

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 17.64, F.S.; providing that
4 electronic images of warrants, vouchers, or checks in
5 the Division of Treasury are deemed to be original
6 records; revising the applicable medium, from film or
7 print to electronic, in provisions relating to copies
8 and reproductions of records and documents of the
9 division; amending s. 20.121, F.S.; renaming the
10 Bureau of Fire and Arson Investigations within the
11 Division of Investigative and Forensic Services as the
12 Bureau of Fire, Arson, and Explosives Investigations;
13 creating the Bureau of Insurance Fraud and the Bureau
14 of Workers' Compensation Fraud within the division;
15 amending s. 39.6035, F.S.; requiring child transition
16 plans to address financial literacy by providing
17 specified information; amending s. 284.40, F.S.;
18 authorizing the department to disclose certain
19 personal identifying information of injured or
20 deceased employees which is exempt from disclosure
21 under the Workers' Compensation Law to department-
22 contracted vendors for certain purposes; amending s.
23 284.50, F.S.; requiring safety coordinators of state
24 governmental departments to complete, within a certain
25 timeframe, safety coordinator training offered by the

26 | department; requiring certain agencies to report
27 | certain return-to-work information to the department;
28 | requiring agencies to provide certain risk management
29 | program information to the Division of Risk Management
30 | for certain purposes; specifying requirements for
31 | agencies in reviewing and responding to certain
32 | information and communications provided by the
33 | division; amending s. 409.1451, F.S.; revising
34 | conditions under which a young adult is eligible for
35 | postsecondary education services and support under the
36 | Road-to-Independence Program; conforming a provision
37 | to changes made by the act; amending s. 414.411, F.S.;
38 | replacing the Department of Economic Opportunity with
39 | the Department of Education in a list of entities to
40 | which a public assistance recipient may be required to
41 | provide written consent for certain investigative
42 | inquiries and to which the department must report
43 | investigation results; amending s. 497.168, F.S.;
44 | providing an exemption from specified application fees
45 | for members and certain veterans of the United States
46 | Armed Forces; amending s. 624.317, F.S.; authorizing
47 | the department to conduct investigations of any,
48 | rather than specified, agents subject to its
49 | jurisdiction; amending s. 624.34, F.S.; conforming a
50 | provision to changes made by the act; amending s.

51 624.4073, F.S.; prohibiting certain officers or
52 directors of insolvent insurers from having direct or
53 indirect control over certain selection or appointment
54 of officers or directors, except under certain
55 circumstances; amending ss. 624.4094, 624.501,
56 624.509, and 625.071, F.S.; conforming provisions to
57 changes made by the act; amending s. 626.112, F.S.;
58 requiring a managing general agent to hold a currently
59 effective producer license rather than a managing
60 general agent license; amending s. 626.171, F.S.;
61 deleting applicability of licensing provisions as to
62 managing general agents; making a technical change;
63 amending s. 626.202, F.S.; providing that certain
64 applicants are not required to resubmit fingerprints
65 to the department under certain circumstances;
66 authorizing the department to require these applicants
67 to file fingerprints under certain circumstances;
68 providing an exemption from fingerprinting
69 requirements for members and certain veterans of the
70 United States Armed Forces; requiring such members and
71 veterans to provide certain documentation of good
72 standing or honorable discharge; amending s. 626.207,
73 F.S.; conforming a provision to changes made by the
74 act; amending s. 626.221, F.S.; adding a designation
75 that exempts applicants for licensure as an all-lines

76 | adjuster from an examination requirement; amending s.
77 | 626.451, F.S.; deleting a requirement for law
78 | enforcement agencies and state attorney's offices to
79 | notify the department or the Office of Insurance
80 | Regulation of certain felony dispositions; deleting a
81 | requirement for the state attorney to provide the
82 | department or office a certified copy of an
83 | information or indictment against a managing general
84 | agent; conforming a provision to changes made by the
85 | act; amending s. 626.521, F.S.; revising requirements
86 | for credit and character reports secured and kept by
87 | insurers or employers appointing certain insurance
88 | representatives; providing applicability; amending s.
89 | 626.731, F.S.; deleting a certain qualification for
90 | licensure as a general lines agent; amending s.
91 | 626.7351, F.S.; revising a qualification for licensure
92 | as a customer representative; amending s. 626.744,
93 | F.S.; conforming a provision to changes made by the
94 | act; amending s. 626.745, F.S.; revising conditions
95 | under which service representatives and managing
96 | general agents may engage in certain activities;
97 | amending ss. 626.7451 and 626.7455, F.S.; conforming
98 | provisions to changes made by the act; amending s.
99 | 626.752, F.S.; revising a requirement for the
100 | Brokering Agent's Register maintained by brokering

101 agents; revising the limit on certain personal lines
102 risks an insurer may receive from an agent within a
103 specified timeframe before the insurer must comply
104 with certain reporting requirements for that agent;
105 amending s. 626.793, F.S.; revising the limit on
106 certain risks that certain insurers may receive from a
107 life agent within a specified timeframe before the
108 insurer must comply with certain reporting
109 requirements for that agent; amending s. 626.837,
110 F.S.; revising the limit on certain risks that certain
111 insurers may receive from a health agent within a
112 specified timeframe before the insurer must comply
113 with certain reporting requirements for that agent;
114 amending s. 626.8732, F.S.; deleting a requirement for
115 a licensed nonresident public adjuster to submit a
116 certain annual affidavit to the department; amending
117 s. 626.8734, F.S.; deleting a requirement for a
118 nonresident independent adjuster to submit a certain
119 annual affidavit to the department; amending s.
120 626.88, F.S.; conforming a provision to changes made
121 by the act; amending s. 626.927, F.S.; revising
122 conditions under which an individual may be licensed
123 as a surplus lines agent solely for the purpose of
124 placing certain coverages with surplus lines insurers;
125 amending s. 626.930, F.S.; revising a requirement

126 relating to the location of a surplus lines agent's
127 surplus lines business records; amending s. 626.9892,
128 F.S.; authorizing the department to pay a specified
129 amount of rewards under the Anti-Fraud Reward Program
130 for information leading to the arrest and conviction
131 of persons guilty of arson; amending s. 633.302, F.S.;
132 revising the duration of the terms of members of the
133 Florida Fire Safety Board; amending s. 633.304, F.S.;
134 revising circumstances under which an inactive fire
135 equipment dealer license is void; specifying the
136 timeframe when an inactive license must be
137 reactivated; specifying that permittees performing
138 certain work on fire equipment may be contracted
139 rather than employed; revising a requirement for a
140 certain proof-of-insurance form to be provided by the
141 insurer rather than the State Fire Marshal; amending
142 s. 633.318, F.S.; revising a requirement for a certain
143 proof-of-insurance form to be provided by the insurer
144 rather than the State Fire Marshal; amending s.
145 633.408, F.S.; specifying prerequisites and retention
146 requirements for a Special Certificate of Compliance
147 that authorizes an individual to serve as an
148 administrative and command head of a fire service
149 provider; amending s. 633.416, F.S.; authorizing fire
150 service providers to employ honorably discharged

151 veterans who received specified training; requiring
152 the Division of State Fire Marshal to verify the
153 equivalency of such training before the individual
154 begins employment; requiring such individual to obtain
155 a Firefighter Certificate of Compliance within a
156 specified timeframe; making a technical change;
157 amending s. 633.444, F.S.; deleting a requirement for
158 the Division of State Fire Marshal to develop a
159 staffing and funding formula for the Florida State
160 Fire College; amending s. 648.27, F.S.; revising
161 conditions under which a managing general agent must
162 also be licensed as a bail bond agent; conforming a
163 provision to changes made by the act; amending s.
164 648.34, F.S.; providing that certain individuals
165 applying for bail bond agent licensure are not
166 required to resubmit fingerprints to the department
167 under certain circumstances; authorizing the
168 department to require such individuals to file
169 fingerprints under certain circumstances; reenacting
170 s. 626.8734(1)(b), F.S., relating to nonresident all-
171 lines adjuster license qualifications, to incorporate
172 the amendment made to s. 626.221, F.S., in a reference
173 thereto; providing an effective date.

174
175 Be It Enacted by the Legislature of the State of Florida:

176
177 Section 1. Section 17.64, Florida Statutes, is amended to
178 read:

179 17.64 Division of Treasury to make reproductions of
180 certain warrants, records, and documents.—

181 (1) Electronic images, photographs, microphotographs, or
182 reproductions on film of warrants, vouchers, or checks are ~~shall~~
183 ~~be~~ deemed to be original records for all purposes; and any copy
184 or reproduction thereof ~~made from such original film~~, duly
185 certified by the Division of Treasury as a true and correct copy
186 or reproduction ~~made from such film~~, is ~~shall be~~ deemed to be a
187 transcript, exemplification, or certified copy of the original
188 warrant, voucher, or check such copy represents, and must ~~shall~~
189 in all cases and in all courts and places be admitted and
190 received in evidence with the like force and effect as the
191 original thereof might be.

