

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee

3 Representative Miller, M. offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 17.575, Florida Statutes, is amended to
 8 read:

9 17.575 Administration of funds; Treasury Investment

10 Council ~~Committee~~.—

11 (1) There is created a Treasury Investment Council
 12 ~~Committee~~ within the Division of Treasury consisting of at least
 13 five members, at least three of whom are professionals from the
 14 private sector, who must possess special knowledge, experience,
 15 and familiarity in finance, investments, or accounting. The
 16 members of the council must ~~committee shall~~ be appointed by and

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17 | serve at the pleasure of the Chief Financial Officer. Each
18 | member shall serve a term of 4 years from the date of
19 | appointment. The council committee shall annually elect a chair
20 | and vice chair from among its members membership.

21 | (2) The council shall review the investments required by
22 | s. 17.57; meet with staff of the Division of Treasury at least
23 | biannually; and provide recommendations to the Division of
24 | Treasury and the Chief Financial Officer regarding investment
25 | policy, strategy, and procedures ~~The committee shall administer~~
26 | ~~the Treasury Investment Program consistent with policies~~
27 | ~~approved by the Chief Financial Officer for deposits and~~
28 | ~~investments of public funds. The committee shall also make~~
29 | ~~recommendations regarding investment policy to the Chief~~
30 | ~~Financial Officer.~~

31 | (3) Members of the council shall serve without additional
32 | compensation or honorarium, but may receive per diem and
33 | reimbursement for travel expenses as provided in s. 112.061 ~~The~~
34 | ~~committee shall submit an annual report outlining its activities~~
35 | ~~and recommendations to the Chief Financial Officer and the Joint~~
36 | ~~Legislative Auditing Committee. The report shall be submitted on~~
37 | ~~August 15, 2009, and annually thereafter.~~

38 | Section 2. Present subsections (14) through (16) of
39 | section 215.422, Florida Statutes, are redesignated as
40 | subsections (15) through (17), respectively, and a new
41 | subsection (14) is added to that section, to read:

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42 215.422 Payments, warrants, and invoices; processing time
43 limits; dispute resolution; agency or judicial branch
44 compliance.-

45 (14) All requirements set forth in this section apply to
46 payments made in accordance with s. 215.971.

47 Section 3. Section 554.1021, Florida Statutes, is
48 reordered and amended to read:

49 554.1021 Definitions.-As used in this chapter, the term
50 ~~ss. 554.1011-554.115:~~

51 (3)(1) "Boiler" means a closed vessel in which water or
52 other liquid is heated, steam or vapor is generated, steam is
53 superheated, or any combination of these functions is
54 accomplished, under pressure or vacuum, for use external to
55 itself, by the direct application of energy from the combustion
56 of fuels or from electricity or solar energy. The term "boiler"
57 includes fired units for heating or vaporizing liquids other
58 than water where these units are separate from processing
59 systems and are complete within themselves. The varieties of
60 boilers are as follows:

61 (f)(a) "Power boiler" means a boiler in which steam or
62 other vapor is generated at a pressure of more than 15 psig.

63 (b) "High pressure, high temperature water boiler" means a
64 water boiler operating at pressures exceeding 160 psig or
65 temperatures exceeding 250 °F.

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66 (a)~~(e)~~ "Heating boiler" means a steam or vapor boiler
67 operating at pressures not exceeding 15 psig, or a hot water
68 boiler operating at pressures not exceeding 160 psig or
69 temperatures not exceeding 250 °F.

70 (c)~~(d)~~ "Hot water supply boiler" means a boiler or a lined
71 storage water heater supplying heated water for use external to
72 itself operating at a pressure not exceeding 160 psig or
73 temperature not exceeding 250 °F.

74 (g)~~(e)~~ "Secondhand boiler" means a boiler that has changed
75 ownership and location subsequent to its original installation
76 and use.

77 (d) "Inservice boiler" means a boiler placed in use after
78 test firing and required inspections have been satisfactorily
79 completed.

80 (e) "Operating boiler" means a boiler connected and ready
81 for use.

82 (h) "Secured boiler" means a boiler that has been:

83 1. Physically disconnected from the system, including
84 disconnection from fuel, water, steam, electricity, and stack;
85 or

86 2. Locked out and tagged out in accordance with the
87 Occupational Safety and Health Administration's standard
88 relating to the control of hazardous energy and lockout or
89 tagout in 29 C.F.R. s. 1910.147, as adopted by rule of the
90 department.

