support ☐ Waive in Opposition ☐ Info only ☐

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill ☒ Amendment ☐

Bill/PCS/PCB Number: 901

Amendment Barcode Number: _____

Name: Doug Bell

Representing: Business Law Section - FL Bar

Title: _____

Address: 119 S. Monroe

City: TLH State/Zip: FL 32312

Phone Number: 850 205-9000 Meeting Date: 3/21/23

Committee/Subcommittee: Trs. & Banking

Presentation/Workshop Topic: _____

Registered Lobbyist: YES ☒ NO ☐

State Employee: YES ☐ NO ☐

☐ I wish to speak

☐ Appearing in response to an inquiry for information made by member, committee, or staff

☐ Appearing in response to subpoena

☐ Appearing at the written request of the chair

☐ Judge or elected officer appearing in official capacity

☐ Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent ☐ Opponent ☐ Waive in Support ☒ Waive in Opposition ☐ Info only ☐

Amendment: Proponent ☐ Opponent ☐ Waive in Support ☐ Waive in Opposition ☐ Info only ☐

94044066

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **March 21, 2023 11:30 AM**

- [x] Bill/PCS/PCB Number: **HB 901 : Secured Transactions**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Edenfield, Martha**

Representing: **Real Property, Probate & Trust Law Section of the Florida Bar**

Title:

Address: **Dean Mead, 106 E. College Avenue, Suite 1200**

City: **Tallahassee** State/Zip: **FL**

Phone Number: **(850) 999-4100**

- [x] Registered Lobbyist
- [ ] State Employee
- [ ] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [x] Lobbyist Appearance Form Submitted

Bill
Waive In Support
Amendment

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill: ☒ Amendment: ☐

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Michael Cantens

Representing: Rocket Central

Title: _____

Address: 108 S. Monroe St

City: Tallahassee State/Zip: Fl

Phone Number: _____ Meeting Date: 3/21/23

Committee/Subcommittee: Insurance and Banking

Presentation/Workshop Topic: _____

Registered Lobbyist: YES ☒ NO ☐

State Employee: YES ☐ NO ☒

- ☐ I wish to speak
- ☐ Appearing in response to an inquiry for information made by member, committee, or staff
- ☐ Appearing in response to subpoena
- ☐ Appearing at the written request of the chair
- ☐ Judge or elected officer appearing in official capacity
- ☐ Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill:	Proponent	☐	Opponent	☐	Waive in Support	☒	Waive in Opposition	☐	Info only ☐
Amendment:	Proponent	☐	Opponent	☐	Waive in Support	☐	Waive in Opposition	☐	Info only ☐

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [✓] Amendment [ ]

Bill/PCS/PCB Number: HB 1195

Amendment Barcode Number: N/A

Name: Tasha Carter

Representing: Office of the Insurance Consumer Advocate

Title: Florida's Insurance Consumer Advocate

Address: 200 E Gaines Street

City: Tallahassee State/Zip: FL 32399-1

Phone Number: 850 413-3123 Meeting Date: March 21 2023

Committee/Subcommittee: Insurance, Banking Subcommittee

Presentation/Workshop Topic: N/A

Registered Lobbyist: YES [✓] NO [ ]

State Employee: YES [✓] NO [ ]

- [ ] I wish to speak
- [ ] Appearing in response to an inquiry for information made by member, committee, or staff
- [ ] Appearing in response to subpoena
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [ ] Opponent [ ] Waive in Support [✓] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [Y] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Vivian DeOliveira

Representing: All Claims Public Adjusters

Title: Owner

Address: 10825 Camino Cir

City: Wellington State/Zip: FL 33414

Phone Number: 561-945-2985 Meeting Date: _____

Committee/Subcommittee: I+B Subcommittee

Presentation/Workshop Topic: _____

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [ ]

[X] I wish to speak

[ ] Appearing in response to an inquiry for information made by member, committee, or staff

[ ] Appearing in response to subpoena

[ ] Appearing at the written request of the chair

[ ] Judge or elected officer appearing in official capacity

[ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: 1185 Proponent [ ] Opponent [X] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Mark Goldwich

Representing: myself

Title: _____

Address: 2601 Michaelson Way

City: Jacksonville State/Zip: FL 32223

Phone Number: 904-704-2200 Meeting Date: 3-21-23

Committee/Subcommittee: I & B Subcommittee

Presentation/Workshop Topic: _____

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [ ]

[X] I wish to speak

[ ] Appearing in response to an inquiry for information made by member, committee, or staff

[ ] Appearing in response to subpoena

[ ] Appearing at the written request of the chair

[ ] Judge or elected officer appearing in official capacity

[ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: 1185 Proponent [ ] Opponent [X] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

46971917

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **March 21, 2023 11:30 AM**

- [x] Bill/PCS/PCB Number: **HB 1185 : Consumer Protection**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Hall AIC, Dave**