192 (2) The Division of Treasury may electronically
193 ~~photograph, microphotograph, or reproduce on film~~, all records
194 and documents of the division, as the Chief Financial Officer,
195 in his or her discretion, selects; and the division may destroy
196 any such documents or records after they have been reproduced
197 electronically ~~photographed~~ and filed and after audit of the
198 division has been completed for the period embracing the dates
199 of such documents and records.

200 (3) Electronic copies ~~Photographs or microphotographs in~~

201 ~~the form of film or prints~~ of any records made in compliance
202 with ~~the provisions of~~ this section ~~shall~~ have the same force
203 and effect as the originals ~~thereof would~~ have, and must ~~shall~~
204 be treated as originals for the purpose of their admissibility
205 in evidence. Duly certified or authenticated reproductions of
206 such electronic images must ~~photographs or microphotographs~~
207 ~~shall~~ be admitted in evidence equally with the original
208 electronic images ~~photographs or microphotographs~~.

209 Section 2. Paragraph (e) of subsection (2) of section
210 20.121, Florida Statutes, is amended to read:

211 20.121 Department of Financial Services.—There is created
212 a Department of Financial Services.

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

215 (e) The Division of Investigative and Forensic Services,
216 which shall function as a criminal justice agency for purposes
217 of ss. 943.045-943.08. The division may conduct investigations
218 within or outside of this state as it deems necessary. If,
219 during an investigation, the division has reason to believe that
220 any criminal law of this state has or may have been violated, it
221 shall refer any records tending to show such violation to state
222 or federal law enforcement or prosecutorial agencies and shall
223 provide investigative assistance to those agencies as required.
224 The division shall include the following bureaus and office:

225 1. The Bureau of Forensic Services;

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

228 3. The Office of Fiscal Integrity, which shall have a
 229 separate budget; ~~and~~

230 4. The Bureau of Insurance Fraud; and

231 5. The Bureau of Workers' Compensation Fraud.

232 Section 3. Subsection (1) of section 39.6035, Florida
 233 Statutes, is amended to read:

234 39.6035 Transition plan.—

235 (1) During the 180-day period after a child reaches 17
 236 years of age, the department and the community-based care
 237 provider, in collaboration with the caregiver and any other
 238 individual whom the child would like to include, shall assist
 239 the child in developing a transition plan. The required
 240 transition plan is in addition to standard case management
 241 requirements. The transition plan must address specific options
 242 for the child to use in obtaining services, including housing,
 243 health insurance, education, financial literacy, a driver
 244 license, and workforce support and employment services. The plan
 245 must also consider establishing and maintaining naturally
 246 occurring mentoring relationships and other personal support
 247 services. The transition plan may be as detailed as the child
 248 chooses. In developing the transition plan, the department and
 249 the community-based provider shall:

250 (a) Provide the child with the documentation required

251 pursuant to s. 39.701(3); ~~and~~

252 (b) Coordinate the transition plan with the independent
 253 living provisions in the case plan and, for a child with
 254 disabilities, the Individuals with Disabilities Education Act
 255 transition plan; ~~and~~.

256 (c) Provide information for the financial literacy
 257 curriculum for youth offered by the Department of Financial
 258 Services.

259 Section 4. Section 284.40, Florida Statutes, is amended to
 260 read:

261 284.40 Division of Risk Management; disclosure of certain
 262 workers' compensation-related information by the Department of
 263 Financial Services.—

264 (1) It shall be the responsibility of the Division of Risk
 265 Management of the Department of Financial Services to administer
 266 this part and the provisions of s. 287.131.

267 (2) The claim files maintained by the Division of Risk
 268 Management shall be confidential, shall be only for the usage by
 269 the Department of Financial Services in fulfilling its duties
 270 and responsibilities under this part, and shall be exempt from
 271 the provisions of s. 119.07(1).

272 (3) Upon certification by the division director or his or
 273 her designee to the custodian of any records maintained by the
 274 Department of Children and Families, Department of Health,
 275 Agency for Health Care Administration, or Department of Elderly

276 Affairs that such records are necessary to investigate a claim
277 against the Department of Children and Families, Department of
278 Health, Agency for Health Care Administration, or Department of
279 Elderly Affairs being handled by the Division of Risk
280 Management, the records shall be released to the division
281 subject to the provisions of subsection (2), any conflicting
282 provisions as to the confidentiality of such records
283 notwithstanding.

284 (4) Notwithstanding s. 440.1851, the Department of
285 Financial Services may disclose the personal identifying
286 information of an injured or deceased employee to a department-
287 contracted vendor for the purpose of ascertaining a claimant's
288 claims history to investigate the compensability of a claim or
289 to identify and prevent fraud.

290 Section 5. Section 284.50, Florida Statutes, is amended to
291 read:

292 284.50 Loss prevention program; safety coordinators;
293 Interagency Advisory Council on Loss Prevention; employee
294 recognition program; return-to-work programs; risk management
295 programs.—

296 (1) The head of each department of state government,
297 except the Legislature, shall designate a safety coordinator.
298 Such safety coordinator must be an employee of the department
299 and must hold a position which has responsibilities comparable
300 to those of an employee in the Senior Management System. The

301 Department of Financial Services shall provide appropriate
302 training to the safety coordinators to permit them to
303 effectively perform their duties within their respective
304 departments. Within 1 year after being appointed by his or her
305 department head, the safety coordinator shall complete safety
306 coordinator training offered by the Department of Financial
307 Services. Each safety coordinator shall, at the direction of his
308 or her department head:

309 (a) Develop and implement the loss prevention program, a
310 comprehensive departmental safety program which shall include a
311 statement of safety policy and responsibility.

312 (b) Provide for regular and periodic facility and
313 equipment inspections.

314 (c) Investigate job-related employee accidents of his or
315 her department.

316 (d) Establish a program to promote increased safety
317 awareness among employees.

318 (2) There shall be an Interagency Advisory Council on Loss
319 Prevention composed of the safety coordinators from each
320 department and representatives designated by the Division of
321 State Fire Marshal and the Division of Risk Management. The
322 chair of the council is ~~shall be~~ the Director of the Division of
323 Risk Management or his or her designee. The council shall meet
324 at least quarterly to discuss safety problems within state
325 government, to attempt to find solutions for these problems,

326 and, when possible, to assist in the implementation of the
327 solutions. If the safety coordinator of a department or office
328 is unable to attend a council meeting, an alternate, selected by
329 the department head or his or her designee, shall attend the
330 meeting to represent and provide input for that department or
331 office on the council. The council is further authorized to
332 provide for the recognition of employees, agents, and volunteers
333 who make exceptional contributions to the reduction and control
334 of employment-related accidents. The necessary expenses for the
335 administration of this program of recognition shall be
336 considered an authorized administrative expense payable from the
337 State Risk Management Trust Fund.

338 (3) The Department of Financial Services and all agencies
339 that are provided workers' compensation insurance coverage by
340 the State Risk Management Trust Fund and employ more than 3,000
341 full-time employees shall establish and maintain return-to-work
342 programs for employees who are receiving workers' compensation
343 benefits. The programs must ~~shall~~ have the primary goal of
344 enabling injured workers to remain at work or return to work to
345 perform job duties within the physical or mental functional
346 limitations and restrictions established by the workers'
347 treating physicians. If no limitation or restriction is
348 established in writing by a worker's treating physician, the
349 worker is ~~shall be~~ deemed to be able to fully perform the same
350 work duties he or she performed before the injury. Agencies

351 employing more than 3,000 full-time employees shall report
352 return-to-work information to the Department of Financial
353 Services to support the Department of Financial Services'
354 mandatory reporting requirements on agency return-to-work
355 efforts under s. 284.42(1)(b).

356 (4) The Division of Risk Management shall evaluate each
357 agency's risk management programs, including, but not limited
358 to, return-to-work, safety, and loss prevention programs, at
359 least once every 5 years. Reports, including, but not limited
360 to, any recommended corrective action, resulting from such
361 evaluations must ~~shall~~ be provided to the head of the agency
362 being evaluated, the Chief Financial Officer, and the director
363 of the Division of Risk Management. The agency head must provide
364 to the Division of Risk Management a response to all report
365 recommendations within 45 days and a plan to implement any
366 corrective action to be taken as part of the response. If the
367 agency disagrees with any final report recommendations,
368 including, but not limited to, any recommended corrective
369 action, or if the agency fails to implement any recommended
370 corrective action within a reasonable time, the division shall
371 submit the evaluation report to the legislative appropriations
372 committees. Each agency shall provide risk management program
373 information to the Division of Risk Management to support the
374 Division of Risk Management's mandatory evaluation and reporting
375 requirements in this subsection.