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91 ~~(9)-(2)~~ "Public assembly locations" includes ~~include~~
92 schools, day care centers, community centers, churches,
93 theaters, hospitals, nursing and convalescent homes, stadiums,
94 amusement parks, and other locations open to the general public.

95 ~~(5)-(3)~~ "Certificate inspection" means an inspection whose
96 ~~the report of which~~ is used by the chief boiler inspector to
97 determine whether or not a certificate of operation may be
98 issued.

99 ~~(7)-(4)~~ "Certificate of operation ~~compliance~~" means a
100 document issued to the owner of a boiler which authorizes the
101 owner to operate the boiler, subject to any restrictions
102 endorsed thereon.

103 ~~(6)-(5)~~ "Certificate of competency" means a document issued
104 to a person who has satisfied the minimum competency
105 requirements for boiler inspectors under this chapter ~~ss.~~
106 ~~554.1011-554.115.~~

107 ~~(8)-(6)~~ "Department" means the Department of Financial
108 Services.

109 ~~(1)-(7)~~ "A.S.M.E." means the American Society of Mechanical
110 Engineers.

111 (2) "Authorized inspection agency" means:

112 (a) Any county, municipality, town, or other governmental
113 subdivision that has adopted into law the Boiler and Pressure
114 Vessel Code of the A.S.M.E. and the National Board Inspection
115 Code for the construction, installation, inspection,

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116 maintenance, and repair of boilers to regulate boilers in public
117 assembly locations, and whose boiler inspectors hold valid
118 certificates of competency in accordance with s. 554.104;

119 (b) An insurer authorized by a subsisting certificate of
120 authority, issued by the Office of Insurance Regulation, to
121 transact boiler and machinery insurance in this state, and whose
122 boiler inspectors hold valid certificates of competency in
123 accordance with s. 554.104; or

124 (c) An inspecting agency accredited in accordance with The
125 National Board of Boiler and Pressure Vessel Inspector's program
126 entitled "Accreditation of Authorized Inspection Agencies (AIA)
127 Performing Inservice or Repair/Alteration Inspection
128 Activities," document number NB-369, and whose boiler inspectors
129 hold valid certificates of competency in accordance with s.
130 554.104. The department shall, by rule, require an inspection
131 agency authorized pursuant to this paragraph to maintain
132 financial security adequate to indemnify the owner of the boiler
133 if such agency's negligence or failure to inspect an uninsured
134 boiler results in a loss. Such inspection agency may inspect
135 uninsured boilers or, at the direction of an insurance company,
136 may inspect a boiler insured by that insurance company.

137 (4) "Boiler insurance company" means a company authorized
138 by a subsisting certificate of authority, issued by the Office
139 of Insurance Regulation, to transact boiler and machinery
140 insurance in this state.

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141 Section 4. Section 554.103, Florida Statutes, is amended
142 to read:

143 554.103 Boiler code.—The department shall adopt by rule a
144 State Boiler Code for the safe construction, installation,
145 inspection, maintenance, and repair of boilers in this state.
146 The rules adopted shall be based upon and shall at all times
147 follow generally accepted nationwide engineering standards,
148 formulas, and practices pertaining to boiler construction and
149 safety.

150 (1) The department shall adopt an existing code for new
151 construction and installation known as the Boiler and Pressure
152 Vessel Code of the American Society of Mechanical Engineers,
153 including all amendments and interpretations ~~approved thereto by~~
154 ~~the Council on Codes and Standards of A.S.M.E. The department~~
155 ~~may adopt amendments and interpretations~~ to the A.S.M.E. Boiler
156 and Pressure Vessel Code approved by the A.S.M.E. Council on
157 Codes and Standards subsequent to the adoption of the State
158 Boiler Code, and when so adopted by the department, such
159 amendments and interpretations ~~shall~~ become a part of the State
160 Boiler Code.

161 (2) The installer ~~owner~~ of any boiler placed in use in
162 this state after January 1, 2018, must, before installing the
163 boiler, apply on a form adopted by rule of the department for a
164 permit to install the boiler from the chief boiler inspector.
165 The application must include the boiler's A.S.M.E.

