

FINAL REPORT

// 2023 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA

JUNE 2023



// FINAL REPORT

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The 2023 Legislative Session concluded May 5th with the passage of a \$117 billion budget. The budget is roughly \$5 billion more than the budget passed last Session.

The Legislative Session was unique with supermajorities in the Florida House of Representatives and Florida Senate. The Governor pushed an ambitious agenda and the Florida Legislature responded by passing his priorities. The House and Senate passed 320 general bills this Legislative Session.

Marine Industries Association of Florida had a very busy and productive Session. Marine Industries Association representatives from around the state came to Tallahassee to hear presentations on legislative issues of interest relating to boating, received an update from Florida Fish and Wildlife Conservation Commission, met with the Chief Financial Officer and numerous Senators and Representatives to discuss boating priorities. The event was very successful and included discussing current boating issues for this Session and laying the groundwork for issues for next Session.

There were several issues on our radar this year. We were very busy with livery glitch issues from a bill that passed last year, proposed language on a septic pumpout issue, boating safety changes, and anchoring issues to name a few of the proposals we worked on this Session.

A quick recap of some of the issues we worked on this Session are below. A more detailed description of these issues can be found later in the report and as always, we attach copies of the bills for your review.

Livery

First, was the Livery Glitch Fix proposal from the Livery bill that passed last year. This was a difficult issue as other groups took an interest in this language and complicated the fix for the industry. The glitch fix was a priority for NMMA and Marine Industries. NMMA chose Rep. Botana and Senator Garcia to sponsor the glitch bill as they had sponsored the original bill. The sponsors filed different versions of the bill and it became obvious they had differing views on how to fix the current law.

Long story short, MIAF assisted NMMA in the last three weeks of Session to bring the glitch fix in for a landing. This bill was a challenge on so many fronts. We heard the original bills filed were in trouble of not passing and went to work immediately to find a vehicle.

We contacted Rep Berfield as she had the only vehicle to attach the livery glitch fix language. Rep Berfield graciously allowed us to amend her bill in committee. We attached the Botana latest livery language to her bill as we thought it had been vetted since it had previously passed committee. The House Insurance bill and Senate bill were now different, and the Senate bill was on the Senate floor. The bills must be identical to pass. NMMA worked very hard with the Senate leadership and the Senate sponsor to accept the language on the Senate floor. They accepted with a simple change. The Senate bill passed and then went to the House. The House accepted the simple change and the livery language passed in Senate Bill 418.

As we were dealing with all the technical issues passing the language in an insurance bill, we were alerted there was an issue with the language. We contacted the CFO's office and worked with his office and came to terms on negotiated language to clarify livery operators were not unlicensed sellers of insurance. We scrambled again and the CFO's office allowed us to amend their bill, HB 487 by Rep Salzman, in the Senate and bounced the bill back to the House where it ultimately passed. In short, there is livery language in two bills to clean everything up.

Status-HB 487 Re: Department of Financial Services has been signed by the Governor.

Status-SB 418 Re; Insurance has been signed by the Governor.

Botana's boating safety language and the anchoring restriction language in his bill did not pass this Session. MIAF had serious issues with mandatory boating safety programs for everyone.

Septic Pumpout

MIAF had concerns with language filed for a private yacht club. HB 1103 and SB 1314 relating to Boating Restricted areas did not pass, however, the language was filed to another bill. MIAF worked closely with Senator Mayfield and negotiated language to narrow the pumpout language. MIAF is grateful to Senator Mayfield for working with us to clarify the proposed language and alleviate our concerns. The negotiated language is in House Bill 847 relating to Floating Vessel Platforms.

Status-House Bill 847 passed with negotiated language and has been approved by the Governor.

HB571/SB1062 re Storage of Firearms of Vessels did not pass this Session.

HB1385/SB1502 re Vessel Owner and Operation Requirements. This was the bill with anchoring restrictions in Miami. MIAF spoke with the House sponsor to delete the language over a four-hour anchoring limitation and a national criminal search for vessels pulled over. Ultimately these bills did not pass. The language in this bill we had concerns with was not amended on the Botana Boating Safety bill. We thank Representative Basabe for listening to our concerns and working with us.

All in all, it was a very busy but successful Legislative Session for Marine Industries Association of Florida. As we are winding down from the 2023 Session, we have already started planning for 2024 and will be busy this summer tracking rulemaking and attending meetings on boating issues as required.

What to Expect Going Forward

We track 100s of bills every Session. As you can tell, it was a very busy Session, and we only expect it to get busier. We are already being contacted about issues for next year.

MIAF is hosting a call with the Legislative Committee to go over the 2023 Legislative Session and ask chapters to bring their state issues to this call for discussion.

We are anticipating more discussions on boating safety, marine fuel tax, anchoring, interactive statewide map, on water law enforcement, boating restricted areas, etc.

Below are some dates already in the books for the upcoming Session.

Interim Committee Meetings

September 18-22, 2023

October 9-13, 2023

October 16-20, 2023

November 6-9, 2023

November 13-17, 2023

December 4-7, 2023

December 11-15

2024 Legislative Session

First Day

January 9, 2024

Budget

Below are a few of the final appropriations we were following this Session. The appropriations below were included in the Conference Report for Senate Bill 2500. The Governor has not acted on the Conference Report as of the writing of this report.

The total budget for the Fiscal Year 23-24 Appropriation Conference Report is \$117 billion. The breakdown is \$46.5 billion General Revenue and \$70.5 billion in Trust Funds.

**Budget & Tax Package
Conference Report
SB 2500
Marine Industries Association**

1804 FIXED CAPITAL OUTLAY CORAL REEF RESTORATION

FROM GENERAL REVENUE FUND 9,500,000

Funds in Specific Appropriation 1804 are provided to implement Florida's Coral Reef Restoration and Recovery (FCR3) Initiative to enter into agreements with academic and private partnerships to establish, expand, and maintain in-state propagation and grow-out facilities; develop and implement strategies and site-specific restoration plans including curriculum for a trained workforce; and reinforce and expand restoration efforts across Florida's Coral Reef.

1806 SPECIAL CATEGORIES CORAL REEF PROTECTION AND RESTORATION

FROM GENERAL REVENUE FUND 8,000,000

Funds in Specific Appropriation 1806 are provided for coral reef restoration and protection efforts.

1821 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CLEAN MARINA

FROM FEDERAL GRANTS TRUST FUND . . . 500,000

1868 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE

FROM FEDERAL GRANTS TRUST FUND . . . 4,000,000

1877 SPECIAL CATEGORIES BOAT RAMP MAINTENANCE CATEGORY

FROM FEDERAL GRANTS TRUST FUND . . . 1,279,730

FROM MARINE RESOURCES CONSERVATION TRUST FUND 67,048

FROM STATE GAME TRUST FUND 143,750

1881 SPECIAL CATEGORIES BOATING AND WATERWAYS ACTIVITIES

FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,626,025

1887 SPECIAL CATEGORIES BOATING SAFETY EDUCATION PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND 625,650

1889 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA BOATING IMPROVEMENT PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND 749,601
FROM STATE GAME TRUST FUND 1,250,000

1961 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM

FROM GENERAL REVENUE FUND 10,000,000
FROM FEDERAL GRANTS TRUST FUND . . . 300,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 300,000

From the funds in Specific Appropriation 1961, \$10,000,000 in nonrecurring funds from the General Revenue Fund is provided to the Fish and Wildlife Conservation Commission for the purpose of establishing and implementing a framework for the placement, monitoring, and maintenance of artificial habitat in Monroe County.

Tax Package
House Bill 7063
Signed by the Governor

The Florida Legislature passed an extensive tax package this year. The bill has been signed by the Governor and is law. There are several tax holidays in the new law. Below are the dates for the tax holiday for this fiscal year.

Back to School Tax Holidays

July 24-August 26, 2023

January 1-January 14, 2024

Disaster Preparedness Tax Holidays

May 27-June 9, 2023

August 26-September 8, 2023

"Freedom Summer" Tax Holiday

May 29-September 4, 2023

"Tool Time" Tax Holiday

September 2-September 8, 2023

Below you will find a few of the bills we have highlighted and their final actions.

Bills of Interest

HB 571 by Representative Hinson and SB 1602 by Senator Rouson relating to Storage of Firearms in Private Conveyances and Vessels- The House Bill has three committee references. The first committee reference is the House Criminal Justice Subcommittee. The Senate Bill also has three committee references. The first committee stop is the Senate Criminal Justice Committee. The bill requires a person to store their firearm loaded or unloaded from ordinary observation and in a locked trunk, utility or glove box or another locked container or secured device mechanism that is securely affixed to the private conveyance or vessel. This is a separate bill and is not currently part of the permitless carry bill anticipated to pass this Legislative Session.

The House Bill and Senate Bill were not heard in their first committees of reference. The bills did not pass this Session.

HB 261 by Representative Botana relating to Boating Safety and SB 728 by Senator Garcia relating to Liveries- These bills are still not identical and are comparable. These bills were originally supposed to be glitch bills to fix the livery insurance issue from last Legislative Session. MIAF was on board to fix the livery issues, but unfortunately the House Bill went further than just a glitch fix for liveries and was originally filed to make everyone boating in Florida have a boating safety card. (Currently Florida law is anyone born on or after January 1, 1988, may not operate a vessel with ten horsepower or more unless they have a state issued identification card or drivers license indication they are in possession of a boating safety card issued by the commission, an International Certificate of Competency, a boating safety card or certificate from another state or U.S. Territory, or a Canadian Pleasure Craft Operator card.) The House Bill was placed on the agenda the first week in the House Agriculture, Conservation and Resiliency Committee. The bill was amended to now state that anyone born on or after January 1, 1960, now must take the boating safety course.

As we expected, Representative Botana offered an amendment to change the date to January 1, 1978, in the House Agriculture and Natural Resources Committee the second committee of reference. The amended bill passed the House Agriculture and Natural Resources Committee as a Committee Substitute for Committee Substitute for House Bill 261 unanimously. MIAF was not ok with this amendment and preferred language requiring a moving violation in a vessel be required to take boating safety course as it addresses concerns raised about boaters on state waters.

Marine Industries Association of Florida again worked with other Marine Industries Associations to offer the sponsor alternative language respectfully requesting language requiring individuals who receive a moving violation must take the boating safety course and require FWC to post a brochure on their website.

Several MIAs and NMMA participated in a conference call with Representative Botana to discuss current boating issues including a potential amendment to his bill and future boating issues to be included in an OPPAGA study. Everyone agreed to work on language for an OPPAGA study.

As reported earlier, Representative Botana filed a comprehensive amendment encompassing many of the requests made by several MIAs on the boating safety issue. The delete all contains other provisions including an additional anchoring limitation in Biscayne Bay. The bill also contains changes to the livery language originally filed by Representative Botana

CS/CS/HB 261 passed in its last committee of reference House Infrastructure Strategies Committee on April 10th. CS/CS/CS/HB 261 passed 21-0. CS/CS/CSHB 261 passed on the House Special Order Calendar April 25th. The Senate bill is very different from the House version.

The Senate Bill passed the Senate Environmental and Natural Resources Committee meeting on March 14th without any amendments. The bill currently does not contain the boating safety language. The Senate Bill was heard in the second committee of reference, Senate Commerce Committee on March 27th and passed

unanimously with an amendment. The bill is now Committee Substitute for Senate Bill 728 and has one more committee stop before it is ready for the floor. CS/SB 728 was not heard in the Senate Rules Committee during the eighth week. The Senate bill does not contain boating safety language or anchoring language.

CS/CS/HB 261 and CS/SB 728 did not pass this Session.

MIAF, MIAPB and NMMA worked with Representative Berfield to add the livery glitch fix to her insurance bill in the House Commerce Committee last week. The language was successfully added to **House Bill 505** in the Commerce Committee. NMMA then went to work in the Senate and was successful in getting livery glitch language added to the Senate companion on the Senate floor. The livery glitch fix language is now in **Senate Bill 418** that was just signed by the Governor.

Ultimately, after lots of negotiating and scrambling, livery glitch language passed in two separate bills. The language from the Botana bill that was amended to the Insurance bills passed after bouncing. Senate Bill 418 passed the House of Representatives twice and the Senate once. The House votes were 119-0 and 110-0 and the Senate voted 39-0. The bill has been sent to the Governor for approval. As of the writing of this report, he has not acted on the bill.

The other glitch language added in the last days of the Legislative Session is House Bill 487 by Representative Salzman. The bill passed the House twice and the Senate once. The House floor votes were 75-40 and 112-0 and the Senate floor vote was 37-0. House Bill 487 has been approved by the Governor and is now Chapter Law 2023-144.

House Bill 1385 by Representative Basabe and Senate Bill 1502 by Rodriguez relating to Vessel Owner and Operation Requirements-MIAF is concerned with provisions of these bills as filed. We met with Representative Basabe and FWC to discuss our issues with the bill. We had a wonderful meeting with the Representative and his staff. We discussed our concerns with the four-hour limitation and the national criminal search components of the bill. We anticipate an amendment will be filed to the bill and eliminate these issues. The bill will still add anchoring restrictions to specific waterbodies in Miami Dade. We also suggested proviso language for more on the water law enforcement in the Miami area. House Bill 1385 has three committees of reference and has not been heard in the first committee of reference. The House Bill was not heard during the eighth week. A portion of HB 1385 adding an additional limited anchoring area to the statute in Biscayne Bay was passed in a “delete all” amendment to House Bill 261 by Representative Botana. CS/CS/CS/HB 261 passed on the House floor. The Senate companion, Senate Bill 1502 is identical to House Bill 1385. The Senate Bill also has three committees of reference. The Senate Bill is sponsored by the Chair of the Senate Environment and Natural Resources Committee, Senator Rodriguez. Senate Environment and Natural Resources is the first committee stop in the Senate. The Senate Bill passed the first committee of reference 9-0 without any amendments. The Senate Bill has two more committee stops and was temporarily passed in its second committee of reference.

The bills did not pass this Session. The anchoring language did not pass both Chambers this Session in CS/CS/CS HB 261.

House Bill 1103 by Representative Tramont and Senate Bill 1314 by Senator Wright relating to Boating Restricted Areas- The bills would add to the Boating Restricted area statute an ordinance establishing a slow speed, minimum wake boating-restricted area, if the area is within 500 feet of any private or public marina pumpout. This new language adds “private” to the statute and does not require fuel.

Both the House Bill and Senate Bill have three committees of reference. The Senate bill passed the Senate Environment and Natural Resources Committee agenda during the third week unanimously. We have offered the Senate sponsor amendment language to the bill. The Senate Bill was not scheduled to be heard in the

second committee of reference. The House passed its first committee of reference, the House Agriculture, Conservation and Resiliency Subcommittee on March 27th. We continue to work with other boating groups to offer the House and Senate sponsors amendment language to the bills. The House bill has two more committee stops.

As expected, this language was placed in a comprehensive proposed committee substitute amendment on **House Bill 847 relating to Floating Vessel Platforms**. We immediately started to work to secure amendment language to narrow the original language. We are happy to report we were able to successfully negotiate language that was acceptable to all parties. The agreed upon language passed House Bill 847 and Senate Bill 1082. We will continue to monitor this language in the Floating Vessel Platforms bill. We anticipate the Floating Vessel Platform bills to pass this Legislative Session.

CS/CS/HB 847 relating to Vessels passed on the House and Senate floor. The negotiated septic pumpout language was included in this proposed legislation. The House floor vote was 113-2 and the Senate floor vote was 39-0.

The Governor has approved this bill and the Chapter Law number is 2023-15.

SB 1640 by Senator Gruters relating to Waterway Markers-The Senate Bill does not have a linked companion bill currently. The bill has three committees of reference and was not heard the seventh week and is not scheduled on the Senate Environment and Natural Resources Committee during the eighth week. The Senate Environment and Natural Resources Committee is not scheduled to have any other committees. Simply, the bill requires all waterway markers including informational markers placed by local governments to be attached to a plastic breakaway structure or floating buoy. It bans state and local governments from affixing waterway markers to steel or wood pilings.

This proposed legislation did not pass this Session.