- 376 (5) Each agency shall:
 377 (a) Review information provided by the Division of Risk
 378 Management on claims and losses;
 379 (b) Identify any discrepancies between the Division of
 380 Risk Management's records and the agency's records and report
 381 such discrepancies to the Division of Risk Management in
 382 writing; and
 383 (c) Review and respond to communications from the Division
 384 of Risk Management identifying unsafe or inappropriate
 385 conditions, policies, procedures, trends, equipment, or actions
 386 or incidents that have led or may lead to accidents or claims
 387 involving the state.

388 Section 6. Paragraph (a) of subsection (2) and paragraph
 389 (b) of subsection (3) of section 409.1451, Florida Statutes, are
 390 amended to read:

391 409.1451 The Road-to-Independence Program.—

392 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

393 (a) A young adult is eligible for services and support
 394 under this subsection if he or she:

- 395 1. Was living in licensed care on his or her 18th birthday
 396 or is currently living in licensed care; or was at least 16
 397 years of age and was adopted from foster care or placed with a
 398 court-approved dependency guardian after spending at least 6
 399 months in licensed care within the 12 months immediately
 400 preceding such placement or adoption;

- 401 2. Spent at least 6 months in licensed care before
 402 reaching his or her 18th birthday;
- 403 3. Earned a standard high school diploma pursuant to s.
 404 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
 405 pursuant to s. 1003.435;
- 406 4. Has been admitted for enrollment as a full-time student
 407 or its equivalent in an eligible postsecondary educational
 408 institution as provided in s. 1009.533. For purposes of this
 409 section, the term "full-time" means 9 credit hours or the
 410 vocational school equivalent. A student may enroll part-time if
 411 he or she has a recognized disability or is faced with another
 412 challenge or circumstance that would prevent full-time
 413 attendance. A student needing to enroll part-time for any reason
 414 other than having a recognized disability must get approval from
 415 his or her academic advisor;
- 416 5. Has reached 18 years of age but is not yet 23 years of
 417 age;
- 418 6. Has applied, with assistance from the young adult's
 419 caregiver and the community-based lead agency, for any other
 420 grants and scholarships for which he or she may qualify;
- 421 7. Submitted a Free Application for Federal Student Aid
 422 which is complete and error free; ~~and~~
- 423 8. Signed an agreement to allow the department and the
 424 community-based care lead agency access to school records; and-
- 425 9. Has completed with a passing score the financial

426 literacy curriculum for foster youth offered by the Department
427 of Financial Services.

428 (3) AFTERCARE SERVICES.—

429 (b) Aftercare services include, but are not limited to,
430 the following:

- 431 1. Mentoring and tutoring.
- 432 2. Mental health services and substance abuse counseling.
- 433 3. Life skills classes, including credit management and
434 preventive health activities.
- 435 4. Parenting classes.
- 436 5. Job and career skills training.
- 437 6. Counselor consultations.
- 438 7. Temporary financial assistance for necessities,
439 including, but not limited to, education supplies,
440 transportation expenses, security deposits for rent and
441 utilities, furnishings, household goods, and other basic living
442 expenses.
- 443 8. Financial literacy skills training pursuant to s.
444 39.6035(1)(c).

445
446 The specific services to be provided under this paragraph shall
447 be determined by an assessment of the young adult and may be
448 provided by the community-based care provider or through
449 referrals in the community.

450 Section 7. Subsections (1) and (3) of section 414.411,

451 Florida Statutes, are amended to read:

452 414.411 Public assistance fraud.—

453 (1) The Department of Financial Services shall investigate
454 all public assistance provided to residents of the state or
455 provided to others by the state. In the course of such
456 investigation the department shall examine all records,
457 including electronic benefits transfer records and make inquiry
458 of all persons who may have knowledge as to any irregularity
459 incidental to the disbursement of public moneys, food
460 assistance, or other items or benefits authorizations to
461 recipients. All public assistance recipients, as a condition
462 precedent to qualification for public assistance under chapter
463 409, chapter 411, or this chapter, must first give in writing,
464 to the Agency for Health Care Administration, the Department of
465 Health, the Department of Education ~~Economic Opportunity~~, and
466 the Department of Children and Families, as appropriate, and to
467 the Department of Financial Services, consent to make inquiry of
468 past or present employers and records, financial or otherwise.

469 (3) The results of such investigation shall be reported by
470 the Department of Financial Services to the appropriate
471 legislative committees, the Agency for Health Care
472 Administration, the Department of Health, the Department of
473 Education ~~Economic Opportunity~~, and the Department of Children
474 and Families, and to such others as the department may
475 determine.

476 Section 8. Subsection (3) is added to section 497.168,
 477 Florida Statutes, to read:

478 497.168 Members of Armed Forces in good standing with
 479 administrative boards.—

480 (3) A member of the United States Armed Forces or a
 481 veteran of the United States Armed Forces who was honorably
 482 discharged within the 24-month period before the date of an
 483 initial application for licensure is exempt from the initial
 484 application filing fees under ss. 497.281(1), 497.368(1)(a),
 485 497.369(1)(a), 497.369(5), 497.370(1), 497.371, 497.373(1)(a),
 486 497.373(3), 497.374(1)(a), 497.374(5), and 497.375(1)(a).

487 Section 9. Subsection (1) of section 624.317, Florida
 488 Statutes, is amended to read:

489 624.317 Investigation of agents, adjusters,
 490 administrators, service companies, and others.—If it has reason
 491 to believe that any person has violated or is violating any
 492 provision of this code, or upon the written complaint signed by
 493 any interested person indicating that any such violation may
 494 exist:

495 (1) The department shall conduct such investigation as it
 496 deems necessary of the accounts, records, documents, and
 497 transactions pertaining to or affecting the insurance affairs of
 498 any ~~general agent, surplus lines agent,~~ adjuster, ~~managing~~
 499 ~~general agent, insurance agent,~~ insurance agency, customer
 500 representative, service representative, or other person subject

501 to its jurisdiction, subject to the requirements of s. 626.601.

502 Section 10. Subsection (2) of section 624.34, Florida
 503 Statutes, is amended to read:

504 624.34 Authority of Department of Law Enforcement to
 505 accept fingerprints of, and exchange criminal history records
 506 with respect to, certain persons.—

507 (2) The Department of Law Enforcement may accept
 508 fingerprints of individuals who apply for a license as an agent,
 509 customer representative, adjuster, service representative, or
 510 navigator, ~~or managing general agent~~ or the fingerprints of the
 511 majority owner, sole proprietor, partners, officers, and
 512 directors of a corporation or other legal entity that applies
 513 for licensure with the department or office under the Florida
 514 Insurance Code.

515 Section 11. Section 624.4073, Florida Statutes, is amended
 516 to read:

517 624.4073 Officers and directors of insolvent insurers.—Any
 518 person who was an officer or director of an insurer doing
 519 business in this state and who served in that capacity within
 520 the 2-year period before ~~prior to~~ the date the insurer became
 521 insolvent, for any insolvency that occurs on or after July 1,
 522 2002, may not thereafter serve as an officer or director of an
 523 insurer authorized in this state or have direct or indirect
 524 control over the selection or appointment of an officer or
 525 director through contract, trust, or by operation of law, unless

526 the officer or director demonstrates that his or her personal
527 actions or omissions were not a significant contributing cause
528 to the insolvency.

529 Section 12. Subsection (1) of section 624.4094, Florida
530 Statutes, is amended to read:

531 624.4094 Bail bond premiums.—

532 (1) The Legislature finds that a significant portion of
533 bail bond premiums is retained by the licensed bail bond agents
534 or appointed ~~licensed~~ managing general agents. For purposes of
535 reporting in financial statements required to be filed with the
536 office pursuant to s. 624.424, direct written premiums for bail
537 bonds by a domestic insurer in this state shall be reported net
538 of any amounts retained by licensed bail bond agents or
539 appointed ~~licensed~~ managing general agents. However, in no case
540 shall the direct written premiums for bail bonds be less than
541 6.5 percent of the total consideration received by the agent for
542 all bail bonds written by the agent. This subsection also
543 applies to any determination of compliance with s. 624.4095.