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166 manufacturer's data report and other documents required by the
167 State Boiler Code before the boiler is placed in service. The
168 installer must contact the chief boiler inspector to schedule an
169 inspection for each boiler no later than 7 days before the
170 boiler is placed in service ~~after October 1, 1987, shall submit~~
171 ~~the A.S.M.E. manufacturer's data report on such boiler to the~~
172 ~~chief inspector not more than 90 days following the inservice~~
173 ~~date of the boiler.~~

174 (3) The maximum allowable working pressure of a boiler
175 carrying the A.S.M.E. code symbol must ~~shall~~ be determined by
176 the applicable sections of the code under which it was
177 constructed and stamped. Subject to the concurrence of the chief
178 boiler inspector, such boiler may be rerated in accordance with
179 the standards of the State Boiler Code.

180 (4) The maximum allowable working pressure of a boiler
181 that ~~which~~ does not carry the A.S.M.E. code symbol must ~~shall~~ be
182 computed in accordance with the standards of the State Boiler
183 Code.

184 (5) This chapter may not ~~Nothing in ss. 554.1011-554.115~~
185 ~~shall~~ be construed to in any way prevent the use, sale, or
186 reinstallation of a boiler if such boiler has been made to
187 conform to the applicable provisions of the State Boiler Code
188 governing existing installations and if, upon inspection, the
189 boiler has been found to be in a safe condition.

190 (6) The department, at its discretion, may authorize the

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191 construction, installation, and operation of boilers of special
192 design or construction which do not meet the specific
193 requirements of the State Boiler Code, but which are consistent
194 with the intent of the safety objectives of the code.

195 (7) The department may adopt rules pursuant to ss.
196 120.536(1) and 120.54 to administer this chapter. Such rules may
197 include specifying the procedures and forms to be used to obtain
198 an installation permit, an initial certificate, or a renewal
199 certificate, and the submission of reports and notices required
200 under this chapter.

201 Section 5. Section 554.104, Florida Statutes, is amended
202 to read:

203 554.104 Certification of boiler inspectors required;
204 application; qualifications; renewal ~~Boilers of special design.-~~
205 ~~The department, at its discretion, may authorize the~~
206 ~~construction, installation, and operation of boilers of special~~
207 ~~design or construction that do not meet the specific~~
208 ~~requirements of the State Boiler Code but are not inconsistent~~
209 ~~with the intent of the safety objectives of such code.~~

210 (1) CERTIFICATE REQUIRED.-A person may not be, act as, or
211 advertise or hold himself or herself out to be an inspector of a
212 boiler that is subject to regulation by this chapter, unless he
213 or she currently holds a certificate of competency issued by the
214 department.

215 (2) APPLICATION.-A person who desires to be certified to

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216 inspect boilers that are subject to regulation by this chapter
217 must apply in writing to the department to take the
218 certification examination.

219 (3) QUALIFICATIONS.—A person is qualified to take the
220 certification examination if the person:

221 (a) Has submitted the application for examination together
222 with the fee required under s. 554.111(1) (a);

223 (b) Is at least 18 years of age;

224 (c) Has completed the 2-hour training course under
225 subsection (4) on the requirements of this chapter and any
226 related rules adopted by the department. The course must be
227 completed no later than 12 months before issuance of an initial
228 or renewal certificate; and

229 (d) Has:

230 1. At least 3 years of experience in the construction,
231 installation, inspection, operation, maintenance, or repair of
232 high pressure, high temperature water boilers; or

233 2. Met the requirements to qualify as a commissioned
234 inspector by the National Board of Boiler and Pressure Vessel
235 Inspectors as set forth in NB-263, RCI-1, Rules for Commissioned
236 Inspectors, as adopted by rule of the department.

237 (4) TRAINING COURSE.—The department shall adopt by rule a
238 2-hour training course on the requirements of this chapter and
239 any related rules adopted by the department. The department
240 shall make the training course available online and may make the

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241 course available in a classroom setting. A boiler insurance
242 company may include the department's course as part of its in-
243 house training of a boiler inspector student, in lieu of the
244 student taking the online training course. A boiler insurance
245 company that includes the department's course in its in-house
246 training of a boiler inspector student must indicate that the
247 student completed the training on an application filed with the
248 company that includes the department's course in its in-house
249 training of a boiler inspector student must indicate that the
250 student completed the training on an application filed with the
251 department for certification of competency.

252 (5) EXAMINATION.—A person applying for a certificate of
253 competency must have successfully passed the examination
254 administered by the National Board of Boiler and Pressure Vessel
255 Inspectors and be eligible to obtain a National Board
256 commission.