These are just a few of the bills we were tracking for you this Legislative Session. We have attached our entire tracking list for your convenience.

Thank you for allowing us to be your voice in Tallahassee!

A handwritten signature in blue ink, appearing to read 'Margaret Timmins', with a stylized flourish at the end.

Margaret "Missy" Timmins
President
Timmins Consulting, LLC

// BOATING SAFETY / LIVERIES

Senate Bill 728 // Sen. Garcia // Referred to: Senate Environment and Natural Resources; Senate Commerce and Tourism; Senate Rules (Current Reference)

House Bill 261 // Rep. Botana // Referred to: House Agriculture, Conservation & Resiliency Subcommittee; House Agriculture & Natural Resources Appropriations Subcommittee; House Infrastructure Strategies Committee (Current Reference)

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

Senate Bill 728: Liveries; Revising safety requirements for liveries and requiring hands-on instruction that meets specified requirements; revising insurance requirements for liveries and renters; authorizing the Fish and Wildlife Conservation Commission to enter into agreements with qualified contractors to perform compliance inspections of liveries; requiring liveries to make facilities and records available for inspection by the qualified contractors within a specified timeframe, etc. Effective Date: 7/1/2023

Most Recent Action: 05/05/2023 SENATE Died in Rules

House Bill 261: Boating Safety: Revises requirement for persons born before specified date to have certain identification & boating safety documentation in their possession while operating vessel; requires liveries to provide hands-on instruction that meets specified requirements; provides exemption from certain safety requirements if renters or lessees hire professional captain; removes requirement that livery obtain & carry insurance that also insures renters & lessees. Effective Date: July 1, 2023

Most Recent Action: 05/05/2023 SENATE Died in Rules

// STORAGE OF FIREARMS IN PRIVATE CONVEYANCES AND VESSELS

Senate Bill 1602 // Sen. Rouson // Referred to: Senate Criminal Justice (Current Reference); Senate Appropriations Committee on Criminal and Civil Justice; Senate Fiscal Policy

House Bill 571 // Rep. Hinson // Referred to: House Criminal Justice Subcommittee (Current Reference); House Local Administration, Federal Affairs & Special Districts Subcommittee; House Judiciary Committee

RELATIONSHIP: *SIMILAR*

Senate Bill 1602: Storage of Firearms in Private Conveyances and Vessels; Prohibiting the

storage of firearms in unoccupied private conveyances and vessels unless done in a specified manner; providing definitions; requiring local law enforcement agencies to engage in a certain promotional campaign, etc. Effective Date: 7/1/2023

Most Recent Action: 05/05/2023 SENATE Died in Criminal Justice

House Bill 571: Storage of Firearms in Private Conveyances and Vessels: Prohibits storage of firearms in unoccupied private conveyances & vessels unless done in specified manner; requires law enforcement agencies to engage in promotional campaign; directs counties to adopt specified ordinances concerning parental responsibility for gun thefts from conveyances & vessels by their minor children. Effective Date: July 1, 2023

Most Recent Action: 05/05/2023 HOUSE Died in Criminal Justice Subcommittee

// VESSEL OWNER AND OPERATION REQUIREMENTS

Senate Bill 1502 // Sen. Rodriguez // Referred to: Senate Environment and Natural Resources; Senate Appropriations Committee on Agriculture, Environment, and General Government (Current Reference); Senate Fiscal Policy

House Bill 1385 // Rep. Basabe // Referred to: House Agriculture, Conservation & Resiliency Subcommittee (Current Reference); House Agriculture & Natural Resources Appropriations Subcommittee; House Infrastructure Strategies Committee

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

Senate Bill 1502: Vessel Owner and Operation Requirements; Revising anchoring limitation areas in certain sections of Biscayne Bay in Miami-Dade County; revising the timeframe during which a person may anchor a vessel in an anchoring limitation area within which such anchoring would otherwise be unlawful; requiring law enforcement officers to conduct national criminal background checks for vessel owners who are issued citations for specified violations, etc. Effective Date: 7/1/2023

Most Recent Action: 05/05/2023 SENATE Died in Appropriations Committee on Agriculture, Environment, and General Government

House Bill 1385: Vessel Owner and Operation Requirements: Revises anchoring limitation areas in certain sections of Biscayne Bay in Miami-Dade County; revises timeframe during which person may anchor vessel in anchoring limitation area within which such anchoring

would otherwise be unlawful; requires law enforcement officers to conduct national criminal background checks for vessel owners who are issued citations for specified violations. Effective Date: July 1, 2023

Most Recent Action: 05/05/2023 HOUSE Died in Agriculture, Conservation & Resiliency Subcommittee

// BOATING-RESTRICTED AREAS

Senate Bill 1314 // Sen. Wright // Referred to: Environment and Natural Resources; Community Affairs (Current Reference); Rules

House Bill 1103 // Rep. Tramont // Referred to: House Agriculture, Conservation & Resiliency Subcommittee; House Local Administration, Federal Affairs & Special Districts Subcommittee (Current Reference); House Infrastructure Strategies Committee

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

Senate Bill 1314: Authorizes counties & municipalities to establish within certain portions of Florida Intracoastal Waterway slow speed, minimum wake boating-restricted areas within specified distance from private or public marina pumpouts. Effective Date: July 1, 2023

Most Recent Action: 05/05/2023 SENATE Died in Community Affairs

House Bill 1103: Boating-restricted Areas: Authorizes counties & municipalities to establish within certain portions of Florida Intracoastal Waterway slow speed, minimum wake boating-restricted areas within specified distance from private or public marina pumpouts. Effective Date: July 1, 2023

Most Recent Action: 05/05/2023 HOUSE Died in Local Administration, Federal Affairs & Special Districts Subcommittee

// FLOATING VESSEL PLATFORMS AND FLOATING BOAT LIFTS

Senate Bill 1082 // Sen. DiCeglie // Referred to: Environment and Natural Resources; Community Affairs; Rules (Current Reference)

House Bill 847 // Rep. Stark // Referred to: House Water Quality, Supply & Treatment Subcommittee; House Infrastructure Strategies Committee (Current Reference)HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

Senate Bill 1082: Removing a provision authorizing local governments to require permitting for certain floating vessel platforms; revising conditions under which local governments may require one-time registrations of floating vessel platforms, etc. Effective Date: 7/1/2023

Most Recent Action: 05/02/2023 SENATE Read Second Time; Substituted for HB 0847; Laid on Table, Refer to HB 0847

House Bill 847: Floating Vessel Platforms and Floating Boat Lifts: Removes provision authorizing local governments to require permitting for certain floating vessel platforms; revises conditions under which local governments may require one-time registrations of floating vessel platforms. Effective Date: July 1, 2023

Most Recent Action: 05/16/2023 Signed by Officers and presented to Governor (Governor must act on this bill by 05/31/23); 05/25/2023 Approved by Governor; Chapter No. 2023-151

// INSTALLATION OF WATERWAY MARKERS

Senate Bill 1640 // Sen. Gruters // Referred to: Senate Environment and Natural Resources (Current Reference); Senate Appropriations Committee on Agriculture, Environment, and General Government; Senate Fiscal Policy

Senate Bill 1640: Installation of Waterway Markers; Revising the application requirements for marking certain waters of this state; requiring all waterway markers to be affixed to certain structures or buoys beginning on a specified date; requiring state and local governmental entities to conform to such requirements by a specified date, etc. Effective Date: 7/1/2023

Most Recent Action: 05/05/2023 SENATE Died in Environment and Natural Resources

ENROLLED

CS/CS/HB 487, Engrossed 2

2023 Legislature

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

ENROLLED

CS/CS/HB 487, Engrossed 2

2023 Legislature

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

ENROLLED

CS/CS/HB 487, Engrossed 2

2023 Legislature

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

ENROLLED

CS/CS/HB 487, Engrossed 2

2023 Legislature

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

ENROLLED

CS/CS/HB 487, Engrossed 2

2023 Legislature

an insurer or employer to appoint licensees under certain circumstances relating to the acceptance of excess or rejected insurance business; amending s. 626.8411, F.S.; providing that certain notice requirements do not apply to title insurance agents or title insurance agencies; amending s. 626.8437, F.S.; adding grounds for compulsory disciplinary actions taken by the department against a title insurance agent or agency; amending s. 626.844, F.S.; adding grounds for discretionary disciplinary actions taken by the department against a title insurance agent or agency; amending s. 626.8473, F.S.; revising requirements for engaging in the business as an escrow agent in connection with real estate closing transactions; amending s. 626.854, F.S.; revising applicability of a prohibited act relating to public insurance adjusters; amending s. 626.874, F.S.; revising eligibility requirements for the department's issuance of licenses to catastrophe or emergency adjusters; revising grounds on which the department may deny such license; amending s. 626.9892, F.S.; revising a condition and adding violations for which the department may pay rewards under the Anti-Fraud Reward Program; amending s. 626.9957, F.S.; providing for the expiration of a health coverage navigator's

ENROLLED

CS/CS/HB 487, Engrossed 2

2023 Legislature

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

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

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support organization; specifying the purpose of and requirements for the organization; specifying requirements for the organization's written contract and board of directors; providing requirements for the use of property, annual budgets and reports, an annual audit, and the division's receipt of proceeds; authorizing moneys received to be held in a depository account; providing for future repeal; amending s. 634.181, F.S.; adding grounds for compulsory disciplinary actions by the department against motor vehicle service agreement salespersons; requiring the department to immediately temporarily suspend a license or appointment under certain circumstances; prohibiting a person from transacting insurance business after such suspension; authorizing the department to adopt rules; amending s. 634.191, F.S.; revising grounds for discretionary disciplinary actions by the department against motor vehicle service agreement salespersons; requiring salespersons to submit certain documents to the department; authorizing the department to adopt rules; amending s. 634.320, F.S.; revising grounds for compulsory disciplinary actions by the department against home warranty association sales representatives; requiring the department to immediately temporarily suspend a

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

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F.S.; authorizing certain actions by the department or the Office of Insurance Regulation relating to certain confidential records relating to bail bond agents; amending s. 648.27, F.S.; deleting a provision relating to the continuance of a temporary bail bond agent license; amending s. 648.285, F.S.; revising requirements, conditions, and procedures for a bail bond agency license; providing applicability; conforming a provision to changes made by the act; amending s. 648.30, F.S.; revising requirements and conditions for the licensure and appointment as a bail bond agent or bail bond agency; conforming a provision to changes made by the act; amending s. 648.31, F.S.; specifying that there is no fee for the issuance of any appointment to a bail bond agency; conforming a provision to changes made by the act; amending s. 648.34, F.S.; revising qualifications for a bail bond agent license; conforming a provision to changes made by the act; amending s. 648.355, F.S.; deleting provisions relating to temporary licenses as a limited surety agent or professional bail bond agent; specifying requirements for an individual licensed as a temporary bail bond agent to qualify for bail bond agent license; prohibiting the department from issuing a temporary bail bond agent license beginning on a

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specified date; providing construction relating to existing temporary licenses; amending s. 648.382, F.S.; revising requirements for the appointment of bail bond agents or bail bond agencies; conforming a provision to changes made by the act; amending s. 648.386, F.S.; defining the term "classroom instruction"; revising requirements for approval and certification as an approved limited surety agent and professional bail bond agent continuing education school; amending s. 648.387, F.S.; renaming primary bail bond agents as bail bond agents in charge; revising the department's disciplinary authority; revising prohibited actions and the applicability of such prohibitions; providing for the automatic expiration of a bail bond agency license under certain circumstances; creating s. 648.3875, F.S.; providing requirements for applying for designation as a bail bond agent in charge; amending s. 648.39, F.S.; revising applicability of provisions relating to termination of appointments of certain agents and agencies; repealing s. 648.41, F.S., relating to termination of appointment of temporary bail bond agents; amending s. 648.42, F.S.; conforming a provision to changes made by the act; making a technical change; amending s. 648.44, F.S.; revising

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applicability of prohibited acts; revising and specifying prohibited acts of bail bond agents and bail bond agencies; conforming provisions to changes made by the act; amending s. 648.441, F.S.; revising applicability of a prohibition against furnishing supplies to an unlicensed bail bond agent; amending s. 648.46, F.S.; authorizing certain actions by the department or the office relating to certain confidential records relating to bail bond agents; amending s. 648.50, F.S.; revising applicability of provisions relating to disciplinary actions taken by the department; conforming provisions to changes made by the act; amending s. 717.135, F.S.; revising a requirement for, and a prohibition on, claimants' representatives relating to unclaimed property recovery agreements and purchase agreements; providing construction; amending s. 843.021, F.S.; revising a defense to an unlawful possession of a concealed handcuff key; amending ss. 631.152, 631.398, and 903.09, F.S.; conforming cross-references; ratifying specified rules of the Florida Administrative Code relating to "Florida Workers' Compensation Health Care Provider Reimbursement Manual," "Health Care Provider Medical Billing and Reporting Responsibilities," and "Insurer Authorization and Medical Bill Review

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Responsibilities"; providing construction; providing effective dates.

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

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;

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

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

330 4. The Bureau of Insurance Fraud; and

331 5. The Bureau of Workers' Compensation Fraud.

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

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

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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.~~

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(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 state plan, and upon contract or agreement with an eligible government employee,

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

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

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

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

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

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

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

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

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426 university system.

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

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

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

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

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

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

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

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

Section 4. 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

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

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

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

485 (9) EXPERT MEDICAL ADVISORS.—

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

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

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

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

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

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

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

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

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

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

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

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

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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)~~(e)~~ 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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726 memorandum in the minutes.

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

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

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

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

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

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

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merchandise or service in the future.

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

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

624.1265 Nonprofit religious organization exemption; authority; notice.—

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

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

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

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776 common set of ethical or religious beliefs;

777 (c) Acts as a facilitator among participants who have
778 financial, physical, or medical needs to assist those with
779 financial, physical, or medical needs in accordance with
780 criteria established by the nonprofit religious organization;

781 (d) Provides for the financial or medical needs of a
782 participant through contributions from other participants, or
783 through payments directly from one participant to another
784 participant;

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

787 1. Among the participants; or

788 2. By the nonprofit religious organization to the
789 participants;

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

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

799 (h) Does not market or sell health plans through agents
800 licensed by the department under chapter 626.

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Section 9. 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 10. 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 11. Subsection (4) of section 626.171, Florida Statutes, is amended to read:

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

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

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

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

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(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 13. 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.

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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 14. 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

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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 15. 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

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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 16. 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

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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 (c).~~ 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

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

980 (e) Credit insurance.—License covering credit life, credit
981 disability, credit property, credit unemployment, involuntary
982 unemployment, mortgage life, mortgage guaranty, mortgage
983 disability, guaranteed automobile protection (GAP) insurance,
984 and any other form of insurance offered in connection with an
985 extension of credit which is limited to partially or wholly
986 extinguishing a credit obligation that the department determines
987 should be designated a form of limited line credit insurance.

988 Effective October 1, 2012, all valid licenses held by persons
989 for any of the lines of insurance listed in this paragraph shall
990 be converted to a credit insurance license. ~~Licensees who wish~~
991 ~~to obtain a new license reflecting such change must request a~~
992 ~~duplicate license and pay a \$5 fee as specified in s.~~

993 ~~624.501(15).~~ The license may be issued only to an individual
994 employed by a life or health insurer as an officer or other
995 salaried or commissioned representative, to an individual
996 employed by or associated with a lending or financial
997 institution or creditor, or to a lending or financial
998 institution or creditor, and may authorize the sale of such
999 insurance only with respect to borrowers or debtors of such
1000 lending or financing institution or creditor. However, only the

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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 17. 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,

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

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

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

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

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

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

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

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

1065 (1) Solicit insurance or procure applications therefor;

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

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

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

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

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

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

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

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

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

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

626.7492 Reinsurance intermediaries.—

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

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

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

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management of a separate division, department, or underwriting office, and acts as a representative ~~an agent~~ for the reinsurer whether known as a reinsurance intermediary manager, manager, or 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:

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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

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

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

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

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

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

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

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

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

1214 626.752 Exchange of business.—

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

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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 under 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. 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 23. Subsection (4) of section 626.793, Florida

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1251 Statutes, is amended to read:

1252 626.793 Excess or rejected business.—

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

1270 Section 24. Subsection (5) of section 626.837, Florida
1271 Statutes, is amended to read:

1272 626.837 Excess or rejected business.—

1273 (5) Within 15 days after the last day of each month, any
1274 insurer accepting business under this section shall report to
1275 the department the name, address, telephone number, and social

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

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

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

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

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

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

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1301 (8) and subsection (13) are added to that section, to read:

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

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

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

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

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

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

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

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

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

1347 626.8473 Escrow; trust fund.—

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

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

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

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

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

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1376 | accepted.