Representing: **Golden Trails Public Adjusting**

Title: **Public Insurance Adjuster**

Address: **1365 Rila St SE**

City: **Palm Bay** State/Zip: **Florida 32909**

Phone Number: **740-817-4588**

- [ ] Registered Lobbyist
- [ ] State Employee
- [x] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [x] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance Form Submitted

Bill
Opponent
Amendment

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Paul Handerhan

Representing: Florida Association of Public Insurance Adjusters

Title: Ramba Consulting Group

Address: 120 South Monroe Street

City: Tallahassee State/Zip: FL 32301

Phone Number: 561 704 0428 Meeting Date: 3/21/2023

Committee/Subcommittee: J+B Subcomm. Hrg

Presentation/Workshop Topic: _____

Registered Lobbyist: YES [X] NO [ ]

State Employee: YES [ ] NO [ ]

[X] I wish to speak

[ ] Appearing in response to an inquiry for information made by member, committee, or staff

[ ] Appearing in response to subpoena

[ ] Appearing at the written request of the chair

[ ] Judge or elected officer appearing in official capacity

[ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: 1185 Proponent [ ] Opponent [X] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

4/5

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: HB 1185

Amendment Barcode Number: _____

Name: ~~[illegible]~~ Tim Meeman

Representing: NAIFA Florida

Title: _____

Address: 300 S. Duval St., # 410

City: _____ State/Zip: 32303

Phone Number: 850-425-4000 Meeting Date: 3-23-23

Committee/Subcommittee: Insurance & Banking

Presentation/Workshop Topic: Consumer Protection

Registered Lobbyist: YES [X] NO [ ]

State Employee: YES [ ] NO [X]

- [ ] I wish to speak
- [ ] Appearing in response to an inquiry for information made by member, committee, or staff
- [ ] Appearing in response to subpoena
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate ~~your~~ position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [ ] Opponent [ ] Waive in Support [X] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Matthew Mink

Representing: Matthew Mink Public Adjuster

Title: Public Adjuster

Address: 7976 Pleasant Pine Cir

City: Winter Park State/Zip: FL, 32792

Phone Number: 321-402-6826 Meeting Date: _____

Committee/Subcommittee: I + B subcommittee

Presentation/Workshop Topic: _____

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [ ]

[X] I wish to speak

[X] Appearing in response to an inquiry for information made by member, committee, or staff

[ ] Appearing in response to subpoena

[ ] Appearing at the written request of the chair

[ ] Judge or elected officer appearing in official capacity

[ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: 1185 Proponent [ ] Opponent [X] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Juli Mohan

Representing: Juli Mohan

Title: Licensed Public Adjuster

Address: 5339 Del Monte Ct

City: Cape Coral State/Zip: FL 33904

Phone Number: 440-243-5121 Meeting Date: _____

Committee/Subcommittee: I + B Subcommittee

Presentation/Workshop Topic: _____

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [ ]

[X] I wish to speak

[ ] Appearing in response to an inquiry for information made by member, committee, or staff

[ ] Appearing in response to subpoena

[ ] Appearing at the written request of the chair

[ ] Judge or elected officer appearing in official capacity

[ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: 1185 Proponent [ ] Opponent [X] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Timothy "Sean" Murray

Representing: Triumph Consulting Corp

Title: President

Address: 1356 East Commercial Blvd

City: Oakland Park State/Zip: FL 33334

Phone Number: 305-773-7580 Meeting Date: _____

Committee/Subcommittee: I+B Sub committee

Presentation/Workshop Topic: Section 12 Subsection 3 line 840

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [ ]

- [X] I wish to speak
- [X] Appearing in response to an inquiry for information made by member, committee, or staff
- [ ] Appearing in response to subpoena
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: 1185 Proponent [ ] Opponent [X] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [✓] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: CFO Jimmy Patronis

Representing: himself

Title: Chief Financial Officer

Address: PL-11, The Capitol

City: Tallahassee State/Zip: FL/32399

Phone Number: 850-413-5939 Meeting Date: 03/21

Committee/Subcommittee: House Insurance & Banking

Presentation/Workshop Topic: Consumer Protection

Registered Lobbyist: YES [ ] NO [✓]

State Employee: YES [✓] NO [ ]

- [✓] I wish to speak
- [ ] Appearing in response to an inquiry for information made by member, committee, or staff
- [ ] Appearing in response to subpoena
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [✓] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Tim Reynolds

Representing: Tim Reynolds

Title: PUBLIC ADJUSTER

Address: 15 PARADISE PLZ #385

City: SARASOTA State/Zip: FL 34239

Phone Number: 941 223 8628 Meeting Date: _____

Committee/Subcommittee: I & B subcommittee

Presentation/Workshop Topic: _____

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [ ]

[X] I wish to speak

[ ] Appearing in response to an inquiry for information made by member, committee, or staff

[ ] Appearing in response to subpoena

[ ] Appearing at the written request of the chair

[ ] Judge or elected officer appearing in official capacity

[ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: 1185 Proponent [ ] Opponent [X] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