544 Section 13. Paragraph (e) of subsection (19) of section
545 624.501, Florida Statutes, is amended to read:

546 624.501 Filing, license, appointment, and miscellaneous
547 fees.—The department, commission, or office, as appropriate,
548 shall collect in advance, and persons so served shall pay to it
549 in advance, fees, licenses, and miscellaneous charges as
550 follows:

551 (19) Miscellaneous services:
 552 (e) Insurer's registration fee for agent exchanging
 553 business more than four ~~24~~ times in a calendar year under s.
 554 626.752, s. 626.793, or s. 626.837, registration fee per agent
 555 per year.....\$30.00
 556 Section 14. Subsection (1) of section 624.509, Florida
 557 Statutes, is amended to read:
 558 624.509 Premium tax; rate and computation.—
 559 (1) In addition to the license taxes provided for in this
 560 chapter, each insurer shall also annually, and on or before
 561 March 1 in each year, except as to wet marine and transportation
 562 insurance taxed under s. 624.510, pay to the Department of
 563 Revenue a tax on insurance premiums, premiums for title
 564 insurance, or assessments, including membership fees and policy
 565 fees and gross deposits received from subscribers to reciprocal
 566 or interinsurance agreements, and on annuity premiums or
 567 considerations, received during the preceding calendar year, the
 568 amounts thereof to be determined as set forth in this section,
 569 to wit:
 570 (a) An amount equal to 1.75 percent of the gross amount of
 571 such receipts on account of life and health insurance policies
 572 covering persons resident in this state and on account of all
 573 other types of policies and contracts, except annuity policies
 574 or contracts taxable under paragraph (b) and bail bond policies
 575 or contracts taxable under paragraph (c), covering property,

576 | subjects, or risks located, resident, or to be performed in this
 577 | state, omitting premiums on reinsurance accepted, and less
 578 | return premiums or assessments, but without deductions:

- 579 | 1. For reinsurance ceded to other insurers;
- 580 | 2. For moneys paid upon surrender of policies or
 581 | certificates for cash surrender value;
- 582 | 3. For discounts or refunds for direct or prompt payment
 583 | of premiums or assessments; and
- 584 | 4. On account of dividends of any nature or amount paid
 585 | and credited or allowed to holders of insurance policies;
 586 | certificates; or surety, indemnity, reciprocal, or
 587 | interinsurance contracts or agreements;

588 | (b) An amount equal to 1 percent of the gross receipts on
 589 | annuity policies or contracts paid by holders thereof in this
 590 | state; and

591 | (c) An amount equal to 1.75 percent of the direct written
 592 | premiums for bail bonds, excluding any amounts retained by
 593 | licensed bail bond agents or appointed ~~licensed~~ managing general
 594 | agents.

595 | Section 15. Section 625.071, Florida Statutes, is amended
 596 | to read:

597 | 625.071 Special reserve for bail and judicial bonds.—In
 598 | lieu of the unearned premium reserve required on surety bonds
 599 | under s. 625.051, the office may require any surety insurer or
 600 | limited surety insurer to set up and maintain a reserve on all

601 | bail bonds or other single-premium bonds without definite
 602 | expiration date, furnished in judicial proceedings, equal to the
 603 | lesser of 35 percent of the bail premiums in force or \$7 per
 604 | \$1,000 of bail liability. Such reserve shall be reported as a
 605 | liability in financial statements required to be filed with the
 606 | office. Each insurer shall file a supplementary schedule showing
 607 | bail premiums in force and bail liability and the associated
 608 | special reserve for bail and judicial bonds with financial
 609 | statements required by s. 624.424. Bail premiums in force do not
 610 | include amounts retained by licensed bail bond agents or
 611 | appointed ~~licensed~~ managing general agents, but may not be less
 612 | than 6.5 percent of the total consideration received for all
 613 | bail bonds in force.

614 | Section 16. Subsection (5) of section 626.112, Florida
 615 | Statutes, is amended to read:

616 | 626.112 License and appointment required; agents, customer
 617 | representatives, adjusters, insurance agencies, service
 618 | representatives, managing general agents.-

619 | (5) A ~~No~~ person may not ~~shall~~ be, act as, or represent or
 620 | hold himself or herself out to be a managing general agent
 621 | unless he or she then holds a currently effective producer
 622 | license and a managing general agent ~~license and~~ appointment.

623 | Section 17. Section 626.171, Florida Statutes, is amended
 624 | to read:

625 | 626.171 Application for license as an agent, customer

626 representative, adjuster, service representative, ~~managing~~
627 ~~general agent,~~ or reinsurance intermediary.-

628 (1) The department may not issue a license as agent,
629 customer representative, adjuster, service representative,
630 ~~managing general agent,~~ or reinsurance intermediary to any
631 person except upon written application filed with the
632 department, meeting the qualifications for the license applied
633 for as determined by the department, and payment in advance of
634 all applicable fees. The application must be made under the oath
635 of the applicant and be signed by the applicant. An applicant
636 may permit a third party to complete, submit, and sign an
637 application on the applicant's behalf, but is responsible for
638 ensuring that the information on the application is true and
639 correct and is accountable for any misstatements or
640 misrepresentations. The department shall accept the uniform
641 application for nonresident agent licensing. The department may
642 adopt revised versions of the uniform application by rule.

643 (2) In the application, the applicant shall set forth:

644 (a) His or her full name, age, social security number,
645 residence address, business address, mailing address, contact
646 telephone numbers, including a business telephone number, and e-
647 mail address.

648 (b) A statement indicating the method the applicant used
649 or is using to meet any required prelicensing education,
650 knowledge, experience, or instructional requirements for the

651 type of license applied for.

652 (c) Whether he or she has been refused or has voluntarily
653 surrendered or has had suspended or revoked a license to solicit
654 insurance by the department or by the supervising officials of
655 any state.

656 (d) Whether any insurer or any managing general agent
657 claims the applicant is indebted under any agency contract or
658 otherwise and, if so, the name of the claimant, the nature of
659 the claim, and the applicant's defense thereto, if any.

660 (e) Proof that the applicant meets the requirements for
661 the type of license for which he or she is applying.

662 (f) The applicant's gender (male or female).

663 (g) The applicant's native language.

664 (h) The highest level of education achieved by the
665 applicant.

666 (i) The applicant's race or ethnicity (African American,
667 white, American Indian, Asian, Hispanic, or other).

668 (j) Such other or additional information as the department
669 may deem proper to enable it to determine the character,
670 experience, ability, and other qualifications of the applicant
671 to hold himself or herself out to the public as an insurance
672 representative.

673

674 However, the application must contain a statement that an
675 applicant is not required to disclose his or her race or

676 ethnicity, gender, or native language, that he or she will not
677 be penalized for not doing so, and that the department will use
678 this information exclusively for research and statistical
679 purposes and to improve the quality and fairness of the
680 examinations.

681 (3) Each application must ~~shall~~ be accompanied by payment
682 of any applicable fee.

683 (4) An applicant for a license as an agent, customer
684 representative, adjuster, service representative, ~~managing~~
685 ~~general agent~~, or reinsurance intermediary must submit a set of
686 the individual applicant's fingerprints, or, if the applicant is
687 not an individual, a set of the fingerprints of the sole
688 proprietor, majority owner, partners, officers, and directors,
689 to the department and must pay the fingerprint processing fee
690 set forth in s. 624.501. Fingerprints must ~~shall~~ be used to
691 investigate the applicant's qualifications pursuant to s.
692 626.201. The fingerprints must ~~shall~~ be taken by a law
693 enforcement agency, designated examination center, or other
694 department-approved entity. The department shall require all
695 designated examination centers to have fingerprinting equipment
696 and to take fingerprints from any applicant or prospective
697 applicant who pays the applicable fee. The department may not
698 approve an application for licensure as an agent, customer
699 service representative, adjuster, service representative,
700 ~~managing general agent~~, or reinsurance intermediary if

701 fingerprints have not been submitted.

702 (5) The application for license filing fee prescribed in
703 s. 624.501 is not subject to refund.

704 (6) Members of the United States Armed Forces and their
705 spouses, and veterans of the United States Armed Forces who have
706 retired within 24 months before application for licensure, are
707 exempt from the application filing fee prescribed in s. 624.501.
708 Qualified individuals must provide a copy of a military
709 identification card, military dependent identification card,
710 military service record, military personnel file, veteran
711 record, discharge paper, ~~or separation document,~~ or a separation
712 document that indicates such members of the United States Armed
713 Forces are currently in good standing or were honorably
714 discharged.

715 (7) Pursuant to the federal Personal Responsibility and
716 Work Opportunity Reconciliation Act of 1996, each party is
717 required to provide his or her social security number in
718 accordance with this section. Disclosure of social security
719 numbers obtained through this requirement must ~~shall~~ be limited
720 to the purpose of administration of the Title IV-D program for
721 child support enforcement.

722 Section 18. Section 626.202, Florida Statutes, is amended
723 to read:

724 626.202 Fingerprinting requirements.—

725 (1) The requirements for completion and submission of

726 fingerprints under this chapter are deemed to be met when an
727 individual currently licensed under this chapter seeks
728 additional licensure and has previously submitted fingerprints
729 to the department within the past 48 months. However, the
730 department may require the individual to file fingerprints if it
731 has reason to believe that an applicant or licensee has been
732 found guilty of, or pleaded guilty or nolo contendere to, a
733 felony or a crime related to the business of insurance in this
734 state or any other state or jurisdiction.

735 (2) The requirements for completion and submission of
736 fingerprints under this chapter are waived for members of the
737 United States Armed Forces and veterans of the United States
738 Armed Forces who were honorably discharged within the 24-month
739 period before the date of an application for licensure. A
740 qualified individual shall provide a copy of a military
741 identification card, military service record, military personnel
742 file, veteran record, Form DD-214, NGB Form 22, or separation
743 document that indicates such member or veteran of the United
744 States Armed Forces is currently in good standing or was
745 honorably discharged.