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

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

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

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

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

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(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 29. 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 and appointed 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

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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 30. 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~~

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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 31. 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.

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

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

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

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

1491 627.351 Insurance risk apportionment plans.—

1492 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

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

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

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

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

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minutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1634 627.745 Mediation of claims.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1726 violation.

1727
1728 The department may adopt rules to administer this subsection.

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

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

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

1740 (c) Selection of mediators.

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

1742 (e) Right to legal counsel.

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

1745 ~~(a) Is fair.~~

1746 ~~(b) Promotes settlement.~~

1747 ~~(c) Avoids delay.~~

1748 ~~(d) Is nonadversarial.~~

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

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

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

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

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

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

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

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

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

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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 39. 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.

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

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

1814 631.56 Board of directors.—

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

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

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

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

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

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

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

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

1869 631.716 Board of directors.—

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

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persons, appointed by the department, who have experience in life and annuity or accident and health insurance as determined by the Chief Financial Officer. These directors are deemed to be within the scope of the exemption provided in s. 112.313(7)(b). 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

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

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

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

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

1922 631.816 Board of directors.—

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

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

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

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

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

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

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

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

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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. These appointments are deemed to be within the scope of the exemption provided in s. 112.313(7)(b). 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

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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.

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

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

2031 633.1423 State Fire Marshal direct-support organization.—

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

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

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

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

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

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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,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 48. 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.

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

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

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

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

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2351 section.

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

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

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

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

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

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(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

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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

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2426 national securities, commodities, or options association.

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

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

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

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

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

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

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

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

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

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

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

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~~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 52. 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

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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

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2526 promised therefor money or other things of value.

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

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

2547 648.26 Department of Financial Services; administration.—

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

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

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

2568 648.27 Licenses and appointments; general.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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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

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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 56. 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 57. 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

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

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

2681 648.34 Bail bond agents; qualifications.—

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

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

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

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2701 or she is in good standing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 or agency 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~~

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

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

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

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

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

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

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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 62. 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

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

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

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

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

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department ends his or her affiliation with the bail bond agency for any reason and if 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 63. 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 64. Section 648.39, Florida Statutes, is amended

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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 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.

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

3052 Section 66. Section 648.42, Florida Statutes, is amended
3053 to read:

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

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

3075 648.44 Prohibitions; penalty.—

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

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

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

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

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

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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

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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 the bail bond agency is a named party on the judgment, 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

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3151 purpose of executing a bond.

3152 (2) The following persons or classes may ~~shall~~ not be bail
3153 bond agents, ~~temporary bail bond agents~~, or employees of a bail
3154 bond agent or a bail bond agency business and may ~~shall~~ not
3155 directly or indirectly receive any benefits from the execution
3156 of any bail bond:

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

3158 (b) Police officers or employees of any police department
3159 or law enforcement agency.

3160 (c) Committing trial court judges, employees of a court,
3161 or employees of the clerk of any court.

3162 (d) Sheriffs and deputy sheriffs or employees of any
3163 sheriff's department.

3164 (e) Attorneys.

3165 (f) Persons having the power to arrest or persons who have
3166 authority over or control of federal, state, county, or
3167 municipal prisoners.

3168 (8)

3169 (c) Any law enforcement agency, state attorney's office,
3170 court clerk, or insurer that is aware that a bail bond agent ~~or~~
3171 ~~temporary bail bond agent~~ has been convicted of or who has
3172 pleaded guilty or no contest to a crime as described in
3173 paragraph (a) shall notify the department of this fact.

3174 (d) Upon the filing of an information or indictment
3175 against a bail bond agent ~~or temporary bail bond agent~~, the

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

Section 68. 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 69. 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

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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 70. 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

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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 71. Subsections (4) and (6) of section 717.135, Florida Statutes, are 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 entering into an agreement

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

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

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

3268 843.021 Unlawful possession of a concealed handcuff key.—

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

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

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

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

Section 73. 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 74. 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

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

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

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

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

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

3323 903.09 Justification of sureties.—

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

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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 76. (1) The following rules are 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; Rule 69L-7.730, Florida Administrative Code, titled "Health Care Provider Medical Billing and Reporting Responsibilities" as filed for adoption with the Department of State pursuant to the certification package dated April 6, 2023; and Rule 69L-7.740, Florida Administrative Code, titled "Insurer Authorization and Medical Bill Review Responsibilities" as filed for adoption with the Department of State pursuant to the certification package dated April 6, 2023.

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

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

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

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

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 487 Department of Financial Services

SPONSOR(S): Commerce Committee and Insurance & Banking Subcommittee, Salzman

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/CS/SB 1158

FINAL HOUSE FLOOR ACTION: 112 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/CS/HB 487 passed the House, as amended, on April 26, 2023. The bill was amended in the Senate on April 28, 2023, and returned to the House. The House concurred in the Senate amendments and subsequently passed the bill, as amended, on May 3, 2023.

The Chief Financial Officer (CFO) is an elected member of the Cabinet, serves as the state's chief fiscal officer, and is designated as the State Fire Marshal. The CFO is the head of the Department of Financial Services (DFS). Changes made by the bill include:

- Providing that county agencies, municipalities, and special districts must have adequate controls over tangible property.
- Changing the frequency of a required hurricane-related report by DFS from annual to triennial.
- Requiring insurers to bear certain costs and make certain elections prior to mediation of claims;
- Authorizing the suspension of agent appointments by insurers for non-payment of costs;
- Revising various requirements applicable to the DFS property insurance claims mediation program;
- Reducing certain administrative obligations of title agents and agencies; changing certain continuing education requirements; reducing barriers to licensing;
- Expanding the circumstances when DFS can suspend, revoke, or refuse to renew or continue the licenses and the types of criminal offenses that can disqualify an insurance agent licensee;
- Allowing reciprocal non-resident licenses in certain circumstances;
- Eliminating temporary bail bond licenses and creating a means to convert to regular bail bond agent licenses; specifying the qualifications of a primary bail bond agent;
- Converting bail bond agency registration to licensure;
- Improving processing of insolvent insurer estates;
- Authorizing a State Fire Marshal direct support organization, which is repealed in five years, unless saved by subsequent legislative action;
- Allowing any governmental employee to participate in the Deferred Compensation Plan;
- Ratifying the 2020 Workers' Compensation Health Care Provider Reimbursement Manual; eliminating the need for future Reimbursement Manual ratifications;
- Ratifying the workers' compensation "Health Care Provider Medical Billing and Reporting Responsibilities" rule and the "Insurer Authorization and Medical Bill Review Responsibilities" rule;
- Creating term limits, ethical requirements, and other improvements to specified Boards; authorizing the CFO to remove Board members in certain circumstances;
- Exempting travel-related transportation protection agreements for the preparation and return of human remains from regulation as a preneed funeral contract or insurance.
- Prohibiting certain practices in the issuance of collateral protection insurance;
- Increasing the reserve requirement for warranty associations;

The bill has an insignificant fiscal impact on state government revenues and expenditures and no impact on local government. It has indeterminate impacts on the private sector.

The bill was approved by the Governor on May 25, 2023, ch. 2023-144, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

ORGANIZATION OF THE DEPARTMENT OF FINANCIAL SERVICES

The Chief Financial Officer (CFO) is an elected member of the Cabinet, serves as the state's chief fiscal officer,¹ and is designated as the State Fire Marshal. The CFO is the head of the Department of Financial Services (DFS). Effective January 2003, the Department of Insurance, Treasury, State Fire Marshal, and the Department of Banking and Finance merged to form DFS. DFS consists of 13 divisions and several specialized offices.² DFS is composed of the following divisions and independent office:

- Accounting and Auditing;
- Consumer Services;
- Funeral, Cemetery, and Consumer Services;
- Insurance Agent and Agency Services;
- Investigative and Forensic Services;³
- Public Assistance Fraud;
- Rehabilitation and Liquidation;
- Risk Management;
- State Fire Marshal;
- Treasury;
- Unclaimed Property;
- Workers' Compensation;
- Administration; and the
- Office of Insurance Consumer Advocate.

Division of Accounting and Auditing

The mission of the Division of Accounting and Auditing is to safeguard public assets, settle the state's financial obligations, report financial information, and improve accountability of the state.⁴ The Division includes the Bureau of Unclaimed Property and the Office of Fiscal Integrity. It is also empowered by statute to "examine, audit, adjust, and settle the accounts of all the officers of this state, and any other person in anywise entrusted with, or who may have received any property, funds, or moneys of this state, or who may be in anywise indebted or accountable to this state for any property, funds, or moneys, and require such officer or persons to render full accounts thereof, and to yield up such property or funds according to law, or pay such moneys into the treasury of this state, or to such officer or agent of the state as may be appointed to receive the same, and on failure so to do, to cause to be instituted and prosecuted proceedings, criminal or civil, at law or in equity, against such persons, according to law."⁵ In executing this power, the Division has the authority to conduct investigations, as necessary inside and outside of the state, and refer any suspected criminal conduct to the appropriate law enforcement and prosecutorial agency.

Every state and local government entity provides its financial information to DFS annually, so DFS can prepare annual financial statements for the state of Florida and provide an online clearinghouse for the

¹ Art. IV, s. 4, Fla. Const.

² S. 20.121, F.S.

³ This division includes the Bureau of Forensic Services; Bureau of Fire, Arson, and Explosives Investigations; Office of Fiscal Integrity; Bureau of Insurance Fraud; and Bureau of Workers' Compensation Fraud.

⁴ FLORIDA DEPARTMENT OF FINANCIAL SERVICES, *Accounting & Auditing*, <http://www.myfloridacfo.com/Division/AA/> (last visited Mar. 19, 2023).

⁵ S. 17.04, F.S.

financial statements of every county, municipality, and special district in Florida. The Florida Open Financial Statement System is open to public inspection.⁶

Effect of the Bill

The bill makes the following changes within the purview of the Division of Accounting and Auditing:

- Adds county agencies, municipalities, and special districts⁷ to those public entities that must have adequate controls over tangible property.

Division of Consumer Services

The Division of Consumer Services deals with consumer issues and complaints related to the jurisdiction of DFS and the Office of Insurance Regulation (OIR). The Division:

- Receives inquiries and complaints from consumers;
- Prepares and disseminates information as DFS deems appropriate to inform or assist consumers;
- Provides direct assistance and advocacy for consumers; and
- Reports potential violations of law or applicable rules by a person or entity licensed by DFS or OIR to the appropriate division within DFS or OIR, as appropriate.⁸

Effect of the Bill

The bill:

- Mandates that a property insurer either make a claim determination or elect to repair under applicable law prior to participating in mediation allowed by statute.
- Allows DFS to suspend an insurer's ability to appoint agents to represent the insurer if the insurer does not pay required mediation fees timely.
- Removes a requirement that DFS adopt rules governing qualifications, denials of application, suspension, revocation of approval, and penalties applicable to mediators related to DFS property insurance claim mediation program.
- Provides that mediation costs must be reasonable, that the insurer bears all such costs, but requires the policyholder must pay the costs of rescheduling mediations in certain circumstances. If an insurer representative attends a mediation, but lacks authority to settle the claim, the insurer is deemed to have not appeared, in which case the insurer must pay the insured's actual costs of attendance and the cost of rescheduling the mediation, including DFS' costs. If the per-mediation-event administrative fee is not paid timely, the mediation administrator may request that DFS suspend the insurer's ability to appoint agents to represent the insurer.
- Removes mediation-related tolling of time to file a lawsuit on the disputed claim.
- Deletes a requirement that the policy include details on requirements for filing of first-party claims mediation.
- Repeals mediation program requirements, including:
 - That the mediation must be a formal process;
 - Mediators be randomly selected, with options and process to handle rejections of the selected mediator; and,
 - Equal sharing of costs.

⁶ S. 218.32(1)(h), F.S.

⁷ As defined in s. 189.12, F.S.

⁸ S. 20.121(2)(h), F.S.

Division of Insurance Agent and Agency Services

The DFS Division of Insurance Agent and Agency Services is responsible for the licensing and regulation of insurance agents, adjusters, insurance agencies, as well as related personnel and business entities.⁹

No person may be, act as, or advertise, or hold himself/herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by DFS and appointed by an appropriate appointing entity or person.¹⁰ There are several types of insurance representatives. These include:

- General lines agents,
- Life insurance agents,
- Health insurance agents,
- Title insurance agents,
- Personal lines agents, and
- Unaffiliated insurance agents.¹¹

General Lines Agent

A general lines agent¹² is one who sells the following lines of insurance: property;¹³ casualty,¹⁴ including commercial liability insurance underwritten by a risk retention group, a commercial self-insurance fund,¹⁵ or a workers' compensation self-insurance fund;¹⁶ surety;¹⁷ health;¹⁸ and, marine.¹⁹ The general lines agent may only transact health insurance for an insurer that the general lines agent also represents for property and casualty insurance. If the general lines agent wishes to represent health insurers that are not also property and casualty insurers, they must be licensed as a health insurance agent.²⁰

Title Agents and Agencies

Title insurance insures owners of real property (owner's policy) or others having an interest in real property, as well as lenders (mortgagee policies) against loss by encumbrance, defective title, invalidity, or adverse claim to title. It is a policy issued by a title insurer that, after evaluating a search of title, insures against a number of covered risks, including title defects or liens that are not identified as exceptions. In Florida, title insurers operate on a monoline basis, meaning that the insurer can only transact title insurance and cannot transact any other type of insurance.²¹

Bail Bond Agents

Currently, a person may not act as a bail bond agent or temporary bail bond agent unless qualified, licensed, and appointed.²² A person also may not represent himself or herself to be a bail enforcement

⁹ Ch. 626, parts I, II, III, IV, V, VI, VIII, IX, and XIII, F.S.

¹⁰ S. 626.112, F.S.

¹¹ S. 626.015, F.S.

¹² S. 626.015(5), F.S.

¹³ S. 624.604, F.S.

¹⁴ S. 624.605, F.S.

¹⁵ As defined in s. 624.462, F.S.

¹⁶ Pursuant to s. 624.4621, F.S.

¹⁷ S. 626.606, F.S.

¹⁸ Ss. 624.603 and 627.6482, F.S.

¹⁹ S. 624.607, F.S.

²⁰ S. 626.829, F.S.

²¹ S. 627.786, F.S.