Amendment: Proponent [ ] Opponent [ ] Waive in Support [ ] Waive in Opposition [ ] Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [X] Amendment [ ]

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: Jeremy Sizemore

Representing: Coastline Claims

Title: Managing Partner

Address: 658 Americas Cup Ct

City: Jacksonville State/Zip: FL 32233

Phone Number: 904 382 5997 Meeting Date: _____

Committee/Subcommittee: I & B Subcommittee

Presentation/Workshop Topic: _____

Registered Lobbyist: YES [ ] NO [X]

State Employee: YES [ ] NO [ ]

[X] I wish to speak

[ ] Appearing in response to an inquiry for information made by member, committee, or staff

[ ] Appearing in response to subpoena

[ ] Appearing at the written request of the chair

[ ] Judge or elected officer appearing in official capacity

[ ] Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill:	Proponent [ ]	Opponent [X]	Waive in Support [ ]	Waive in Opposition [ ]	Info only [ ]
Amendment:	Proponent [ ]	Opponent [ ]	Waive in Support [ ]	Waive in Opposition [ ]	Info only [ ]

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill ☑ Amendment ☐

Bill/PCS/PCB Number: 1185

Amendment Barcode Number: _____

Name: AUSTIN STOWERS

Representing: CFO JIMMY PATRONIS

Title: Legislative Affairs Director

Address: 200 E Gaines

City: Tallahassee State/Zip: FL 32399

Phone Number: 850 413 5939 Meeting Date: 3/21

Committee/Subcommittee: Insurance & Banking

Presentation/Workshop Topic: _____

Registered Lobbyist: YES ☑ NO ☐

State Employee: YES ☑ NO ☐

☐ I wish to speak

☐ Appearing in response to an inquiry for information made by member, committee, or staff

☐ Appearing in response to subpoena

☐ Appearing at the written request of the chair

☐ Judge or elected officer appearing in official capacity

☐ Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent ☐ Opponent ☐ Waive in Support ☑ Waive in Opposition ☐ Info only ☐

Amendment: Proponent ☐ Opponent ☐ Waive in Support ☐ Waive in Opposition ☐ Info only ☐

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill ☑ Amendment ☐

Bill/PCS/PCB Number: HB 1595

Amendment Barcode Number: _____

Name: KARI HEBRANK

Representing: FLORIDA AUTOMATIC FIRE ALARM ASSOC.

Title: _____

Address: 215 S. MONROE ST.

City: TALLAHASSEE State/Zip: 32301

Phone Number: 850-566-7824 Meeting Date: 3-21-23

Committee/Subcommittee: Insurance & BANKING

Presentation/Workshop Topic: Emergency Communication SYS.

Registered Lobbyist: YES ☑ NO ☐

State Employee: YES ☐ NO ☑

☑ I wish to speak

☐ Appearing in response to an inquiry for information made by member, committee, or staff

☐ Appearing in response to subpoena

☐ Appearing at the written request of the chair

☐ Judge or elected officer appearing in official capacity

☐ Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent ☐ Opponent ☐ Waive in Support ☐ Waive in Opposition ☐ Info only ☐

Amendment: Proponent ☐ Opponent ☐ Waive in Support ☐ Waive in Opposition ☐ Info only ☐

48813309

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **March 21, 2023 11:30 AM**

- [x] Bill/PCS/PCB Number: **PCS for HB 253**
- [x] Amendment Barcode Number: **PCS for HB 253 a1**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Mason, Ashley (Ash)**

Representing: **Office of Financial Regulation**

Title:

Address: **200 E Gaines St, Ste 504**

City: **Tallahassee** State/Zip: **FL**

Phone Number: **(850) 410-9789**

- [x] Registered Lobbyist
- [x] State Employee
- [ ] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [x] Lobbyist Appearance Form Submitted

Bill
Waive In Support
Amendment
Waive In Support

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill ☑ Amendment ☐

Bill/PCS/PCB Number: 1111

Amendment Barcode Number: _____

Name: Curt Leonard

Representing: American Council of Life Insurers

Title: Regional VP, State Relation

Address: 150 S. Monroe St., Suite 206

City: Tallahassee State/Zip: FL 32301

Phone Number: 850-274-1422 Meeting Date: 3/21/2023

Committee/Subcommittee: Insurance + Banking

Presentation/Workshop Topic: Value Added Services

Registered Lobbyist: YES ☑ NO ☐

State Employee: YES ☐ NO ☑

☐ I wish to speak

☐ Appearing in response to an inquiry for information made by member, committee, or staff

☐ Appearing in response to subpoena

☐ Appearing at the written request of the chair

☐ Judge or elected officer appearing in official capacity

☐ Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent ☑ Opponent ☐ Waive in Support ☑ Waive in Opposition ☐ Info only ☐

Amendment: Proponent ☐ Opponent ☐ Waive in Support ☐ Waive in Opposition ☐ Info only ☐