746 (3) If there is a change in ownership or control of any
747 entity licensed under this chapter, or if a new partner,
748 officer, or director is employed or appointed, a set of
749 fingerprints of the new owner, partner, officer, or director
750 must be filed with the department or office within 30 days after

751 the change. The acquisition of 10 percent or more of the voting
752 securities of a licensed entity is considered a change of
753 ownership or control. The fingerprints must be taken by a law
754 enforcement agency or other department-approved entity and be
755 accompanied by the fingerprint processing fee in s. 624.501.

756 Section 19. Subsection (9) of section 626.207, Florida
757 Statutes, is amended to read:

758 626.207 Disqualification of applicants and licensees;
759 penalties against licensees; rulemaking authority.—

760 (9) Section 112.011 does not apply to any applicants for
761 licensure under the Florida Insurance Code, including, but not
762 limited to, agents, agencies, adjusters, adjusting firms, or
763 customer representatives, ~~or managing general agents.~~

764 Section 20. Paragraph (j) of subsection (2) of section
765 626.221, Florida Statutes, is amended to read:

766 626.221 Examination requirement; exemptions.—

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

769 (j) An applicant for license as an all-lines adjuster who
770 has the designation of Accredited Claims Adjuster (ACA) from a
771 regionally accredited postsecondary institution in this state,
772 Associate in Claims (AIC) from the Insurance Institute of
773 America, Professional Claims Adjuster (PCA) from the
774 Professional Career Institute, Professional Property Insurance
775 Adjuster (PPIA) from the HurriClaim Training Academy, Certified

776 Adjuster (CA) from ALL LINES Training, Certified Claims Adjuster
 777 (CCA) from AE21 Incorporated, Claims Adjuster Certified
 778 Professional (CACP) from WebCE, Inc., or Universal Claims
 779 Certification (UCC) from Claims and Litigation Management
 780 Alliance (CLM) whose curriculum has been approved by the
 781 department and which includes comprehensive analysis of basic
 782 property and casualty lines of insurance and testing at least
 783 equal to that of standard department testing for the all-lines
 784 adjuster license. The department shall adopt rules establishing
 785 standards for the approval of curriculum.

786 Section 21. Subsection (7) of section 626.451, Florida
 787 Statutes, is renumbered as subsection (6), and subsections (1)
 788 and (5) and present subsection (6) of that section are amended,
 789 to read:

790 626.451 Appointment of agent or other representative.—

791 (1) Each appointing entity or person designated by the
 792 department to administer the appointment process appointing an
 793 agent, adjuster, service representative, customer
 794 representative, or managing general agent in this state shall
 795 file the appointment with the department or office and, at the
 796 same time, pay the applicable appointment fee and taxes. Every
 797 appointment is ~~shall be~~ subject to the prior issuance of the
 798 appropriate agent's, adjuster's, service representative's, or
 799 customer representative's, ~~or managing general agent's~~ license.

800 ~~(5) Any law enforcement agency or state attorney's office~~

801 ~~that is aware that an agent, adjuster, service representative,~~
802 ~~customer representative, or managing general agent has pleaded~~
803 ~~guilty or nolo contendere to or has been found guilty of a~~
804 ~~felony shall notify the department or office of such fact.~~

805 (5)~~(6)~~ Upon the filing of an information or indictment
806 against an agent, adjuster, service representative, or customer
807 representative, ~~or managing general agent,~~ the state attorney
808 shall immediately furnish the department or office a certified
809 copy of the information or indictment.

810 Section 22. Section 626.521, Florida Statutes, is amended
811 to read:

812 626.521 ~~Character,~~ Credit and character reports.—

813 (1) Before appointing ~~As to each applicant who~~ for the
814 first time in this state an ~~is applying and qualifying for a~~
815 ~~license as~~ agent, adjuster, service representative, customer
816 representative, or managing general agent, the appointing
817 insurer or employer shall ~~its manager or general agent in this~~
818 ~~state, in the case of agents, or the appointing general lines~~
819 ~~agent, in the case of customer representatives, or the employer,~~
820 ~~in the case of service representatives and of adjusters who are~~
821 ~~not to be self-employed, shall coincidentally with such~~
822 ~~appointment or employment~~ secure and thereafter keep on file a
823 full detailed credit and character report ~~made by an established~~
824 ~~and reputable independent reporting service,~~ relative to the
825 individual so appointed ~~or employed.~~ This subsection does not

826 apply to licensees who self-appoint pursuant to s. 624.501.

827 (2) If requested by the department, the insurer, ~~manager,~~
828 ~~general agent, general lines agent,~~ or employer, as the case may
829 be, must ~~shall~~ furnish to the department, ~~on a form adopted and~~
830 ~~furnished by the department,~~ such information as it reasonably
831 requires relative to such individual and investigation.

832 ~~(3) As to an applicant for an adjuster's or reinsurance~~
833 ~~intermediary's license who is to be self-employed, the~~
834 ~~department may secure, at the cost of the applicant, a full~~
835 ~~detailed credit and character report made by an established and~~
836 ~~reputable independent reporting service relative to the~~
837 ~~applicant.~~

838 ~~(4) Each person who for the first time in this state is~~
839 ~~applying and qualifying for a license as a reinsurance~~
840 ~~intermediary shall file with her or his application for license~~
841 ~~a full, detailed credit and character report for the 5-year~~
842 ~~period immediately prior to the date of application for license,~~
843 ~~made by an established and reputable independent reporting~~
844 ~~service, relative to the individual if a partnership or sole~~
845 ~~proprietorship, or the officers if a corporation or other legal~~
846 ~~entity.~~

847 (3) ~~(5)~~ Information contained in credit or character
848 reports furnished to or secured by the department under this
849 section is confidential and exempt from ~~the provisions of s.~~
850 119.07(1).

851 Section 23. Paragraph (f) of subsection (1) of section
852 626.731, Florida Statutes, is amended to read:

853 626.731 Qualifications for general lines agent's license.—

854 (1) The department shall not grant or issue a license as
855 general lines agent to any individual found by it to be
856 untrustworthy or incompetent or who does not meet each of the
857 following qualifications:

858 ~~(f) The applicant is not a service representative, a~~
859 ~~managing general agent in this state, or a special agent or~~
860 ~~similar service representative of a health insurer which also~~
861 ~~transacts property, casualty, or surety insurance; except that~~
862 ~~the president, vice president, secretary, or treasurer,~~
863 ~~including a member of the board of directors, of a corporate~~
864 ~~insurer, if otherwise qualified under and meeting the~~
865 ~~requirements of this part, may be licensed and appointed as a~~
866 ~~local resident agent.~~

867 Section 24. Subsection (6) of section 626.7351, Florida
868 Statutes, is amended to read:

869 626.7351 Qualifications for customer representative's
870 license.—The department shall not grant or issue a license as
871 customer representative to any individual found by it to be
872 untrustworthy or incompetent, or who does not meet each of the
873 following qualifications:

874 (6) Upon the issuance of the license applied for, the
875 applicant is not an agent or a service representative, ~~or a~~

876 ~~managing general agent.~~

877 Section 25. Section 626.744, Florida Statutes, is amended
878 to read:

879 626.744 Service representatives, ~~managing general agents;~~
880 application for license.—The application for a license as
881 service representative must ~~or the application for a license as~~
882 ~~managing general agent shall~~ show the applicant's name,
883 residence address, name of employer, position or title, type of
884 work to be performed by the applicant in this state, and any
885 additional information which the department may reasonably
886 require.

887 Section 26. Section 626.745, Florida Statutes, is amended
888 to read:

889 626.745 Service representatives, managing general agents;
890 managers; activities.—Individuals employed by insurers or their
891 managers, general agents, or representatives as service
892 representatives, and as managing general agents employed for the
893 purpose of or engaged in assisting agents in negotiating and
894 effecting contracts of insurance, shall engage in such
895 activities ~~when, and~~ only when licensed as or, accompanied by a
896 general lines ~~an~~ agent duly licensed and appointed ~~as a resident~~
897 ~~licensee and appointee~~ under this code.

898 Section 27. Subsection (11) of section 626.7451, Florida
899 Statutes, is amended to read:

900 626.7451 Managing general agents; required contract

901 provisions.—No person acting in the capacity of a managing
 902 general agent shall place business with an insurer unless there
 903 is in force a written contract between the parties which sets
 904 forth the responsibility for a particular function, specifies
 905 the division of responsibilities, and contains the following
 906 minimum provisions:

907 (11) An appointed ~~A licensed~~ managing general agent, when
 908 placing business with an insurer under this code, may charge a
 909 per-policy fee not to exceed \$25. ~~In no instance shall~~ The
 910 aggregate of per-policy fees for a placement of business
 911 authorized under this section, when combined with any other per-
 912 policy fee charged by the insurer, may not result in per-policy
 913 fees that ~~which~~ exceed the aggregate amount of \$25. The per-
 914 policy fee must ~~shall~~ be a component of the insurer's rate
 915 filing and must ~~shall~~ be fully earned.