²² S. 648.30(1), F.S.

agent, bounty hunter, or other similar title, and a person, other than a certified law enforcement officer, may not apprehend, detain, or arrest a principal on a bond unless qualified, licensed, and appointed.²³

Effect of the Bill

The bill makes the following changes related to agents and agencies:

Generally –

- Removes the requirement that applicants be fingerprinted at a designated examination center; but, retains the remaining fingerprinting options that include a law enforcement agency or other DFS-approved entity.
- Relieves title insurance, life insurance, and annuity insurance agents and agencies from the requirement that they notice all active policyholders of an office closure that is more than 30 days because the related policies are not continually serviced by the agent or agency.
- Clarifies that a licensee that possesses an advanced degree beyond a Bachelor's degree is eligible for a reduced continuing education requirement; six hours every two years, rather than 20 hours every two years, or other variations thereof depending on experience and credential.
- Removes a prohibition on licensees holding a limited license in motor vehicle damage and mechanical breakdown insurance, industrial fire insurance, burglary insurance, or credit insurance from holding multiple licenses.
- Expands the type of criminal background that allows DFS to suspend, revoke, or refuse to renew or continue the license or appointment of a licensee to include a misdemeanor related to the financial services business, this is in addition to any felony or crime punishable by one year or more in prison.
- Allows DFS to suspend, revoke, or refuse to renew or continue the license or appointment of a licensee who has lost their resident license in another state.
- Permits DFS to suspend, revoke, or refuse to renew or continue the license or appointment of a title agent or agency that:
 - Misappropriates, converts, or unlawfully withholds funds related to an escrow agreement, real estate sales contract, or settlement of a real estate transaction; or
 - Is the subject of an adverse action against a license or similar credential in another state, a court of competent jurisdiction, or federal agency, or similar.
- Reduces a reinsurance intermediary credential from a license to an appointment and removes the \$50 application and license fee for a reinsurance intermediary; such intermediaries are otherwise licensed as another type of insurance licensee.
- Allows DFS to cancel an insurer's ability to appoint agents when an insurer fails to timely pay the exchange of business fee that the insurer is beholden to pay for the agent and applicable to reported agent production activity.
- For the purposes of title agents and agencies, changes the authority to act as an escrow agent from the title agent to the title agency and removes the obligation to invest the escrow funds consistent with the requirements applicable to state investment of funds.
- Broadens the qualifying continuing education courses that public adjusters may take from those specially designed for public adjusters to any related to commercial and residential property and casualty coverage, claim adjusting, and any other adjuster courses approved by DFS.
- Allows DFS to deny the privileges of a temporary adjuster who has been lawfully appointed during a catastrophe or emergency for any violation described in Ch. 626, F.S., rather than only those in ss. 626.611 and 626.621, F.S.
- Provides for expiration of a health insurance navigator's registration if the navigator's fails to maintain a valid, active federal registration.
- Creates a limited insurance license to allow already licensed preneed funeral sales agents to be appointed to represent the preneed insurer.

²³ S. 648.30(2) and (3), F.S.

Bail Bonds –

- Eliminates the “temporary bail bond agent” license type; ends issuance of such licenses as of January 1, 2024; and expires all such licenses as of June 30, 2025.
- Removes authority to grant temporary licensure to the surviving spouse of a licensee to facilitate transfer or wrap-up of the deceased’s bail bond operations.
- Allows DFS to share complaint and investigatory information with other qualified law enforcement or regulatory agencies.
- Converts bail bond agency registration to licensure; requires all commensurate filings and actions consistent with such licensure and other similar types of licensure.
- Clarifies that bail bond agents and agencies must have insurer appointments to conduct business.
- Requires bail bond agencies to pay a fee; however, the referenced statute does not specify such fee, the bill does not amend that statute to create the fee, and there is no associated fee bill to create the fee.
- Allows required classroom instruction to be conducted in in-person and virtual formats consistent with the format allowed for other lines.
- Establishes qualifications for designation as the primary bail bond agent of an agency, which includes 24 months of experience as a bail bond agent immediately preceding the appointment.
- Allows permissible in-jail advertising to include an email address and web address.
- Prohibits all in-person or telephone contacts by bail bond agents or agencies between 9:00 pm and 8:00 am, rather than just those related to domestic violence cases.
- Requires appointing insurers to certify that appointees have signed a specified sworn statement regarding owed premiums, discharges, and forfeitures.
- Expires a bail bond agency’s license by operation of law upon failure to file the designation of a new agent in charge with DFS following separation of the previous designee.

Division of Rehabilitation and Liquidation

Part I of ch. 631, F.S., relates to insurer insolvency and governs the receivership process for insurance companies in Florida. Federal law specifies that insurance companies cannot file for bankruptcy.²⁴ Instead, they are either “rehabilitated” or “liquidated” by the state. In Florida, the Division of Rehabilitation and Liquidation of DFS is responsible for rehabilitating or liquidating insurance companies.²⁵ This process involves the initiation of a delinquency proceeding and the placement of an insurer under the control of DFS as the Receiver. The typical causes of insurer insolvency include undercapitalization, uncollectible or inflated assets, insufficient loss reserves for risks assumed, fraudulent transactions, failure to monitor agents, and mismanagement by directors and/or officers.²⁶

Upon a determination by OIR that one or more grounds exist for the initiation of delinquency proceedings and that such proceedings must be initiated, OIR must notify DFS of such determination and must provide DFS with all necessary documentation and evidence.²⁷ DFS subsequently initiates delinquency proceedings by either applying to the appropriate court for an order directing such an insurer to show cause why the proceedings should not be initiated or petitioning the court for the entry of a consent order.²⁸

²⁴ The Bankruptcy Code expressly provides that “a domestic insurance company” may not be the subject of a federal bankruptcy proceeding. 11 U.S.C. § 109(b)(2). The exclusion of insurers from the federal bankruptcy court process is consistent with federal policy generally allowing states to regulate the business of insurance. See 15 U.S.C. § 1012 (McCarran-Ferguson Act).

²⁵ Typically, insurers are put into liquidation when the company is insolvent whereas insurers are put into rehabilitation for numerous reasons, one of which is an unsound financial condition. The goal of rehabilitation is to return the insurer to a sound financial condition. The goal of liquidation, however, is to dissolve the insurer. See s. 631.051, F.S., for the grounds for rehabilitation and s. 631.061, F.S., for the grounds for liquidation.

²⁶ Department of Financial Services, Agency Analysis of 2017 House Bill 837, p.2 (Feb. 20, 2017).

²⁷ S. 631.031, F.S.

²⁸ *Id.*

Effect of the Bill

The bill:

- Authorizes DFS as the Receiver to transfer estate property to a solvent insurer and share records with a prospective assuming insurer to extent necessary to conduct due diligence in the possible transfer of obligations.
- Permits the Receivership Court to set a date requested by the Receiver for policy cancellation as an earlier alternative to dates currently specified in statute.

Division of State Fire Marshal

Chapter 633, F.S., Fire Prevention and Control, designates the CFO as the State Fire Marshal (SFM). The SFM, through the Division of the State Fire Marshal within DFS, is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety.²⁹ The SFM also has the responsibility to minimize the loss of life and property due to fire.³⁰ Pursuant to this authority, the SFM regulates, trains, and certifies fire service personnel and firesafety inspectors; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; and operates the Florida State Fire College.

The State Fire Marshal has two bureaus:

- The Bureau of Fire Prevention conducts safety inspections and reviews construction plans for all state-owned buildings, regulates fireworks and the fire sprinkler industry, inspects and licenses boilers, and certifies persons working in the fire suppression industry; and
- The Bureau of Firefighter Standards and Training approves curricula and training at the Florida State Fire College and certifies that fire service members meet industry standards. Persons may be certified as a volunteer firefighter, firefighter, or administrator of a fire service provider (*i.e.* fire chief, fire coordinator, fire director, or fire administrator).³¹

Effect of the Bill

The bill authorizes the Division of State Fire Marshal to create a direct support organization to be known as the “State Fire Marshal Safety and Training Force” to support the safety and training of firefighters and recognize exemplary service.

Division of Treasury

The CFO, with approval of the State Board of Administration, is required to establish a deferred compensation plan for state employees under the “Government Employees’ Deferred Compensation Act.” A deferred compensation plan is a retirement savings plan that allows eligible employees to supplement any existing retirement and pension benefits by saving and investing before-tax dollars through a tax-deferred voluntary salary contribution. The Deferred Compensation Plan is open to employees of state agencies, State University System, State Board of Administration, and other special district employers (subject to employer election). These various constituencies are delineated in statute and represented by a member of the Deferred Compensation Advisory Council. The Deferred Compensation Plan has been in operation for over 35 years and offers a reasonably priced supplemental retirement savings program.

²⁹ S. 633.104 F.S.

³⁰ *Id.*

³¹ Department of Financial Services, Division of State Fire Marshal, *What We Do*, <https://myfloridacfo.com/Division/SFM/> (last visited Mar. 19, 2023).

Effect of the Bill

The bill:

- Allows a governmental employee of any governmental unit of the state to participate in the Deferred Compensation Plan.
- Expands the membership of the Deferred Compensation Advisory Council from seven members to eight members. The additional member will be an executive branch appointee made by the Chancellor of the Florida College System who must be an employee of the system.

Division of Workers' Compensation

Florida's Workers' Compensation Law³² requires employers to provide injured employees all medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require.³³ The Department of Financial Services, Division of Workers' Compensation (DWC), provides regulatory oversight of Florida's workers' compensation system, including the workers' compensation health care delivery system. The law specifies certain reimbursement formulas and methodologies to compensate workers' compensation health care providers³⁴ that provide medical services to injured employees. Where a reimbursement amount or methodology is not specifically included in statute, the Three-Member Panel is authorized to annually adopt statewide schedules of maximum reimbursement allowances (MRAs) to provide uniform fee schedules for the reimbursement of various medical services.³⁵ DFS incorporates the MRAs approved by the Three-Member Panel in reimbursement manuals³⁶ through the rulemaking process provided by the Administrative Procedures Act.³⁷

Medical Services

DWC is responsible for ensuring that employers provide medically necessary treatment, care, and attendance for injured workers. Healthcare providers must receive authorization from the insurer before providing treatment and submit treatment reports to the insurer. Insurers must reimburse healthcare providers based on statewide schedules of maximum reimbursement allowances developed by the DWC or an agreed-upon contract price. DWC mediates utilization and reimbursement disputes.³⁸

In 1980, the Legislature delegated authority over maximum reimbursement allowances to a Three-Member-Panel which consists of the Insurance Commissioner (as a representative of the Chief Financial Officer) and two others appointed by the Governor and subject to confirmation by the Senate. Section 440.13(12)(a), F.S., states: "Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs."

The Medical Services Section within the DWC provides administrative support to the panel, which is statutorily charged with collecting data to evaluate the adequacy of the fee schedule, surveying healthcare providers to determine the availability and accessibility of healthcare, and surveying carriers to determine the impact of changes to the reimbursement schedule.³⁹ According to DWC, medical costs represent 67 percent of all workers' compensation costs in Florida.

³² Ch. 440, F.S.

³³ S. 440.13(2)(a), F.S.

³⁴ The term "health care provider" includes a physician or any recognized practitioner licensed to provide skilled services pursuant to a prescription or under the supervision or direction of a physician. It also includes any hospital licensed under chapter 395 and any health care institution licensed under chapter 400 or chapter 429. S. 440.13(1)(g), F.S.

³⁵ S. 440.13(12), F.S.

³⁶ Ss. 440.13(12) and (13), F.S., and Ch. 69L-7, F.A.C.

³⁷ Ch. 120, F.S.

³⁸ S. 440.13, F.S.

³⁹ S. 440.13(12)(e), F.S.

Maximum reimbursements approved by the Three-Member Panel must be based on the following statutory requirements:

- For inpatient treatment, hospitals must be reimbursed 75 percent of the usual and customary charges;⁴⁰
- For schedule surgeries, hospitals must be reimbursed 60 percent of the charges;⁴¹
- For physicians, reimbursement is 110 percent of the reimbursement allowed by Medicare for an office visit and 140 percent of the reimbursement allowed by Medicare for a surgical procedure.⁴²
- For prescription medications, reimbursement is the wholesale price plus a \$4.18 dispensing fee; but for repackaged or relabeled prescription medications, reimbursement is 112.5 percent of the average wholesale price plus an \$8 dispensing fee.⁴³

Healthcare providers cannot recover fees that are higher than those outlined in the schedule. This applies to treatment, care, and attendance provided by any hospital or other healthcare provider, ambulatory surgical center, work-hardening program, or pain program.⁴⁴ Florida courts have enforced fee schedule limits against healthcare providers who sought higher fees for their services.⁴⁵

The law requires reimbursement to medical providers at either the agreed-upon contract price or the maximum reimbursement allowed in the appropriate schedule.

The Three-Member Panel adopts the schedules as an independent entity, but DWC relies on the schedules when rendering determinations in reimbursement disputes between healthcare providers and insurance carriers,⁴⁶ and when adopting fee schedules for services rendered by medical providers.⁴⁷ As a result, DWC adopts the maximum reimbursement schedules through rulemaking, and, when the cost of a schedule exceeds \$1 million in the aggregate within a five-year period, the adopted rule is subject to legislative ratification.

The Administrative Procedures Act requires a statement of regulatory cost that includes an economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or
3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.⁴⁸

The law provides three exemptions to the ratification requirement. Legislative ratification does not apply to triennial updates of the Florida Building Code and Florida Fire Prevention Code, which are expressly

⁴⁰ S. 440.13(12)(a), F.S.

⁴¹ S. 440.13(12)(b), F.S.

⁴² *Id.*

⁴³ S. 440.13(12)(c), F.S.

⁴⁴ S. 440.13(12)(d), F.S.

⁴⁵ [*Sun Bank/South Florida, N.A. v. Baker*, 632 So. 2d 669 \(Fla. 4th DCA 1994\)](#), cause dismissed, [*639 So. 2d 982 \(Fla. 1994\)*](#); citing, *Easter Elevator Co. v. Hedman*, 290 So. 2d 56, 58 (Fla. 1974).

⁴⁶ S. 440.13(7), F.S.

⁴⁷ S. 440.13(13), F.S.

⁴⁸ S. 120.541(2)(a), F.S.

authorized by statute, or when a state agency adopts federal standards or rules that are needed to receive federal funds or other benefits under federal law.⁴⁹

The Legislature ratified the 2016 manual for healthcare providers, which increased the overall cost of the workers' compensation system by 1.8 percent, or \$64 million.⁵⁰

The Legislature declined to ratify reimbursement manuals for:

- Ambulatory surgical centers – the 2016 manual proposed an increase of 0.6 percent or \$22 million; the 2017 manual proposed an increase of 1.1 percent or \$40 million.⁵¹
- Healthcare providers – the 2017 manual proposed an increase of 0.1 percent, or \$4 million.⁵²
- Hospitals – the 2016 and 2017 manuals proposed increases of 2.2 percent, or \$80 million.⁵³

On October 22, 2020, DFS filed a rule adopting the 2020 Health Care Reimbursement Manual approved by the Three-Member Panel setting a revised uniform schedule of MRAs for physicians and other recognized practitioners.⁵⁴ According to the National Council on Compensation Insurance, the revisions to MRAs in the 2020 Edition will result in increased costs to the overall compensation system of \$8 million over the next five years, as of November 16, 2020.⁵⁵

Effect of the Bill

The bill:

- Ratifies Rule 69L-7.020, F.A.C., allowing the rule to go into effect. The Rule incorporates by reference the 2020 Edition of the Manual, which provides for reimbursement of health care providers under the increased MRAs approved by the Three-Member Panel. The National Council on Compensation Insurance estimates that this will produce a 0.2 percent increase in workers' compensation rates, as of November 16, 2020. This increase would likely be incorporated into the next annual rate filing for OIR approval, to become effective January 1, 2024, which could be an overall increase or decrease in total rate, after considering the entirety of the annual rate filing.
- Removes the authority of the Three-Member Panel to adopt maximum reimbursement allowances for individually licensed health care providers, work-hardening programs, pain programs, and durable medical equipment providers. Rather, it requires DFS to post the maximum reimbursement allowance for physician and non-hospital reimbursements on its website by July 1st each year, to become effective the following January 1st. This seeks to remove the health care provider reimbursements from rulemaking and the applicable legislative rule ratification requirement for rules that increase private sector costs by more than \$1 million in the aggregate over five years.⁵⁶

⁴⁹ S. 120.541(4), F.S.

⁵⁰ Three Member Panel, 2019 Biennial Report, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjgNuTnun9AhWlr4QIHYLrBecQFn_oECA8QAQ&url=https%3A%2F%2Fwww.myfloridacfo.com%2Fdocs-sf%2Fworkers-compensation-libraries%2Fworkers-comp-documents%2Freports%2Fthree-member-panel%2F2019-biennial-report.pdf%3Fsfvrsn%3Db3c08839_4&usg=AOvVaw20P1pPOhVMVyfoJ2TFEMvc , at 18 (last visited Mar. 19, 2023).

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Email from Austin Stowers, Legislative Affairs Director, Department of Financial Services, RE: . Department of Financial Services Rule 69L-7.020, F.A.C. (Jan. 30, 2023).

⁵⁵ The National Council on Compensation Insurance, Inc., *Analysis of Florida Medial Fee Schedule Changes Proposed to be Effective July 1, 2021* (Nov. 16, 2020).

⁵⁶ It is unclear if this provision abrogates DFS' obligation under Ch. 120, F.S., the Administrative Procedures Act, to adopt policy and interpretations of statute via rulemaking.

- Repeals the statutory incorporation of an outdated medical practice and parameters requirement.⁵⁷
- Allows a judge of compensation claims the discretion to order an expert medical examination, rather than requiring it to be ordered by the judge upon request of either the injured worker or insurance carrier during litigation.

The bill also ratifies Rule 69L-7.730, Florida Administrative Code, titled "Health Care Provider Medical Billing and Reporting Responsibilities" and Rule 69L-7.740, Florida Administrative Code, titled "Insurer Authorization and Medical Bill Review Responsibilities." These rules address authorization and reimbursement of dispensed medication to prohibit denial of reimbursement solely on the basis of the medication having been dispensed by a treating provider, rather than a pharmacy.

Miscellaneous

Effect of the Bill

The bill also makes the following changes:

Boards within the CFO's Appointment Authority:

Florida Self-Insurers Guaranty Association, Inc. (Section 8)

Florida Insurance Guaranty Association (Section 41)

Florida Life and Health Insurance Guaranty Association (Section 42)

Florida Health Maintenance Organization Consumer Assistance Plan (Section 43)

Florida Workers' Compensation Insurance Guaranty Association (Section 44)

Medical Malpractice Risk Apportionment Plan (Section 32)

- Allows the CFO to consider board appointment recommendations from persons with experience in applicable subject matter, in addition to current recommendation sources;
- Authorizes the CFO removal of board members based on misconduct, malfeasance, misfeasance, or neglect of duty;
- Clarifies that the board member's appointment and service are within an exemption to a prohibition on conflicting employment of public employees.
- Subjects board members to the code of ethics under part III of ch. 112, F.S., with specifications regarding application of the code to the board members;
- Creates gift restrictions for board members; and,
- Provides penalties for board member ethical and gift acceptance violations.

DFS, Division of Investigative and Forensic Services (DIFS)

- Allows DIFS to initiate, not just conduct, investigations and specifies that such investigations may cover any matter under the jurisdiction of the CFO, including the CFO's role as State Fire Marshal; and,
- Expands DIFS authority to refer suspected criminal violations for prosecution to include criminal violation of federal law, in addition to state law criminal violations.

Strategic Markets Research and Assessment Unit

- Repeals the unit and its required quarterly report on the state of the financial services industry in the state.⁵⁸

Insurance Field Representatives (Agents)

- Corrects the name of a referenced association to reflect their current name.

⁵⁷ S. 440.13(14), F.S., requires workers' compensation medical practice parameters and protocols to adhere to the United States Agency for Healthcare Research and Quality practice parameters and protocols in effect on January 1, 2003.

⁵⁸ DFS asserts that this report is duplicative and out of date. Department of Financial Services, Agency Bill Analysis HB 487, p. 3 (Feb. 15, 2023).

- Prohibits insurance agents from selling nonprofit religious organization health coverage that is exempt from the Florida Insurance Code.⁵⁹

Continuing Education Requirements

- Authorizes the Professional in Claims (PIC) designation from 2021 Training, LLC, to be accepted for a permitted exemption from examination.

Insurance Fraud

- Removes the requirement that a conviction be obtained to qualify for a reward under the Anti-Fraud Reward Program. A tip that leads to an arrest will be eligible for the reward.

Property Insurance Claim Mediation

- Limits claim eligibility until an insurer has either made a claim determination or elected to repair the property.
- Authorizes DFS to contract with an administrator to oversee sinkhole-related alternative dispute resolution provided by law.
- Allows mediation of issues involving litigants referred by a county court or circuit court.

Service Warranty Contracts

- Exempts service warranty sales representatives from the requirements of the home solicitation sales law.

Unclaimed Property Recovery Contracts

- Clarifies provisions limiting recovery agreements or contracts.

Livery Vessel Rental

- Permits a livery vessel owner to facilitate a renter's purchase of insurance to cover the rental period without obtaining an insurance agent license and being appointed to represent an insurer. However, the livery operator may not advise or inform the prospective renter of specific coverage provisions, exclusions, or limitations, and the signed acknowledgement must identify the licensed insurer or agent that transacted the livery's insurance policy. Also, all compensation for such insurance must be remitted to the insurer or agent.

Behavioral Health Coverage Notice

- Limits which insurers must post a required notice to insureds related to behavioral health benefits. Only insurers providing behavioral health coverage will need to post the notice, rather than all health insurers.

Regulation of Preneed Funeral Contracts

- Creates an express exemption to make clear that travel-related transportation protection agreement for the preparation and return of human remains is not a preneed funeral contract. It also provides that such agreements are not subject to the Florida Insurance Code.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill eliminates the reinsurance intermediary application filing and license fee. The bill will result in an insignificant reduction in revenues. The chart below shows total revenues collected for the last four fiscal years.

⁵⁹ Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S., constitute the "Florida Insurance Code." S. 624.01, F.S.

	FY 19-20	FY 20-21	FY 21-22	FY 22-23 (partial)
TOTAL ⁶⁰	\$ 1,250.00	\$ 1,100.00	\$ 2,050.00	\$ 750.00

2. Expenditures:

The bill makes numerous changes that will require systems and process changes in DFS. However, the fiscal impact is anticipated to be insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires warranty associations to have a reserve of \$100 million, instead of \$10 million. The bill requires motor vehicle insurers bear the entire cost of mediation. It makes various other changes that have an indeterminate, negative fiscal impact.

D. FISCAL COMMENTS:

None.

⁶⁰ Email from Teri Madsen, Director of the Office of Finance and Budget, Department of Financial Services, FW: Reinsurance.xls (Apr. 06, 2023).

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1
2 An act relating to insurance; amending s. 327.54,
3 F.S.; revising requirements relating to insurance for
4 liveries that lease or rent or offer to lease or rent
5 livery vessels; amending s. 624.4621, F.S.; specifying
6 a qualification for a local governmental entity's
7 representative on a self-insurer's governing body;
8 amending s. 627.062, F.S.; authorizing residential
9 property insurance rate filings to use a specified
10 modeling indication; amending s. 627.0628, F.S.;
11 revising membership requirements for specified members
12 of the Florida Commission on Hurricane Loss Projection
13 Methodology; amending s. 627.0629, F.S.; authorizing
14 insurers to file with the Office of Insurance
15 Regulation personal lines residential property
16 insurance rating plans providing rate differentials
17 based on certain windstorm mitigation construction
18 standards; providing requirements for such plans;
19 amending s. 627.0665, F.S.; revising the timeframe for
20 advance notices from insurers to insureds of automatic
21 bank withdrawal increases; specifying the increase
22 threshold for such notices; amending s. 627.421, F.S.;
23 revising the types of documents and kinds of insurance
24 for which electronic transmission constitutes delivery
25 to the insured or person entitled to delivery;
26 deleting a requirement to include a certain notice to
27 an insured electing to receive policy documents
28 electronically; deleting a requirement to provide a
29 paper copy of the policy upon request by such person;

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amending s. 627.701, F.S.; revising and specifying alternative hurricane deductible amounts for personal lines residential property insurance policies covering risks with specified dwelling limits; amending s. 627.712, F.S.; providing that a policyholder's written exclusion from residential windstorm coverage or contents coverage may be typed rather than handwritten; amending s. 627.7276, F.S.; revising the requirements for the notice of limited coverage under certain automobile policies; amending s. 634.041, F.S.; specifying the manner in which a contractual liability insurance policy of a service agreement company may pay claims; providing an effective date.

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

Section 1. Subsection (7) of section 327.54, Florida Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

(7) A livery may not lease or rent or offer to lease or rent any livery vessel unless the livery: first

(a) Obtains and carries in full force and effect a policy from a licensed insurance carrier in this state which insures the livery ~~and the renter~~ against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the livery vessel. The insurance policy must provide coverage of at least \$500,000 per person and \$1 million per event. The livery shall have proof of such insurance available for inspection at the location where livery vessels

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are being leased or rented, or offered for lease or rent, and shall provide to each renter the insurance carrier's name and address and the insurance policy number; and

(b) Either:

1. Obtains and carries in full force and effect a policy from a licensed insurance carrier in this state which insures the renter in the same manner and amounts of the policy obtained by the livery under paragraph (a) and provides to each renter the insurance carrier's name and address and the insurance policy number; or

2. Presents the renter with the opportunity to purchase coverage which insures the renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the livery vessel of at least \$500,000 per person and \$1 million per event. If a renter chooses not to purchase the coverage, the livery must obtain a signed acknowledgement from the renter which includes an attestation as to whether the renter has a Florida boating safety identification card issued by the commission, a temporary certificate, or another form of boating certification authorized pursuant to s. 327.395, and that includes the following statement:

I UNDERSTAND THAT I AM REFUSING TO PURCHASE A VESSEL RENTAL INSURANCE POLICY FOR COVERAGE OF AT LEAST \$500,000 PER PERSON AND \$1 MILLION PER EVENT FOR ANY DAMAGE OR INJURIES CAUSED DIRECTLY OR INDIRECTLY BY MY OPERATION OF THE VESSEL.

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88 THE VESSEL RENTAL INSURANCE POLICY COVERAGE IS BEING
89 OFFERED TO ME AT THE FOLLOWING PRICE: [INSERT BINDABLE
90 PRICE HERE OF INSURANCE BEING DECLINED].

91
92 I UNDERSTAND THAT I MAY NOT HAVE OTHER INSURANCE TO
93 COVER ANY DAMAGE OR INJURIES CAUSED DIRECTLY OR
94 INDIRECTLY BY MY OPERATION OF THE VESSEL AND THAT I
95 MAY BE PERSONALLY LIABLE FOR ANY SUCH DAMAGE OR
96 INJURIES DURING THE RENTAL PERIOD.

97
98 This subsection does not apply to human-powered vessels.

99 Section 2. Subsection (12) is added to section 624.4621,
100 Florida Statutes, to read:

101 624.4621 Group self-insurance funds.—

102 (12) For any local governmental entity that is a member of
103 a self-insurer established under this section, only an elected
104 official of the local governmental entity may be the local
105 governmental entity's representative on the self-insurer's
106 governing body.

107 Section 3. Paragraph (j) of subsection (2) of section
108 627.062, Florida Statutes, is amended to read:

109 627.062 Rate standards.—

110 (2) As to all such classes of insurance:

111 (j) With respect to residential property insurance rate
112 filings, the rate filing:

113 1. Must account for mitigation measures undertaken by
114 policyholders to reduce hurricane losses.

115 2. May use a modeling indication that is the weighted or
116 straight average of two or more hurricane loss projection models

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found by the Florida Commission on Hurricane Loss Projection
Methodology to be accurate or reliable pursuant to s. 627.0628.

The provisions of this subsection do not apply to workers' compensation, employer's liability insurance, and motor vehicle insurance.

Section 4. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(2) COMMISSION CREATED.—

(b) The commission shall consist of the following 12 members:

1. The insurance consumer advocate.

2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.

3. The Executive Director of the Citizens Property Insurance Corporation or the executive director's designee. The executive director's designee must be a full-time employee of the corporation and have actuarial science experience.

4. The Director of the Division of Emergency Management or the director's designee. The director's designee must be a full-time employee of the division.

5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the

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146 director of the office.

147 7. Five members appointed by the Chief Financial Officer,
148 as follows:

149 a. An actuary who is employed full time by a property and
150 casualty insurer that was responsible for at least 1 percent of
151 the aggregate statewide direct written premium for homeowner
152 insurance in the calendar year preceding the member's
153 appointment to the commission.

154 b. An expert in insurance finance who is a full-time member
155 of the faculty of the State University System and who has a
156 background in actuarial science.

157 c. An expert in statistics who is a full-time member of the
158 faculty of the State University System and who has a background
159 in insurance.

160 d. An expert in computer system design who is a full-time
161 member of the faculty of the State University System.

162 e. An expert in meteorology who is a full-time member of
163 the faculty of the State University System and who specializes
164 in hurricanes.

165 8. A licensed professional structural engineer who is a
166 full-time faculty member in the State University System and who
167 has expertise in wind mitigation techniques. This appointment
168 shall be made by the Governor.

169 Section 5. Subsection (9) is added to section 627.0629,
170 Florida Statutes, to read:

171 627.0629 Residential property insurance; rate filings.—

172 (9) An insurer may file with the office a personal lines
173 residential property insurance rating plan that provides
174 justified premium discounts, credits, or other rate

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175 differentials based on windstorm mitigation construction
176 standards developed by an independent, nonprofit scientific
177 research organization, if such standards meet the requirements
178 of this section. Such plan must describe the manner in which the
179 insurer will document the existence of the mitigation features
180 and premium discounts, credits, or other rate differentials
181 created under such plan.

182 Section 6. Section 627.0665, Florida Statutes, is amended
183 to read:

184 627.0665 Automatic bank withdrawal agreements; notification
185 required.—Any insurer licensed to issue insurance in the state
186 who has an automatic bank withdrawal agreement with an insured
187 party for the payment of insurance premiums for any type of
188 insurance shall give the named insured at least 10 ~~15~~ days
189 advance written notice of any increase in policy premiums which
190 results in the next automatic bank withdrawal being increased by
191 more than \$10. Such notice must be provided before ~~prior to~~ any
192 automatic bank withdrawal containing the ~~of an~~ increased
193 premium.

194 Section 7. Subsection (1) of section 627.421, Florida
195 Statutes, is amended to read:

196 627.421 Delivery of policy.—

197 (1) Subject to the insurer's requirement as to payment of
198 premium, every policy shall be mailed, delivered, or
199 electronically transmitted to the insured or to the person
200 entitled thereto not later than 60 days after the effectuation
201 of coverage. Notwithstanding any other provision of law, an
202 insurer may allow a policyholder of personal lines insurance to
203 affirmatively elect delivery of the policy documents, including,

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but not limited to, policies, endorsements, notices, or documents, by electronic means in lieu of delivery by mail. Electronic transmission of a policy, related notices, and other documents for individual and group health insurance policies or certificates of coverage pursuant to parts VI and VII of this chapter, respectively; health maintenance contracts or certificates of coverage pursuant to part I of chapter 641; prepaid limited health service contracts pursuant to part I of chapter 636; and ~~for~~ commercial risks, including, but not limited to, workers' compensation and employers' liability, commercial automobile liability, commercial automobile physical damage, commercial lines residential property, commercial nonresidential property, farmowners insurance, and the types of commercial lines risks set forth in s. 627.062(3)(d), constitutes delivery to the insured or to the person entitled to delivery, unless the insured or the person entitled to delivery communicates to the insurer in writing or electronically that he or she does not agree to delivery by electronic means. ~~Electronic transmission shall include a notice to the insured or to the person entitled to delivery of a policy of his or her right to receive the policy via United States mail rather than via electronic transmission. A paper copy of the policy shall be provided to the insured or to the person entitled to delivery at his or her request.~~

Section 8. Paragraph (d) of subsection (3) of section 627.701, Florida Statutes, is amended, and paragraph (a) of that subsection is republished, to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) Except as otherwise provided in this subsection,

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prior to issuing a personal lines residential property insurance policy, the insurer must offer alternative deductible amounts applicable to hurricane losses equal to \$500, 2 percent, 5 percent, and 10 percent of the policy dwelling limits, unless the specific percentage deductible is less than \$500. The written notice of the offer shall specify the hurricane deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this subsection in a form approved by the office in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

(d) For the following policies, the following alternative deductible amounts are authorized:

1. With respect to a policy covering a risk with dwelling limits of \$250,000 or more, the insurer need not offer the \$500 hurricane deductible as required by paragraph (a), but must, except as otherwise provided in this subsection, offer the other hurricane deductibles as required by paragraph (a).

2. With respect to a policy covering a risk with dwelling limits of \$1 million or more, but less than \$3 million, the insurer may, in lieu of offering the 2 percent deductible as required by paragraph (a), offer a deductible amount applicable to hurricane losses equal to 3 percent of the policy dwelling limits.