916
 917 For the purposes of this section and ss. 626.7453 and 626.7454,
 918 the term "controlling person" or "controlling" has the meaning
 919 set forth in s. 625.012(5)(b)1., and the term "controlled
 920 person" or "controlled" has the meaning set forth in s.
 921 625.012(5)(b)2.

922 Section 28. Subsection (1) of section 626.7455, Florida
 923 Statutes, is amended to read:

924 626.7455 Managing general agent; responsibility of
 925 insurer.—

926 (1) An insurer may not ~~No insurer shall~~ enter into an
 927 agreement with any person to manage the business written in this
 928 state by the general lines agents appointed by the insurer or
 929 appointed by the managing general agent on behalf of the insurer
 930 unless the person is properly licensed as an agent and appointed
 931 as a managing general agent in this state. An insurer is ~~shall~~
 932 ~~be~~ responsible for the acts of its managing general agent when
 933 the agent acts within the scope of his or her authority.

934 Section 29. Paragraph (e) of subsection (3) and subsection
 935 (5) of section 626.752, Florida Statutes, are amended to read:

936 626.752 Exchange of business.—

937 (3)

938 (e) The brokering agent shall maintain an appropriate and
 939 permanent Brokering Agent's Register, which must ~~shall~~ be a
 940 permanent record of ~~bound journal in which~~ chronologically
 941 numbered transactions that are entered no later than the day in
 942 which the brokering agent's application bearing the same number
 943 is signed by the applicant. The numbers must ~~shall~~ reflect an
 944 annual aggregate through numerical sequence and be preceded by
 945 the last two digits of the current year. The initial entry must
 946 ~~shall~~ contain the number of the transaction, date, time, date of
 947 binder, date on which coverage commences, name and address of
 948 applicant, type of coverage desired, name of insurer binding the
 949 risk or to whom the application is to be submitted, and the
 950 amount of any premium collected therefor. By no later than the

951 date following policy delivery, the policy number and coverage
 952 expiration date must ~~shall~~ be added to the register.

953 (5) Within 15 days after the last day of each month, any
 954 insurer accepting business under this section shall report to
 955 the department the name, address, telephone number, and social
 956 security number of each agent from which the insurer received
 957 more than four ~~24~~ personal lines risks during the calendar year,
 958 except for risks being removed from the Citizens Property
 959 Insurance Corporation and placed with that insurer by a
 960 brokering agent. Once the insurer has reported pursuant to this
 961 subsection an agent's name to the department, additional reports
 962 on the same agent shall not be required. However, the fee set
 963 forth in s. 624.501 must ~~shall~~ be paid for the agent by the
 964 insurer for each year until the insurer notifies the department
 965 that the insurer is no longer accepting business from the agent
 966 pursuant to this section. The insurer may require that the agent
 967 reimburse the insurer for the fee.

968 Section 30. Subsection (4) of section 626.793, Florida
 969 Statutes, is amended to read:

970 626.793 Excess or rejected business.—

971 (4) Within 15 days after the last day of each month, any
 972 insurer accepting business under this section shall report to
 973 the department the name, address, telephone number, and social
 974 security number of each agent from which the insurer received
 975 more than four ~~24~~ risks during the calendar year. Once the

976 insurer has reported an agent's name to the department pursuant
977 to this subsection, additional reports on the same agent shall
978 not be required. However, the fee set forth in s. 624.501 must
979 ~~shall~~ be paid for the agent by the insurer for each year until
980 the insurer notifies the department that the insurer is no
981 longer accepting business from the agent pursuant to this
982 section. The insurer may require that the agent reimburse the
983 insurer for the fee.

984 Section 31. Subsection (5) of section 626.837, Florida
985 Statutes, is amended to read:

986 626.837 Excess or rejected business.—

987 (5) Within 15 days after the last day of each month, any
988 insurer accepting business under this section shall report to
989 the department the name, address, telephone number, and social
990 security number of each agent from which the insurer received
991 more than four ~~24~~ risks during the calendar year. Once the
992 insurer has reported pursuant to this subsection an agent's name
993 to the department, additional reports on the same agent shall
994 not be required. However, the fee set forth in s. 624.501 must
995 ~~shall~~ be paid for the agent by the insurer for each year until
996 the insurer notifies the department that the insurer is no
997 longer accepting business from the agent pursuant to this
998 section. The insurer may require that the agent reimburse the
999 insurer for the fee.

1000 Section 32. Subsection (5) of section 626.8732, Florida

1001 Statutes, is amended to read:

1002 626.8732 Nonresident public adjuster's qualifications,
1003 bond.—

1004 ~~(5) After licensure as a nonresident public adjuster, as a~~
1005 ~~condition of doing business in this state, the licensee must~~
1006 ~~annually on or before January 1, on a form prescribed by the~~
1007 ~~department, submit an affidavit certifying that the licensee is~~
1008 ~~familiar with and understands the insurance code and rules~~
1009 ~~adopted thereunder and the provisions of the contracts~~
1010 ~~negotiated or to be negotiated. Compliance with this filing~~
1011 ~~requirement is a condition precedent to the issuance,~~
1012 ~~continuation, reinstatement, or renewal of a nonresident public~~
1013 ~~adjuster's appointment.~~

1014 Section 33. Subsection (4) of section 626.8734, Florida
1015 Statutes, is amended to read:

1016 626.8734 Nonresident all-lines adjuster license
1017 qualifications.—

1018 ~~(4) As a condition of doing business in this state as a~~
1019 ~~nonresident independent adjuster, the appointee must submit an~~
1020 ~~affidavit to the department certifying that the licensee is~~
1021 ~~familiar with and understands the insurance laws and~~
1022 ~~administrative rules of this state and the provisions of the~~
1023 ~~contracts negotiated or to be negotiated. Compliance with this~~
1024 ~~filing requirement is a condition precedent to the issuance,~~
1025 ~~continuation, reinstatement, or renewal of a nonresident~~

1026 ~~independent adjuster's appointment.~~

1027 Section 34. Paragraph (h) of subsection (1) of section
1028 626.88, Florida Statutes, is amended to read:

1029 626.88 Definitions.—For the purposes of this part, the
1030 term:

1031 (1) "Administrator" is any person who directly or
1032 indirectly solicits or effects coverage of, collects charges or
1033 premiums from, or adjusts or settles claims on residents of this
1034 state in connection with authorized commercial self-insurance
1035 funds or with insured or self-insured programs which provide
1036 life or health insurance coverage or coverage of any other
1037 expenses described in s. 624.33(1) or any person who, through a
1038 health care risk contract as defined in s. 641.234 with an
1039 insurer or health maintenance organization, provides billing and
1040 collection services to health insurers and health maintenance
1041 organizations on behalf of health care providers, other than any
1042 of the following persons:

1043 (h) A person appointed ~~licensed~~ as a managing general
1044 agent in this state, whose activities are limited exclusively to
1045 the scope of activities conveyed under such appointment ~~license~~.

1046
1047 A person who provides billing and collection services to health
1048 insurers and health maintenance organizations on behalf of
1049 health care providers shall comply with the provisions of ss.
1050 627.6131, 641.3155, and 641.51(4).

1051 Section 35. Subsection (2) of section 626.927, Florida
 1052 Statutes, is amended to read:

1053 626.927 Licensing of surplus lines agent.—

1054 (2) Any individual, while licensed as and ~~appointed as a~~
 1055 ~~managing general agent as defined in s. 626.015, or service~~
 1056 ~~representative as defined in s. 626.015, and who otherwise~~
 1057 ~~possesses all of the other qualifications of a general lines~~
 1058 ~~agent under this code, and who has a minimum of 1 year of year's~~
 1059 ~~experience working for a licensed surplus lines agent or who has~~
 1060 ~~successfully completed 60 class hours in surplus and excess~~
 1061 ~~lines in a course approved by the department, may, upon taking~~
 1062 ~~and successfully passing a written examination as to surplus~~
 1063 ~~lines, as given by the department, be licensed as a surplus~~
 1064 ~~lines agent solely for the purpose of placing with surplus lines~~
 1065 ~~insurers property, marine, casualty, or surety coverages~~
 1066 ~~originated by general lines agents; except that no examination~~
 1067 ~~as for a general lines agent's license shall be required of any~~
 1068 ~~managing general agent or service representative who held a~~
 1069 ~~Florida surplus lines agent's license as of January 1, 1959.~~

1070 Section 36. Subsection (3) of section 626.930, Florida
 1071 Statutes, is amended to read:

1072 626.930 Records of surplus lines agent.—

1073 (3) Each surplus lines agent shall maintain all surplus
 1074 lines business records in his or her general lines agency
 1075 office, ~~if licensed as a general lines agent, or in his or her~~

1076 managing general agency office, ~~if licensed as a managing~~
 1077 ~~general agent or the full-time salaried employee of such general~~
 1078 ~~agent.~~

1079 Section 37. Subsection (2) of section 626.9892, Florida
 1080 Statutes, is amended to read:

1081 626.9892 Anti-Fraud Reward Program; reporting of insurance
 1082 fraud.—

1083 (2) The department may pay rewards of up to \$25,000 to
 1084 persons providing information leading to the arrest and
 1085 conviction of persons committing crimes investigated by the
 1086 department arising from violations of s. 440.105, s. 624.15, s.
 1087 626.9541, s. 626.989, s. 790.164, s. 790.165, s. 790.166, s.
 1088 806.01, s. 806.031, s. 806.10, s. 806.111, s. 817.233, or s.
 1089 817.234.