3. With respect to a policy covering a risk with dwelling limits of \$3 million or more, the insurer need not offer the 2

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percent deductible as required by paragraph (a), but must,
except as otherwise provided by this subsection, offer the other
hurricane deductibles as required by paragraph (a).

Section 9. Paragraph (a) of subsection (2) and subsection
(3) of section 627.712, Florida Statutes, are amended to read:

627.712 Residential windstorm coverage required;
availability of exclusions for windstorm or contents.—

(2) A property insurer must make available, at the option
of the policyholder, an exclusion of windstorm coverage.

(a) The coverage may be excluded only if:

1. When the policyholder is a natural person, the
policyholder personally writes or types and provides to the
insurer the following statement ~~in his or her own handwriting~~
and signs his or her name, which must also be signed by every
other named insured on the policy, and dated: "I do not want the
insurance on my (home/mobile home/condominium unit) to pay for
damage from windstorms. I will pay those costs. My insurance
will not."

2. When the policyholder is other than a natural person,
the policyholder provides to the insurer on the policyholder's
letterhead the following statement that must be signed by the
policyholder's authorized representative and dated: "... (Name of
entity)... does not want the insurance on its ...(type of
structure)... to pay for damage from windstorms. ...(Name of
entity)... will be responsible for these costs. ...(Name of
entity's)... insurance will not."

(3) An insurer issuing a residential property insurance
policy, except for a condominium unit owner policy or a tenant
policy, must make available, at the option of the policyholder,

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an exclusion of coverage for the contents. The coverage may be excluded only if the policyholder personally writes or types and provides to the insurer the following statement ~~in his or her own handwriting~~ and signs his or her signature, which must also be signed by every other named insured on the policy, and dated: "I do not want the insurance on my (home/mobile home) to pay for the costs to repair or replace any contents that are damaged. I will pay those costs. My insurance will not."

Section 10. Section 627.7276, Florida Statutes, is amended to read:

627.7276 Notice of limited coverage.—

(1) An automobile policy that does not contain coverage for bodily injury and property damage must include a notice ~~be clearly stamped or printed to the effect~~ that such coverage is not included in the policy in the following manner:

"THIS POLICY DOES NOT PROVIDE BODILY INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE OR ANY OTHER COVERAGE FOR WHICH A SPECIFIC PREMIUM CHARGE IS NOT MADE, AND DOES NOT COMPLY WITH ANY FINANCIAL RESPONSIBILITY LAW."

(2) This notice ~~legend~~ must appear on the policy declaration page ~~and on the filing back of the policy~~ and be printed in bold type ~~a contrasting color from that used on the policy and in type larger than the largest type used in the text thereof, as an overprint or by a rubber stamp impression.~~

Section 11. Paragraph (b) of subsection (8) of section 634.041, Florida Statutes, is amended to read:

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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

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349 service agreement, the issuer must make a full refund of
350 unearned premium to the consumer, subject to the cancellation
351 fee provisions of s. 634.121(3). The sales representative and
352 agent must refund to the contractual liability policy issuer
353 their unearned pro rata commission.

354 4. The policy may not be canceled, terminated, or
355 nonrenewed by the insurer or the service agreement company
356 unless a 90-day written notice thereof has been given to the
357 office by the insurer before the date of the cancellation,
358 termination, or nonrenewal.

359 5. The service agreement company must provide the office
360 with the claims statistics.

361 6. A policy issued in compliance with this paragraph may
362 either pay 100 percent of claims as they are incurred or pay 100
363 percent of claims due in the event of the failure of the service
364 agreement company to pay such claims when due.

365
366 All funds or premiums remitted to an insurer by a motor vehicle
367 service agreement company under this part shall remain in the
368 care, custody, and control of the insurer and shall be counted
369 as an asset of the insurer; provided, however, this requirement
370 does not apply when the insurer and the motor vehicle service
371 agreement company are affiliated companies and members of an
372 insurance holding company system. If the motor vehicle service
373 agreement company chooses to comply with this paragraph but also
374 maintains a reserve to pay claims, such reserve shall only be
375 considered an asset of the covered motor vehicle service
376 agreement company and may not be simultaneously counted as an
377 asset of any other entity.

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378

Section 12. This act shall take effect July 1, 2023.

Committee on Banking and Insurance

CS/CS/CS/SB 418 — Insurance

by Rules Committee; Military and Veteran Affairs Committee; Banking and Insurance Committee; and Senator Perry

The bill amends several insurance-related statutes. Specifically, the bill:

- Revises insurance requirements for a livery (boat rental business) providing it may either:
 - Obtain a policy that insures the renter in the same manner and amounts of the policy obtained by the livery and provide to each renter the insurer's information; or
 - Present the renter with the opportunity to purchase coverage against any loss. If a renter chooses not to purchase the coverage, the livery must obtain a signed acknowledgement from the renter.
- Provides that for any local governmental entity that is a member of a group self-insurer, only an elected official of the local governmental entity may be the local government's representative on the group self-insurer's governing body.
- Provides that a residential property insurer's rate filing may estimate projected hurricane losses by using a weighted or straight average of two or more models approved by the Florida Commission on Hurricane Loss Projection Methodology.
- Provides that the Executive Director of the Citizens Property Insurance Corporation and the Director of the Division of Emergency Management, respectively, may appoint a designee to be a member of the Commission on Hurricane Loss Projection Methodology.
- Provides that an insurer may file a personal lines residential property insurance rating plan that provides premium discounts, credits, and other rate differentials based on windstorm construction standards developed by an independent, nonprofit scientific research organization.
- Limits the requirement that an insurer provide a policyholder who has an automatic bank withdrawal agreement with the insurer with 10 days advance written notice of any increase in policy premiums. Instead, notice will only be required for premium increases that result in an increase of more than \$10 in the automatic withdrawal.
- Expands the types of documents and policies that may be delivered to a policyholder by electronic transmission to include individual and group health insurance policies, health maintenance contracts or certificates of coverage, and prepaid limited health service contracts.
- Revises the mandated deductibles that must be offered for hurricane loss when issuing a personal lines residential property insurance policy. For policies with a dwelling limit of:
 - \$250,000 or more, but less than \$1 million, the insurer need not offer the \$500 hurricane deductible;
 - \$1 million or more, but less than \$3 million, the insurer may, in lieu of offering the 2 percent deductible, offer a deductible amount applicable to hurricane losses equal to 3 percent of the policy dwelling limits; and
 - \$3 million or more, the insurer need not offer the 2 percent deductible.
- Revises the requirement that the waiver by a policyholder of residential windstorm coverage or contents coverage be in the policyholder's own handwriting by also allowing the waiver to be typed.

- Eliminates the requirement that a notice be stamped on the declarations page of limited coverage automobile policies. Such policies generally cover antique motor vehicles.
- Provides that a motor vehicle service agreement company that maintains a contractual liability insurance policy in lieu of maintaining unearned premium reserve may have a policy that either pays 100 percent of claims as they are incurred or 100 percent of claims in the event of the failure of the service agreement company to pay claims when due.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 110-0

ENROLLED

CS/CS/HB 847

2023 Legislature

1
2 An act relating to vessel regulations; amending s.
3 327.46, F.S.; authorizing counties and municipalities
4 to establish boating-restricted areas for certain
5 sewage pumpout stations within a specified distance of
6 the marked channel of the Florida Intracoastal
7 Waterway; amending s. 403.813, F.S.; removing a
8 provision authorizing local governments to require
9 permitting for certain floating vessel platforms;
10 revising conditions under which local governments may
11 require one-time registrations of floating vessel
12 platforms; making technical changes; reenacting s.
13 327.41(2), F.S., relating to uniform waterway
14 regulatory markers, to incorporate the amendment made
15 to s. 327.46, F.S., in a reference thereto; providing
16 an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (b) of subsection (1) of section
21 327.46, Florida Statutes, is amended to read:

22 327.46 Boating-restricted areas.—

23 (1) Boating-restricted areas, including, but not limited
24 to, restrictions of vessel speeds and vessel traffic, may be
25 established on the waters of this state for any purpose

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CS/CS/HB 847

2023 Legislature

26 necessary to protect the safety of the public if such
27 restrictions are necessary based on boating accidents,
28 visibility, hazardous currents or water levels, vessel traffic
29 congestion, or other navigational hazards or to protect
30 seagrasses on privately owned submerged lands.

31 (b) Municipalities and counties may establish the
32 following boating-restricted areas by ordinance, including,
33 notwithstanding the prohibition in s. 327.60(2)(c), within the
34 portion of the Florida Intracoastal Waterway within their
35 jurisdiction:

36 1. An ordinance establishing an idle speed, no wake
37 boating-restricted area, if the area is:

38 a. Within 500 feet of any boat ramp, hoist, marine
39 railway, or other launching or landing facility available for
40 use by the general boating public on waterways more than 300
41 feet in width or within 300 feet of any boat ramp, hoist, marine
42 railway, or other launching or landing facility available for
43 use by the general boating public on waterways not exceeding 300
44 feet in width.

45 b. Within 500 feet of fuel pumps or dispensers at any
46 marine fueling facility that sells motor fuel to the general
47 boating public on waterways more than 300 feet in width or
48 within 300 feet of the fuel pumps or dispensers at any licensed
49 terminal facility that sells motor fuel to the general boating
50 public on waterways not exceeding 300 feet in width.

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CS/CS/HB 847

2023 Legislature

- 51 c. Inside or within 300 feet of any lock structure.
- 52 2. An ordinance establishing a slow speed, minimum wake
53 boating-restricted area if the area is:
- 54 a. Within 300 feet of any bridge fender system.
- 55 b. Within 300 feet of any bridge span presenting a
56 vertical clearance of less than 25 feet or a horizontal
57 clearance of less than 100 feet.
- 58 c. On a creek, stream, canal, or similar linear waterway
59 if the waterway is less than 75 feet in width from shoreline to
60 shoreline.
- 61 d. On a lake or pond of less than 10 acres in total
62 surface area.
- 63 e. Within the boundaries of a permitted public mooring
64 field and a buffer around the mooring field of up to 100 feet.
- 65 f. Within 500 feet of a sewage pumpout station at any
66 public or private nonresidential marina if the sewage pumpout
67 station is within 100 feet of the marked channel of the Florida
68 Intracoastal Waterway.
- 69 3. An ordinance establishing a vessel-exclusion zone if
70 the area is:
- 71 a. Designated as a public bathing beach or swim area,
72 except that such areas may not be created on waters that include
73 any portion of the Florida Intracoastal Waterway or that are
74 within 100 feet of the marked channel of the Florida
75 Intracoastal Waterway.

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CS/CS/HB 847

2023 Legislature

b. Within 300 feet of a dam, spillway, or flood control structure.

Vessel exclusion zones created pursuant to this subparagraph must be marked with uniform waterway markers permitted by the commission in accordance with this chapter. Such zones may not be marked by ropes.

Section 2. Paragraph (s) of subsection (1) of section 403.813, Florida Statutes, is amended to read:

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(s) The construction, installation, operation, or

ENROLLED

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2023 Legislature

101 maintenance of floating vessel platforms or floating boat
102 lifts., ~~provided that such structures:~~

103 1. To qualify for an exemption under this paragraph, the
104 structure must:

105 a. Float at all times in the water for the sole purpose of
106 supporting a vessel so that the vessel is out of the water when
107 not in use;

108 b.2. ~~Be~~ Are wholly contained within a boat slip previously
109 permitted under ss. 403.91-403.929, 1984 Supplement to the
110 Florida Statutes 1983, as amended, or part IV of chapter 373, or
111 ~~do~~ not exceed a combined total of 500 square feet, or 200 square
112 feet in an Outstanding Florida Water, when associated with a
113 dock that is exempt under this subsection or associated with a
114 permitted dock with no defined boat slip or attached to a
115 bulkhead on a parcel of land where there is no other docking
116 structure;

117 c.3. ~~Not be~~ Are not used for any commercial purpose or for
118 mooring vessels that remain in the water when not in use, and ~~do~~
119 not substantially impede the flow of water, create a
120 navigational hazard, or unreasonably infringe upon the riparian
121 rights of adjacent property owners, as defined in s. 253.141;

122 d.4. ~~Be~~ Are constructed and used so as to minimize adverse
123 impacts to submerged lands, wetlands, shellfish areas, aquatic
124 plant and animal species, and other biological communities,
125 including locating such structures in areas where seagrasses are

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126 least dense adjacent to the dock or bulkhead; and

127 ~~e.5. Are~~ Not be constructed in areas specifically
128 prohibited for boat mooring under conditions of a permit issued
129 in accordance with ss. 403.91-403.929, 1984 Supplement to the
130 Florida Statutes 1983, as amended, or part IV of chapter 373, or
131 other form of authorization issued by a local government.

132 2. The owner of a structure ~~Structures~~ that qualifies
133 ~~qualify~~ for an this exemption under this paragraph is not
134 required ~~are relieved from any requirement~~ to obtain permission
135 to use or occupy lands owned by the Board of Trustees of the
136 Internal Improvement Trust Fund, and, with the exception of
137 those structures attached to a bulkhead on a parcel of land
138 where there is no docking structure, the structure may not be
139 subject to any more stringent permitting requirements,
140 registration requirements, or other regulation by any local
141 government. For a floating vessel platform to be attached to a
142 bulkhead on a parcel of land where there is no docking
143 structure, a local government ~~governments~~ may require the
144 platform owner to obtain a permit ~~either permitting~~ or one-time
145 registration of the floating vessel platform ~~platforms to be~~
146 ~~attached to a bulkhead on a parcel of land where there is no~~
147 ~~other docking structure~~ as necessary to ensure compliance with
148 local ordinances, codes, or regulations. A local government
149 ~~governments~~ may require only a ~~either permitting or~~ one-time
150 registration of all other floating vessel platforms where the

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platform owner self-certifies ~~as necessary to ensure~~ compliance with the exemption criteria in this section, ~~to ensure~~ compliance with ~~local~~ ordinances, codes, state-delegated or state-mandated plans or programs, or regulations relating to building or zoning, which may not be applied more stringently ~~are no more stringent than, or inconsistent with,~~ the exemption criteria in this section and ~~or~~ address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure.

3. The exemption provided in this paragraph ~~is~~ ~~shall be~~ in addition to the exemption provided in paragraph (b). The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit constitutes ~~shall also constitute~~ permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund. A local government ~~governments~~ may not impose a more stringent regulation, permitting requirement, registration requirement, or

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176 other regulation covered by such general permit. A local
177 government ~~governments~~ may require a structure owner to obtain
178 either a permit ~~permitting~~ or one-time registration of floating
179 vessel platforms as necessary to ensure compliance with the
180 general permit in this section; to ensure compliance with local
181 ordinances, codes, or regulations relating to building or zoning
182 that are no more stringent than the general permit in this
183 section; and to ensure proper installation and maintenance of a
184 floating vessel platform or floating boat lift that is proposed
185 to be attached to a bulkhead or parcel of land where there is no
186 other docking structure.

187 Section 3. For the purpose of incorporating the amendment
188 made by this act to section 327.46, Florida Statutes, in a
189 reference thereto, subsection (2) of section 327.41, Florida
190 Statutes, is reenacted to read:

191 327.41 Uniform waterway regulatory markers.—

192 (2) Any county or municipality which has been granted a
193 boating-restricted area designation, by rule of the commission
194 pursuant to s. 327.46(1)(a), for a portion of the Florida
195 Intracoastal Waterway within its jurisdiction or which has
196 adopted a boating-restricted area by ordinance pursuant to s.
197 327.46(1)(b) or (c) or s. 379.2431(2)(p), or any other
198 governmental entity which has legally established a boating-
199 restricted area, may apply to the commission for permission to
200 place regulatory markers within the boating-restricted area.

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201 Section 4. This act shall take effect July 1, 2023.

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 847 Vessel Regulations

SPONSOR(S): Infrastructure Strategies Committee and Water Quality, Supply & Treatment Subcommittee, Stark and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1082

FINAL HOUSE FLOOR ACTION: 113 Y's

2 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/CS/HB 847 passed the House on April 26, 2023, and subsequently passed the Senate on May 2, 2023.