1090 Section 38. Subsection (3) of section 633.302, Florida
 1091 Statutes, is amended to read:

1092 633.302 Florida Fire Safety Board; membership; duties;
 1093 meetings; officers; quorum; compensation; seal.—

1094 (3) The State Fire Marshal's term on the board, or that of
 1095 her or his designee, shall coincide with the State Fire
 1096 Marshal's term of office. ~~Of the other six members of the board,~~
 1097 ~~one member shall be appointed for a term of 1 year, one member~~
 1098 ~~for a term of 2 years, two members for terms of 3 years, and two~~
 1099 ~~members for terms of 4 years.~~ All terms are for 4 years and
 1100 expire on June 30 of the last year of the term. When the term of

1101 a member expires, the State Fire Marshal shall appoint a member
 1102 to fill the vacancy for a term of 4 years. The State Fire
 1103 Marshal may remove any appointed member for cause. A vacancy in
 1104 the membership of the board for any cause must ~~shall~~ be filled
 1105 by appointment by the State Fire Marshal for the balance of the
 1106 unexpired term.

1107 Section 39. Subsection (2), paragraph (a) of subsection
 1108 (3), and paragraphs (b), (c), and (d) of subsection (4) of
 1109 section 633.304, Florida Statutes, are amended to read:

1110 633.304 Fire suppression equipment; license to install or
 1111 maintain.—

1112 (2) A person who holds a valid fire equipment dealer
 1113 license may maintain such license in an inactive status during
 1114 which time he or she may not engage in any work under the
 1115 definition of the license held. An inactive status license is
 1116 ~~shall be void after~~ 4 years after the approval date of the
 1117 inactive status application. To maintain inactive status, the
 1118 inactive licensee must submit proof of continuing education and
 1119 the inactive status fee before December 31 of each odd-numbered
 1120 year or when the license is renewed, whichever comes first. An
 1121 ~~inactive status license may not be reactivated unless the~~
 1122 ~~continuing education requirements of this chapter have been~~
 1123 ~~fulfilled.~~

1124 (3) Each individual actually performing the work of
 1125 servicing, recharging, repairing, hydrotesting, installing,

1126 testing, or inspecting fire extinguishers or preengineered
1127 systems must possess a valid and subsisting permit issued by the
1128 division. Permittees are limited as to specific type of work
1129 performed to allow work no more extensive than the class of
1130 license held by the licensee under whom the permittee is
1131 working. Permits will be issued by the division as follows:

1132 (a) Portable permit: "Portable permittee" means a person
1133 who is limited to performing work no more extensive than the
1134 employing or contractually related licensee in the servicing,
1135 recharging, repairing, installing, or inspecting all types of
1136 portable fire extinguishers.

1137
1138 Any fire equipment permittee licensed pursuant to this
1139 subsection who does not want to engage in servicing, inspecting,
1140 recharging, repairing, hydrotesting, or installing halon
1141 equipment must file an affidavit on a form provided by the
1142 division so stating. Permits will be issued by the division to
1143 show the work authorized thereunder. It is unlawful, unlicensed
1144 activity for a person or firm to falsely hold himself or herself
1145 out to perform any service, inspection, recharge, repair,
1146 hydrotest, or installation except as specifically described in
1147 the permit.

1148 (4)

1149 (b) After initial licensure, each licensee or permittee
1150 must successfully complete a course or courses of continuing

1151 education for fire equipment technicians of at least 16 hours. A
1152 license or permit may not be renewed unless the licensee or
1153 permittee produces documentation of the completion of at least
1154 16 hours of continuing education for fire equipment technicians
1155 during the biennial licensure period. A person who is both a
1156 licensee and a permittee shall ~~be required to~~ complete 16 hours
1157 of continuing education during each renewal period. Each
1158 licensee shall ensure that all permittees in his or her
1159 employment or through a contractual agreement meet their
1160 continuing education requirements. The State Fire Marshal shall
1161 adopt rules describing the continuing education requirements and
1162 shall have the authority upon reasonable belief, to audit a fire
1163 equipment dealer to determine compliance with continuing
1164 education requirements.

1165 (c) The forms of such licenses and permits and
1166 applications therefor must ~~shall~~ be prescribed by the State Fire
1167 Marshal; in addition to such other information and data as that
1168 officer determines is appropriate and required for such forms,
1169 there must ~~shall~~ be included in such forms the following
1170 matters. Each such application must be in such form as to
1171 provide that the data and other information set forth therein
1172 shall be sworn to by the applicant or, if a corporation, by an
1173 officer thereof. An application for a permit must include the
1174 name of the licensee employing, or contractually related to,
1175 such permittee, and the permit issued in pursuance of such

1176 application must also set forth the name of such licensee. A
1177 permit is valid solely for use by the holder thereof in his or
1178 her employment by, or contractual relationship with, the
1179 licensee named in the permit.

1180 (d) A license of any class may not be issued or renewed by
1181 the division and a license of any class does not remain
1182 operative unless:

1183 1. The applicant has submitted to the State Fire Marshal
1184 evidence of registration as a Florida corporation or evidence of
1185 compliance with s. 865.09.

1186 2. The State Fire Marshal or his or her designee has by
1187 inspection determined that the applicant possesses the equipment
1188 required for the class of license sought. The State Fire Marshal
1189 shall give an applicant a reasonable opportunity to correct any
1190 deficiencies discovered by inspection. To obtain such
1191 inspection, an applicant with facilities located outside this
1192 state must:

1193 a. Provide a notarized statement from a professional
1194 engineer licensed by the applicant's state of domicile
1195 certifying that the applicant possesses the equipment required
1196 for the class of license sought and that all such equipment is
1197 operable; or

1198 b. Allow the State Fire Marshal or her or his designee to
1199 inspect the facility. All costs associated with the State Fire
1200 Marshal's inspection must ~~shall~~ be paid by the applicant. The

1201 State Fire Marshal, in accordance with s. 120.54, may adopt
1202 rules to establish standards for the calculation and
1203 establishment of the amount of costs associated with any
1204 inspection conducted by the State Fire Marshal under this
1205 section. Such rules must ~~shall~~ include procedures for invoicing
1206 and receiving funds in advance of the inspection.

1207 3. The applicant has submitted to the State Fire Marshal
1208 proof of insurance providing coverage for comprehensive general
1209 liability for bodily injury and property damage, products
1210 liability, completed operations, and contractual liability. The
1211 State Fire Marshal shall adopt rules providing for the amounts
1212 of such coverage, but such amounts may not be less than \$300,000
1213 for Class A or Class D licenses, \$200,000 for Class B licenses,
1214 and \$100,000 for Class C licenses; and the total coverage for
1215 any class of license held in conjunction with a Class D license
1216 may not be less than \$300,000. The State Fire Marshal may, at
1217 any time after the issuance of a license or its renewal, require
1218 upon demand, and in no event more than 30 days after notice of
1219 such demand, the licensee to provide proof of insurance, on the
1220 insurer's ~~a form provided by the State Fire Marshal~~, containing
1221 confirmation of insurance coverage as required by this chapter.
1222 Failure, for any length of time, to provide proof of insurance
1223 coverage as required must ~~shall~~ result in the immediate
1224 suspension of the license until proof of proper insurance is
1225 provided to the State Fire Marshal. An insurer that ~~which~~

1226 provides such coverage shall notify the State Fire Marshal of
1227 any change in coverage or of any termination, cancellation, or
1228 nonrenewal of any coverage.

1229 4. The applicant applies to the State Fire Marshal,
1230 provides proof of experience, and successfully completes a
1231 prescribed training course offered by the State Fire College or
1232 an equivalent course approved by the State Fire Marshal. This
1233 subparagraph does not apply to any holder of or applicant for a
1234 permit under paragraph (g) or to a business organization or a
1235 governmental entity seeking initial licensure or renewal of an
1236 existing license solely for the purpose of inspecting,
1237 servicing, repairing, marking, recharging, and maintaining fire
1238 extinguishers used and located on the premises of and owned by
1239 such organization or entity.

1240 5. The applicant has a current retestor identification
1241 number that is appropriate for the license for which the
1242 applicant is applying and that is listed with the United States
1243 Department of Transportation.

1244 6. The applicant has passed, with a grade of at least 70
1245 percent, a written examination testing his or her knowledge of
1246 the rules and statutes governing the activities authorized by
1247 the license and demonstrating his or her knowledge and ability
1248 to perform those tasks in a competent, lawful, and safe manner.
1249 Such examination must ~~shall~~ be developed and administered by the
1250 State Fire Marshal, or his or her designee in accordance with

1251 policies and procedures of the State Fire Marshal. An applicant
1252 shall pay a nonrefundable examination fee of \$50 for each
1253 examination or reexamination scheduled. A reexamination may not
1254 be scheduled sooner than 30 days after any administration of an
1255 examination to an applicant. An applicant may not be permitted
1256 to take an examination for any level of license more than a
1257 total of four times during 1 year, regardless of the number of
1258 applications submitted. As a prerequisite to licensure of the
1259 applicant, he or she:

1260 a. Must be at least 18 years of age.

1261 b. Must have 4 years of proven experience as a fire
1262 equipment permittee at a level equal to or greater than the
1263 level of license applied for or have a combination of education
1264 and experience determined to be equivalent thereto by the State
1265 Fire Marshal. Having held a permit at the appropriate level for
1266 the required period constitutes the required experience.

1267 c. Must not have been convicted of a felony or a crime
1268 punishable by imprisonment of 1 year or more under the law of
1269 the United States or of any state thereof or under the law of
1270 any other country. "Convicted" means a finding of guilt or the
1271 acceptance of a plea of guilty or nolo contendere in any federal
1272 or state court or a court in any other country, without regard
1273 to whether a judgment of conviction has been entered by the
1274 court having jurisdiction of the case. If an applicant has been
1275 convicted of any such felony, the applicant is ~~shall be~~ excluded

1276 from licensure for a period of 4 years after expiration of
 1277 sentence or final release by the Florida Commission on Offender
 1278 Review unless the applicant, before the expiration of the 4-year
 1279 period, has received a full pardon or has had her or his civil
 1280 rights restored.

1281
 1282 This subparagraph does not apply to any holder of or applicant
 1283 for a permit under paragraph (g) or to a business organization
 1284 or a governmental entity seeking initial licensure or renewal of
 1285 an existing license solely for the purpose of inspecting,
 1286 servicing, repairing, marking, recharging, hydrotesting, and
 1287 maintaining fire extinguishers used and located on the premises
 1288 of and owned by such organization or entity.

1289 Section 40. Subsection (7) of section 633.318, Florida
 1290 Statutes, is amended to read:

1291 633.318 Certificate application and issuance; permit
 1292 issuance; examination and investigation of applicant.—

1293 (7) The State Fire Marshal may, at any time subsequent to
 1294 the issuance of the certificate or its renewal, require, upon
 1295 demand and in no event more than 30 days after notice of the
 1296 demand, the certificateholder to provide proof of insurance
 1297 coverage on the insurer's ~~a form provided by the State Fire~~
 1298 ~~Marshal~~ containing confirmation of insurance coverage as
 1299 required by this chapter. Failure to provide proof of insurance
 1300 coverage as required, for any length of time, shall result in

1301 the immediate suspension of the certificate until proof of
1302 insurance is provided to the State Fire Marshal.

1303 Section 41. Paragraph (b) of subsection (6) of section
1304 633.408, Florida Statutes, is amended to read:

1305 633.408 Firefighter and volunteer firefighter training and
1306 certification.—

1307 (6)

1308 (b) A Special Certificate of Compliance only authorizes an
1309 individual to serve as an administrative and command head of a
1310 fire service provider.

1311 1. An individual desiring to obtain a Special Certificate
1312 of Compliance may not be employed as a fire chief, fire
1313 coordinator, fire director, or fire administrator for a period
1314 of more than 1 year without obtaining certification.

1315 2. An individual desiring to obtain a Special Certificate
1316 of Compliance may not serve as a command officer or function in
1317 a position dictating incident outcomes or objectives before
1318 achieving certification.

1319 3. Retention requirements for a Special Certificate of
1320 Compliance must be similar to those provided in s. 633.414.

1321 Section 42. Subsection (1) of section 633.416, Florida
1322 Statutes, is amended, present subsections (7) and (8) of that
1323 section are renumbered as subsections (8) and (9), respectively,
1324 and a new subsection (7) is added to that section, to read:

1325 633.416 Firefighter employment and volunteer firefighter

1326 service; saving clause.—

1327 (1) A fire service provider may not employ an individual
1328 to:

1329 (a) Extinguish fires for the protection of life or
1330 property or to supervise individuals who perform such services
1331 unless the individual holds a current and valid Firefighter
1332 Certificate of Compliance; or

1333 (b) Serve as the administrative and command head of a fire
1334 service provider for a period in excess of 1 year unless the
1335 individual holds a current and valid Firefighter Certificate of
1336 Compliance or Special Certificate of Compliance pursuant to s.
1337 633.408.

1338 (7) A fire service provider may employ veterans who were
1339 honorably discharged and who received training equivalent to the
1340 requirements under this chapter. The standard of equivalency of
1341 training must be verified by the division before such an
1342 individual's employment begins. Such individual must obtain a
1343 Firefighter Certificate of Compliance within 24 months after
1344 employment.

1345 Section 43. Paragraph (e) of subsection (1) of section
1346 633.444, Florida Statutes, is amended to read:

1347 633.444 Division powers and duties; Florida State Fire
1348 College.—

1349 (1) The division, in performing its duties related to the
1350 Florida State Fire College, specified in this part, shall:

1351 ~~(c) Develop a staffing and funding formula for the Florida~~
1352 ~~State Fire College. The formula must include differential~~
1353 ~~funding levels for various types of programs, must be based on~~
1354 ~~the number of full-time equivalent students and information~~
1355 ~~obtained from scheduled attendance counts taken the first day of~~
1356 ~~each program, and must provide the basis for the legislative~~
1357 ~~budget request. As used in this section, a full-time equivalent~~
1358 ~~student is equal to a minimum of 900 hours in a technical~~
1359 ~~certificate program and 400 hours in a degree-seeking program.~~
1360 ~~The funding formula must be as prescribed pursuant to s.~~
1361 ~~1011.62, must include procedures to document daily attendance,~~
1362 ~~and must require that attendance records be retained for audit~~
1363 ~~purposes.~~

1364 Section 44. Subsection (8) of section 648.27, Florida
1365 Statutes, is amended to read:

1366 648.27 Licenses and appointments; general.—

1367 (8) ~~An application for a managing general agent's license~~
1368 ~~must be made by an insurer who proposes to employ or appoint an~~
1369 ~~individual, partnership, association, or corporation as a~~
1370 ~~managing general agent. Such application shall contain the~~
1371 ~~information required by s. 626.744, and the applicant shall pay~~
1372 ~~the same fee as a managing general agent licensed pursuant to~~
1373 ~~that section. An individual who is appointed as a managing~~
1374 ~~general agent to supervise or manage bail bond business written~~
1375 ~~in this state must also be licensed as a bail bond agent. In the~~

1376 case of an entity, at least one owner, officer, or director at
1377 each office location must be licensed as a bail bond agent.

1378 Section 45. Present subsection (6) of section 648.34,
1379 Florida Statutes, is renumbered as subsection (7), and a new
1380 subsection (6) is added to that section, to read:

1381 648.34 Bail bond agents; qualifications.—

1382 (6) The requirements for completion and submission of
1383 fingerprints under this chapter are deemed to be met when an
1384 individual currently licensed under this chapter seeks
1385 additional licensure and has previously submitted fingerprints
1386 to the department in support of an application for licensure
1387 under this chapter within the past 48 months. However, the
1388 department may require the individual to file fingerprints if it
1389 has reason to believe that an applicant or licensee has been
1390 found guilty of, or pleaded guilty or nolo contendere to, a
1391 felony or a crime related to the business of insurance in this
1392 or any other state or jurisdiction.

1393 Section 46. For the purpose of incorporating the amendment
1394 made by this act to section 626.221, Florida Statutes, in a
1395 reference thereto, paragraph (b) of subsection (1) of section
1396 626.8734, Florida Statutes, is reenacted to read:

1397 626.8734 Nonresident all-lines adjuster license
1398 qualifications.—

1399 (1) The department shall issue a license to an applicant
1400 for a nonresident all-lines adjuster license upon determining

1401 that the applicant has paid the applicable license fees required
1402 under s. 624.501 and:

1403 (b) Has passed to the satisfaction of the department a
1404 written Florida all-lines adjuster examination of the scope
1405 prescribed in s. 626.241(6); however, the requirement for the
1406 examination does not apply to:

1407 1. An applicant who is licensed as an all-lines adjuster
1408 in his or her home state if that state has entered into a
1409 reciprocal agreement with the department;

1410 2. An applicant who is licensed as a nonresident all-lines
1411 adjuster in a state other than his or her home state and a
1412 reciprocal agreement with the appropriate official of the state
1413 of licensure has been entered into with the department; or

1414 3. An applicant who holds a certification set forth in s.
1415 626.221(2)(j).

1416 Section 47. This act shall take effect July 1, 2018.