The Fish and Wildlife Conservation Commission (FWC), created by Article IV, section 9, of the Florida Constitution, is the agency responsible for regulating boating in the state. This responsibility includes enforcing boating rules and regulations, and managing public water and access to the waters.

Boating-restricted areas, which restrict vessel speeds and traffic, may be established on the waters of the state for any purpose necessary to protect the safety of the public. The restrictions must be necessary due to boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately-owned submerged lands.

The Department of Environmental Protection (DEP) regulates activities in, on, or over surface waters, as well as any activity that alters surface water flows, through environmental resource permits (ERPs). ERPs are required for development or construction activities typically involving the dredging or filling of surface waters, construction of flood protection facilities, building dams or reservoirs, and any other activities that affect state waters. Current law provides exceptions from ERP permitting for certain types of projects. Generally, these permit exceptions restrict how the project is undertaken, provide size and location requirements, or provide for maintenance, repair, or replacement of existing structures. An exemption currently exists for the construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts that meet certain requirements.

The bill allows a municipality or county to adopt an ordinance that establishes a slow speed, minimum wake boating-restricted area, if the area is within 500 feet of a sewage pumpout station at any public or private nonresidential marina if the sewage pumpout station is within 100 feet of the marked channel of the Florida Intracoastal Waterway.

The bill revises the ERP permitting exemption for floating vessel platforms and floating boat lifts to specify local governments may only require a one-time registration for a floating vessel platform where the owner of such platform self-certifies compliance with the ERP exemption criteria to ensure compliance with ordinances, codes, state-delegated or state-mandated plans or programs, which may not be applied more stringently than, or inconsistent with, the ERP exemption criteria for certain floating vessel platforms.

The bill does not appear to have a fiscal impact on state or local government.

The bill was approved by the Governor on May 25, 2023, ch. 2023-151, L.O.F., and will become effective on July 1, 2023.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC), created by Article IV, section 9, of the Florida Constitution, is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources. FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Senate.¹ Pursuant to its constitutional authority, FWC exercises the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.²

FWC is also the agency responsible for regulating boating in the state. Through its Division of Law Enforcement, FWC manages the state's waterways to ensure boating safety for residents and visitors to the state.³ This responsibility includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public water and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁴

Boating Restricted Areas

Boating-restricted areas, which restrict vessel speeds and traffic, may be established on the waters of the state for any purpose necessary to protect the safety of the public.⁵ The restrictions must be necessary due to "boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately-owned submerged lands."⁶

Local governments are generally prohibited from regulating any vessel upon the Florida Intracoastal Waterway.⁷ However, local governments have been delegated authority to establish certain boating-restricted areas by ordinance, including in the portion of the Florida Intracoastal Waterway that is within their jurisdiction.⁸

A municipality or county may adopt an ordinance that establishes an idle speed, no wake boating-restricted area, if the area is:

- Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.
- Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the

¹ Art. IV, s. 9, Fla. Const.

² *Id.*

³ Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Mar. 22, 2023).

⁴ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwf/le/> (last visited Feb. 23, 2023). See s. 327.70(1) and (4), F.S.

⁵ S. 327.46(1), F.S.

⁶ *Id.*

⁷ S. 327.60(2)(c), F.S.; "Florida Intracoastal Waterway" means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida. S. 327.02(15), F.S.

⁸ S. 327.46(1)(b)-(c), F.S.

fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

- Inside or within 300 feet of any lock structure.⁹

A municipality or county may adopt an ordinance that establishes a slow speed, minimum wake boating-restricted area, if the area is:

- Within 300 feet of any bridge fender system.
- Within 300 feet of any bridge span presenting vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.
- On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.
- On a lake or pond of less than 10 acres in total surface area.
- Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet.¹⁰

A municipality or county may adopt an ordinance that establishes a vessel-exclusion zone if the area is:

- Designated as a public bathing beach or swim area, except that such areas may not be created on waters that include any portion of the Florida Intracoastal Waterway or that are within 100 feet of the marked channel of the Florida Intracoastal Waterway.
- Within 300 feet of a dam, spillway, or flood control structure.¹¹

It is unlawful for any person to operate a vessel in a prohibited manner or to carry on any prohibited activity within a boating-restricted area which has been clearly marked by regulatory markers as an authorized restricted area.¹² These restrictions do not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a government entity.¹³

Pumpout stations

Pumpout stations are machines that pull sewage from the waste holding tank of a boat.¹⁴ There are public and private pumpout stations.¹⁵ It is important to have a sufficient supply of pumpout stations because a lack of such facilities for recreational boaters leads to sewage being dumped into waters.¹⁶ Raw or partially-treated boat sewage contains dangerous viruses and bacteria,¹⁷ and it is particularly important to prevent the spread of such sewage.¹⁸

The federal Clean Vessel Act was signed into law in 1992 and it prohibits individuals from discharging raw sewage from vessels into fresh water or coastal saltwater.¹⁹ The act established the Clean Vessel Act Grant Program, which is housed in the U.S. Fish and Wildlife Service and administered in Florida by the Department of Environmental Protection (DEP), to fund sewage disposal facilities.²⁰ Since 1994,

⁹ S. 327.46(1)(b)1., F.S.

¹⁰ S. 327.46 (1)(b)2., F.S.

¹¹ S. 327.46(1)(b)3., F.S.

¹² S. 327.46(3), F.S.

¹³ S. 327.46(4), F.S.

¹⁴ Michigan Pumpouts, *Pumpout FAQs*, <https://www.michiganseagrant.org/michiganpumpouts/frequently-asked-questions/> (last visited Apr. 14, 2023).

¹⁵ UF, IFAS Extension, *Florida Sea Grant Extension & Education Program* (last updated Oct. 27, 2022), <https://flseagrant.ifas.ufl.edu/clean-boating/where-to-pumpout/> (last visited Apr. 16, 2023).

¹⁶ Department of Environmental Protection (DEP), *About the Clean Vessel Act* (last updated Aug. 5, 2022), <https://floridadep.gov/rcp/cva/content/about-clean-vessel-act> (last visited Apr. 14, 2023).

¹⁷ Department of Ecology, State of Washington, *Pump Out, Don't Dump Out – Help Protect Puget Sound!* (May 19, 2021), <https://ecology.wa.gov/Blog/Posts/May-2021/Pump-out-dont-dump-out-Help-protect-Puget-Sound> (last visited Apr. 14, 2023).

¹⁸ U.S. Environmental Protection Agency, *A Recreational Boater's Guide to Vessel Sewage*, p.3, https://www.epa.gov/sites/default/files/2021-06/documents/a_recreational_boaters_guide_to_vessel_sewage.pdf.

¹⁹ DEP, *Clean Vessel Act Grant Program*, <https://floridadep.gov/RCP/CVA> (last visited Apr. 16, 2023).

²⁰ *Id.*

more than 570 pumpout stations have been installed across Florida with funding from the Clean Vessel Act Grant Program.²¹

Environmental Resource Permits

DEP regulates activities in, on, or over surface waters, as well as any activity that alters surface water flows, through environmental resource permits (ERPs). ERPs are required for development or construction activities typically involving the dredging or filling of surface waters, construction of flood protection facilities, building dams or reservoirs, and any other activities that affect state waters.²² ERP applications are processed by either DEP or one of the state's water management districts (WMDs) in accordance with the division of responsibilities specified in operating agreements between DEP and the WMDs.²³

ERP Exceptions

Current law provides exceptions from ERP²⁴ permitting for certain types of projects.²⁵ Generally, these permit exceptions restrict how the project is undertaken, provide size and location requirements, or provide for maintenance, repair, or replacement of existing structures.²⁶ For example, state law provides exceptions from ERP permitting for the installation of overhead transmission lines with support structures that are not constructed in waters of the state and that do not create a navigational hazard; the installation and maintenance of certain boat ramps on artificial bodies of water where navigational access is provided; and the construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways when such construction will not violate existing water quality standards, impede navigation, or affect flood control.²⁷ These exceptions do not relieve an applicant from obtaining permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board) or a WMD or from complying with local pollution control programs or other requirements of local governments.²⁸

ERP Exceptions for Docks

Included among the projects that are exempt from ERP permitting requirements is the installation and repair of mooring pilings and dolphins associated with private docking facilities or piers; the installation of private docks, piers, and recreational docking facilities; or the installation of piers and recreational docking facilities of local governmental entities when the entity's activities will not take place in any manatee habitat.²⁹ This exemption applies when the dock:

- Has 500 square feet or less of over-water surface area and is located in an area designated as an Outstanding Florida Water or has 1,000 square feet or less of over-water surface area and is not located in an area that is designated as an Outstanding Florida Water;
- Is constructed on or held in place by pilings or is a floating dock constructed so as not to involve filling or dredging other than that necessary to install the pilings;
- Does not substantially impede the flow of water or create a navigational hazard;
- Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and

²¹ DEP, *supra* note 16. (Each year, DEP may apply to the U.S. Fish and Wildlife Service for funding of up to 75% of all approved projects, with matching funds being supplied by the state, local governments, private businesses or associations.)

²² South Florida Water Management District, *Environmental Resource Permits*, <https://www.sfwmd.gov/doing-business-with-us/permits/environmental-resource-permits> (last visited Mar. 1, 2023).

²³ DEP, *Submerged Lands and Environmental Resources Coordination Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination> (last visited Mar. 1, 2023).

²⁴ See chs. 373 and 403, F.S.

²⁵ S. 403.813(1), F.S.

²⁶ See s. 403.813(1)(a)-(v), F.S.; see also r. 62-330.051, F.A.C.

²⁷ *Id.*

²⁸ S. 403.813(1), F.S.

²⁹ S. 403.813(1)(b), F.S.

- Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case one exempt dock may be allowed per parcel or lot.³⁰

ERP Exceptions for Floating Structures

Additionally, there is an ERP permit exemption for the construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:

- Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use;
- Are wholly contained within a previously permitted boat slip or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a dock that is exempt from ERP permitting or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure;
- Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners;
- Are constructed and used so as to minimize the adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where seagrasses are least dense adjacent to the dock or bulkhead; and
- Are not constructed in areas specifically prohibited for boat mooring under conditions of an ERP permit or other form of authorization issued by a local government.³¹

Structures that meet this exemption criteria are typically made of lightweight materials that float and do not have posts or structures that disturb the sovereign submerged lands below.

Structures that qualify for this exemption are not required to obtain permission to use or occupy lands owned by the Board, and, with certain exceptions, may not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government.³² Local governments may require either permitting or one-time registration of floating vessel platforms.³³

Effect of the Bill

The bill allows a municipality or county to adopt an ordinance that establishes a slow speed, minimum wake boating-restricted area if the area is within 500 feet of a sewage pumpout station at any public or private nonresidential marina if the sewage pumpout station is within 100 feet of the marked channel of the Intracoastal Waterway.

The bill revises the ERP permitting exemption for floating vessel platforms and floating boat lifts to specify local governments may only require a one-time registration for a floating vessel platform where the owner of such platform self-certifies compliance with the ERP exemption criteria to ensure compliance with ordinances, codes, state-delegated or state-mandated plans or programs, which may not be applied more stringently than, or inconsistent with, the ERP exemption criteria for certain floating vessel platforms.

³⁰ *Id.*

³¹ S. 403.813(1)(s), F.S.; Rule 62-330.428, F.A.C.

³² *Id.*

³³ S. 403.813(1)(s), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.



MIAF - 2023 Regular Session

Ordered by Bill Number

HB 0027	Judgment Liens by Benjamin
	Current Committee of Reference: No Current Committee
	Actions
	04/27/2023 HOUSE Enrolled Text (ER) Filed
HB 0041	Land Development Initiative and Referendum Processes by Garcia (A)
	Current Committee of Reference: No Current Committee
	Actions
	05/01/2023 HOUSE Laid on Table, refer to SB 856
SB 0054	Land Acquisition Trust Fund by Rodriguez
	Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government
	Actions
	05/05/2023 SENATE Died in Appropriations Committee on Agriculture, Environment, and General Government
SB 0076	State Park Campsite Reservations by Hooper
	Current Committee of Reference: No Current Committee
	Actions
	04/04/2023 SENATE Read Second Time; Substituted for HB 0109; Laid on Table, Refer to HB 0109
HB 0083	Yacht and Ship Brokers by LaMarca
	Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee
	Actions
	05/05/2023 HOUSE Died in Regulatory Reform & Economic Development Subcommittee
SB 0100	Mangrove Replanting and Restoration by Garcia (I)
	Current Committee of Reference: Senate Rules
	Actions
	05/05/2023 SENATE Died in Rules
HB 0109	State Park Campsite Reservations by Canady
	Current Committee of Reference: No Current Committee
	Actions
	06/08/2023 Bill to be Discussed During the Office of EDR's Measures Affecting Revenue Conference, 06/13/23, 10:00 am, 117 K (No Votes Will Be Taken)
HB 0111	Flooding and Sea Level Rise Vulnerability Studies by Hunschofsky
	Current Committee of Reference: No Current Committee

Actions

06/13/2023 Approved by Governor

HB 0129 Requiring Broader Public Support for Constitutional Amendments or Revisions by Roth

Current Committee of Reference: No Current Committee

Actions

05/05/2023 SENATE Died in Rules

HB 0135 Land Acquisition Trust Fund by Mooney, Jr.

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

05/05/2023 HOUSE Died in Agriculture & Natural Resources Appropriations Subcommittee

SB 0150 Public Safety by Collins

Current Committee of Reference: No Current Committee

Actions

03/29/2023 SENATE Read Second Time; Substituted for HB 0543; Laid on Table, Refer to HB 0543

SB 0172 Safe Waterways Act by Berman

Current Committee of Reference: Senate Health Policy

Actions

05/05/2023 SENATE Died in Health Policy

HB 0175 Everglades Protection Area by Busatta Cabrera

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

05/05/2023 HOUSE Died in Agriculture & Natural Resources Appropriations Subcommittee

HB 0177 Safe Waterways Act by Gossett-Seidman

Current Committee of Reference: House Health Care Appropriations Subcommittee

Actions

05/05/2023 HOUSE Died in Health Care Appropriations Subcommittee

SB 0192 Everglades Protection Area by Avila

Current Committee of Reference: No Current Committee

Actions

05/05/2023 HOUSE Died in Messages

HB 0215 Possession or Use of a Firearm in a Sensitive Location by Rayner-Goolsby

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

05/05/2023 HOUSE Died in Criminal Justice Subcommittee

HB 0261 Boating Safety by Botana

Current Committee of Reference: No Current Committee

Actions

05/05/2023 SENATE Died in Rules

HB 0277 Storage of Firearms in Private Conveyances and Vessels by Hinson

Current Committee of Reference: No Current Committee

Actions

01/20/2023 HOUSE Withdrawn prior to introduction

SB 0288 Florida Main Street Program and Historic Preservation Tax Credits by DiCeglie

Current Committee of Reference: Senate Appropriations

Actions

05/05/2023 SENATE Died in Appropriations

SB 0320 Land Acquisition Trust Fund by Harrell

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

05/05/2023 SENATE Died in Appropriations Committee on Agriculture, Environment, and General Government

SB 0346 Public Construction by DiCeglie

Current Committee of Reference: No Current Committee

Actions

05/25/2023 Approved by Governor; Chapter No. 2023-134

HB 0371 Management and Storage of Surface Waters by Killebrew

Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee

Actions

05/05/2023 HOUSE Died in Water Quality, Supply & Treatment Subcommittee

HB 0383 Public Construction by Griffiths Jr.

Current Committee of Reference: No Current Committee

Actions

05/02/2023 HOUSE Laid on Table, refer to CS/CS/SB 346

SB 0406 Yacht and Ship Brokers by Hooper

Current Committee of Reference: Senate Fiscal Policy

Actions

05/05/2023 SENATE Died in Fiscal Policy

HB 0407 Apalachicola Bay Area of Critical State Concern by Shoaf

Current Committee of Reference: No Current Committee

Actions

06/12/2023 Approved by Governor

SB 0418	Insurance by Perry
	Current Committee of Reference: No Current Committee
	Actions
	06/12/2023 Approved by Governor
HB 0423	Implementation of the Recommendations of the Blue-Green Algae Task Force by Cross
	Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee
	Actions
	05/05/2023 HOUSE Died in Water Quality, Supply & Treatment Subcommittee
HB 0439	Land Use and Development Regulations by McClain
	Current Committee of Reference: No Current Committee
	Actions
	05/02/2023 HOUSE Laid on Table, refer to CS/CS/CS/SB 1604
SB 0456	Possession or use of a Firearm in a Sensitive Location by Berman
	Current Committee of Reference: Senate Criminal Justice
	Actions
	05/05/2023 SENATE Died in Criminal Justice
HB 0487	Department of Financial Services by Salzman
	Current Committee of Reference: No Current Committee
	Actions
	05/25/2023 Approved by Governor; Chapter No. 2023-144
HB 0489	Professional Licensing Requirements for Barbers and Cosmetologists by Chambliss
	Current Committee of Reference: No Current Committee
	Actions
	05/05/2023 HOUSE Died on Second Reading Calendar
HB 0505	Insurance by Berfield
	Current Committee of Reference: No Current Committee
	Actions
	05/01/2023 HOUSE Laid on Table, refer to CS/CS/CS/SB 418
HB 0527	Office of the Blue Economy by Skidmore
	Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee
	Actions
	05/05/2023 HOUSE Died in Regulatory Reform & Economic Development Subcommittee
HB 0543	Public Safety by Brannan III
	Current Committee of Reference: No Current Committee
	Actions
	04/03/2023 Approved by Governor; Chapter No. 2023-18
SB 0546	Restoration of Osborne Reef by Avila

Current Committee of Reference: No Current Committee

Actions

04/27/2023 SENATE Read Second Time; Substituted for HB 0641; Laid on Table, Refer to HB 0641

HB 0547 Land Acquisition Trust Fund by Sirois

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

05/05/2023 HOUSE Died in Agriculture & Natural Resources Appropriations Subcommittee

HB 0549 Operating Vehicles and Vessels Under the Influence by Casello

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

05/05/2023 HOUSE Died in Criminal Justice Subcommittee

HB 0559 Land Acquisition Funding by Roth

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

05/05/2023 HOUSE Died in Agriculture & Natural Resources Appropriations Subcommittee

HB 0561 Mangrove Replanting and Restoration by Mooney, Jr.

Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee

Actions

05/05/2023 HOUSE Died in Agriculture, Conservation & Resiliency Subcommittee

HB 0571 Storage of Firearms in Private Conveyances and Vessels by Hinson

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

05/05/2023 HOUSE Died in Criminal Justice Subcommittee

HB 0641 Restoration of Osborne Reef by LaMarca

Current Committee of Reference: No Current Committee

Actions

05/24/2023 Approved by Governor; Chapter No. 2023-126

HB 0701 Wrecker and Towing-Storage Operators by Bell

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

05/05/2023 HOUSE Died in Infrastructure Strategies Committee

SB 0702 Apalachicola Bay Area of Critical State Concern by Simon

Current Committee of Reference: No Current Committee

Actions

05/01/2023 SENATE Read Second Time; Substituted for HB 0407; Laid on Table, Refer to HB 0407

SB 0712	Motor Vehicle Sales by Avila
	Current Committee of Reference: No Current Committee
	Actions
	05/02/2023 SENATE Read Second Time; Substituted for HB 0637; Laid on Table, Refer to HB 0637
HB 0713	Administrative Procedures and Permitting Process Review by McFarland
	Current Committee of Reference: No Current Committee
	Actions
	05/05/2023 HOUSE Died on Second Reading Calendar
SB 0724	Seagrass Restoration Technology Development Initiative by Boyd
	Current Committee of Reference: No Current Committee
	Actions
	05/11/2023 Approved by Governor; Chapter No. 2023-47
SB 0728	Liveries by Garcia (I)
	Current Committee of Reference: Senate Rules
	Actions
	05/05/2023 SENATE Died in Rules
HB 0739	Disposal of Food Waste Material by Cassel
	Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee
	Actions
	05/05/2023 HOUSE Died in Agriculture, Conservation & Resiliency Subcommittee
SB 0822	Specialty License Plates/Paddling in Florida by Berman
	Current Committee of Reference: Senate Transportation
	Actions
	05/05/2023 SENATE Died in Transportation
HB 0847	Floating Vessel Platforms and Floating Boat Lifts by Stark
	Current Committee of Reference: No Current Committee
	Actions
	05/25/2023 Approved by Governor; Chapter No. 2023-151
SB 0876	Review of Employment Contracts by Stewart
	Current Committee of Reference: Senate Commerce and Tourism
	Actions
	05/05/2023 SENATE Died in Commerce and Tourism
SB 0952	Employer Coverage of Gender Dysphoria Treatment by Ingoglia
	Current Committee of Reference: Senate Health Policy
	Actions
	05/05/2023 SENATE Died in Health Policy
HB 0987	Public Deposits by Botana

Current Committee of Reference: No Current Committee

Actions

05/05/2023 HOUSE Died on Second Reading Calendar

HB 1003 Fill Material for Reclamation Activities by Truenow

Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee

Actions

05/05/2023 HOUSE Died in Water Quality, Supply & Treatment Subcommittee

HB 1013 COVID-19 Mandates and Treatment Options by Griffiths Jr.

Current Committee of Reference: No Current Committee

Actions

05/02/2023 HOUSE Laid on Table, refer to CS/SB 252

HB 1015 Pub.Rec./COVID-19 Mandates and Treatment Options by Griffiths Jr.

Current Committee of Reference: No Current Committee

Actions

05/02/2023 HOUSE Laid on Table, refer to CS/CS/SB 238

SB 1028 Professional Licensing Requirements for Barbers and Cosmetologists by Stewart

Current Committee of Reference: Senate Criminal Justice

Actions

05/05/2023 SENATE Died in Criminal Justice

SB 1044 Photographic Evidence of Illegally Taken Wildlife, Freshwater Fish, and Saltwater Fish by Martin

Current Committee of Reference: Senate Environment and Natural Resources

Actions

05/05/2023 SENATE Died in Environment and Natural Resources

SB 1082 Vessels by DiCeglie

Current Committee of Reference: No Current Committee

Actions

05/02/2023 SENATE Read Second Time; Substituted for HB 0847; Laid on Table, Refer to HB 0847

HB 1103 Boating-restricted Areas by Tramont

Current Committee of Reference: House Local Administration, Federal Affairs & Special Districts Subcommittee

Actions

05/05/2023 HOUSE Died in Local Administration, Federal Affairs & Special Districts Subcommittee

SB 1124 Employment of Ex-offenders by Calatayud

Current Committee of Reference: Senate Rules

Actions

05/05/2023 SENATE Died in Rules

SB 1134 Outstanding Florida Springs by Gruters

Current Committee of Reference: Senate Environment and Natural Resources

Actions

05/05/2023 SENATE Died in Environment and Natural Resources

HB 1147 Resilience Districts by Buchanan

Current Committee of Reference: House Local Administration, Federal Affairs & Special Districts Subcommittee

Actions

05/05/2023 HOUSE Died in Local Administration, Federal Affairs & Special Districts Subcommittee

HB 1157 Fishing and Hunting by Melo

Current Committee of Reference: No Current Committee

Actions

04/28/2023 HOUSE Enrolled Text (ER) Filed

SB 1158 Department of Financial Services by DiCeglie

Current Committee of Reference: No Current Committee

Actions

04/28/2023 SENATE Read Second Time; Substituted for HB 0487; Laid on Table, Refer to HB 0487

HB 1161 Venomous Reptiles by Abbott

Current Committee of Reference: No Current Committee

Actions

05/24/2023 Approved by Governor; Chapter No. 2023-129

SB 1170 Flooding and Sea Level Rise Vulnerability Studies by Calatayud

Current Committee of Reference: No Current Committee

Actions

05/01/2023 SENATE Read Second Time; Substituted for HB 0111; Laid on Table, Refer to HB 0111

HB 1181 Seagrass Restoration by Robinson (W) Jr.

Current Committee of Reference: No Current Committee

Actions

05/01/2023 HOUSE Laid on table, refer to CS/CS/SB 724

HB 1197 Land and Water Management by Maggard

Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee

Actions

05/05/2023 HOUSE Died in Water Quality, Supply & Treatment Subcommittee

SB 1200 Resilience Districts by Grall

Current Committee of Reference: Senate Community Affairs

Actions

05/05/2023 SENATE Died in Community Affairs

HB 1229 Endangered and Threatened Species by Campbell

Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee

Actions

05/05/2023 HOUSE Died in Agriculture, Conservation & Resiliency Subcommittee

SB 1230 Fill Material for Reclamation Activities by Brodeur

Current Committee of Reference: Senate Environment and Natural Resources

Actions

05/05/2023 SENATE Died in Environment and Natural Resources

HB 1265 Employer Coverage of Gender Dysphoria Treatment by Yarkosky

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

05/05/2023 HOUSE Died in Regulatory Reform & Economic Development Subcommittee

HB 1287 Universal Regulatory Sandbox by Giallombardo

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

05/05/2023 HOUSE Died in Regulatory Reform & Economic Development Subcommittee

HB 1289 Pub. Rec. and Meetings/Regulatory Sandbox by Giallombardo

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

05/05/2023 HOUSE Died in Regulatory Reform & Economic Development Subcommittee

SB 1298 Endangered and Threatened Species by Jones

Current Committee of Reference: Senate Environment and Natural Resources

Actions

05/05/2023 SENATE Died in Environment and Natural Resources

SB 1314 Boating-restricted Areas by Wright

Current Committee of Reference: Senate Community Affairs

Actions

05/05/2023 SENATE Died in Community Affairs

SB 1336 Disposal of Food Waste Materials Study by Polsky

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

05/05/2023 SENATE Died in Appropriations Committee on Agriculture, Environment, and General Government

SB 1360 Public Deposits by Ingoglia

Current Committee of Reference: Senate Banking and Insurance

Actions

05/05/2023 SENATE Died in Banking and Insurance

HB 1367	Unlawful Dumping by Altman
	Current Committee of Reference: No Current Committee
	Actions
06/12/2023	Signed by Officers and presented to Governor (Governor must act on this bill by 06/27/23)
SB 1368	Unlawful Dumping by Wright
	Current Committee of Reference: No Current Committee
	Actions
05/01/2023	SENATE Read Second Time; Substituted for HB 1367; Laid on Table, Refer to HB 1367
HB 1379	Environmental Protection by Steele
	Current Committee of Reference: No Current Committee
	Actions
05/30/2023	Approved by Governor; Chapter No. 2023-169
HB 1385	Vessel Owner and Operation Requirements by Basabe
	Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee
	Actions
05/05/2023	HOUSE Died in Agriculture, Conservation & Resiliency Subcommittee
SB 1390	Universal Regulatory Sandbox by Martin
	Current Committee of Reference: Senate Appropriations Committee on Transportation, Tourism, and Economic Development
	Actions
05/05/2023	SENATE Died in Appropriations Committee on Transportation, Tourism, and Economic Development
SB 1392	Public Records and Meetings/Universal Regulatory Sandbox by Martin
	Current Committee of Reference: Senate Appropriations Committee on Transportation, Tourism, and Economic Development
	Actions
05/05/2023	SENATE Died in Appropriations Committee on Transportation, Tourism, and Economic Development
HB 1403	Protections of Medical Conscience by Rudman
	Current Committee of Reference: No Current Committee
	Actions
05/01/2023	HOUSE Laid on Table, refer to CS/SB 1580
SB 1410	Requiring Broader Public Support for Constitutional Amendments or Revisions by Gruters
	Current Committee of Reference: Senate Ethics and Elections
	Actions
05/05/2023	SENATE Died in Ethics and Elections
HB 1443	Disqualification from Licensing, Permitting, or Certification Based on Criminal Conviction by Waldron

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

05/05/2023 HOUSE Died in Regulatory Reform & Economic Development Subcommittee

SB 1484 Office of the Blue Economy by Pizzo

Current Committee of Reference: Senate Commerce and Tourism

Actions

05/05/2023 SENATE Died in Commerce and Tourism

HB 1489 Designation of Brevard Barrier Island Area as Area of Critical State Concern by Altman

Current Committee of Reference: No Current Committee

Actions

06/12/2023 Signed by Officers and presented to Governor (Governor must act on this bill by 06/27/23)

HB 1491 Marine Encroachment on Spaceflight and Military Operations by Altman

Current Committee of Reference: House Local Administration, Federal Affairs & Special Districts Subcommittee

Actions

05/05/2023 HOUSE Died in Local Administration, Federal Affairs & Special Districts Subcommittee

SB 1502 Vessel Owner and Operation Requirements by Rodriguez

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

05/05/2023 SENATE Died in Appropriations Committee on Agriculture, Environment, and General Government

HB 1505 Outstanding Florida Springs by Grant

Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee

Actions

05/05/2023 HOUSE Died in Water Quality, Supply & Treatment Subcommittee

HB 1521 Facility Requirements Based on Sex by Plakon

Current Committee of Reference: No Current Committee

Actions

05/17/2023 Approved by Governor; Chapter No. 2023-106

SB 1538 Implementation of the Recommendations of the Blue-Green Algae Task Force by Stewart

Current Committee of Reference: Senate Fiscal Policy

Actions

05/05/2023 SENATE Died in Fiscal Policy

HB 1559 Review of Employment Contracts by Campbell

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

SB 1574	Judgment Liens by Rouson
Current Committee of Reference: No Current Committee	
Actions	
04/27/2023 SENATE Read Second Time; Substituted for HB 0027; Laid on Table, Refer to HB 0027	
SB 1580	Protections of Medical Conscience by Trumbull
Current Committee of Reference: No Current Committee	
Actions	
05/11/2023 Approved by Governor; Chapter No. 2023-57	
HB 1587	Taking of Bears by Shoaf
Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee	
Actions	
05/05/2023 HOUSE Died in Agriculture, Conservation & Resiliency Subcommittee	
SB 1602	Storage of Firearms in Private Conveyances and Vessels by Rouson
Current Committee of Reference: Senate Criminal Justice	
Actions	
05/05/2023 SENATE Died in Criminal Justice	
SB 1604	Land Use and Development Regulations by Ingolia
Current Committee of Reference: No Current Committee	
Actions	
05/05/2023 Approved by Governor; Chapter No. 2023-31	
SB 1640	Installation of Waterway Markers by Gruters
Current Committee of Reference: Senate Environment and Natural Resources	
Actions	
05/05/2023 SENATE Died in Environment and Natural Resources	
SB 1664	Economic Programs by Hooper
Current Committee of Reference: No Current Committee	
Actions	
05/03/2023 SENATE Read Second Time; Substituted for HB 0005; Laid on Table, Refer to HB 0005	
SB 1666	Marine Encroachment on Spaceflight and Military Operations by Wright
Current Committee of Reference: Senate Military and Veterans Affairs, Space, and Domestic Security	
Actions	
05/05/2023 SENATE Died in Military and Veterans Affairs, Space, and Domestic Security	
SB 1674	Facility Requirements Based on Sex by Grall
Current Committee of Reference: No Current Committee	
Actions	
05/02/2023 SENATE Read Second Time; Substituted for HB 1521; Laid on Table, Refer to HB 1521	

SB 1686	Designation of Brevard Barrier Island Area as an Area of Critical State Concern by Wright
	Current Committee of Reference: No Current Committee
	Actions
	04/27/2023 SENATE Read Second Time; Substituted for HB 1489; Laid on Table, Refer to HB 1489
SB 1702	Mitigation Credits by DiCeglie
	Current Committee of Reference: Senate Environment and Natural Resources
	Actions
	05/05/2023 SENATE Died in Environment and Natural Resources
HB 7003	OGSR/Water Management District Surplus Lands by Ethics, Elections & Open Government Subcommittee
	Current Committee of Reference: No Current Committee
	Actions
	05/11/2023 Approved by Governor; Chapter No. 2023-74
RRS2	Tourism Development by Regulatory Reform & Economic Development Subcommittee
	Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee
	Actions
	03/30/2023 HOUSE Committee Bill Filed as HB 7053