257 (6) ISSUANCE OF CERTIFICATE.—The chief boiler inspector
258 must issue a certificate of competency to each person who is
259 qualified under this section and who holds a commission from the
260 National Board of Boiler and Pressure Vessel Inspectors.

261 (7) RENEWAL OF CERTIFICATE.—A certificate of competency
262 expires on December 31 of each year and may be renewed upon the
263 filing of a renewal application with the department. A secured
264 electronic application must be used, if available on the
265 department's website.

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266 (8) RULES.—The department may adopt rules necessary to
267 administer this section.

268 Section 6. Section 554.105, Florida Statutes, is amended
269 to read:

270 554.105 Chief boiler inspector.—

271 (1) The Chief Financial Officer shall appoint a chief
272 boiler inspector, who must have at least ~~shall have not less~~
273 ~~than~~ 5 years' experience in the construction, installation,
274 inspection, operation, maintenance, or repair of high pressure,
275 high temperature water boilers and who must ~~shall~~ hold a
276 commission from the National Board of Boiler and Pressure Vessel
277 Inspectors or a certificate of competency from the department.

278 (2) The department, through the chief boiler inspector,
279 shall administer the state boiler inspection program, and shall:

280 (a) Take all action necessary to enforce the State Boiler
281 Code and the rules adopted pursuant to this chapter ~~ss.~~
282 ~~554.1011-554.115.~~

283 (b) Keep a complete record on all boilers at public
284 assembly locations. Such record must ~~shall~~ include the name of
285 each boiler owner or user and the location, type, ~~dimensions,~~
286 maximum allowable working pressure, age, ~~and~~ last recorded
287 inspection of each boiler, and any other information necessary
288 to expedite the certification process.

289 (c) ~~Publish and make available to anyone, upon request,~~
290 ~~copies of the rules adopted pursuant to ss. 554.1011-554.115.~~

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291 ~~(d)~~ Expend funds necessary to meet the expenses authorized
292 by this chapter ss. 554.1011-554.115, including the necessary
293 travel expenses of the chief boiler inspector and deputy boiler
294 inspectors, and the expenses incident to the maintenance of this
295 ~~his or her~~ office.

296 Section 7. Section 554.106, Florida Statutes, is amended
297 to read:

298 554.106 Deputy boiler inspectors.—

299 (1) The department shall employ deputy boiler inspectors
300 who shall be responsible to the chief boiler inspector ~~and who~~
301 ~~shall each hold a certificate of competency from the department.~~

302 (2) A deputy boiler inspector shall perform inspections of
303 uninsured boilers that are subject to regulation under this
304 chapter, in accordance with the inspection frequency set forth
305 in s. 554.108. A deputy boiler inspector may also engage in
306 public outreach activities of the department and conduct other
307 duties as assigned by the chief boiler inspector.

308 Section 8. Section 554.107, Florida Statutes, is amended
309 to read:

310 554.107 Special boiler inspectors.—

311 (1) Upon application by any authorized inspection agency
312 ~~company licensed to insure boilers in this state~~, the chief
313 boiler inspector shall issue a certificate of competency as a
314 special boiler inspector to any inspector employed by the
315 authorized inspection agency company, if provided that such

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316 boiler inspector satisfies the competency requirements for
317 inspectors as provided in s. 554.104 ~~s. 554.113~~. Special boiler
318 inspectors shall perform inspections of insured boilers in
319 accordance with the inspection frequency set forth in s.
320 554.108.

321 (2) The certificate of competency of a special boiler
322 inspector remains ~~shall remain~~ in effect only so long as the
323 special boiler inspector is employed by an authorized inspection
324 agency a company licensed to insure boilers in this state. Upon
325 termination of employment with such company, such company a
326 ~~special inspector~~ shall, in writing, notify the chief boiler
327 inspector of such special boiler inspector's termination. Such
328 notice must ~~shall~~ be given within 15 days following the date of
329 termination.

330 Section 9. Subsections (1), (2), (4), and (5) of section
331 554.108, Florida Statutes, are amended, and subsection (6) is
332 added to that section, to read:

333 554.108 Inspection.—

334 (1) The inspection requirements of this chapter apply only
335 to boilers located in public assembly locations. A potable hot
336 water supply boiler with a heat input of 200,000 British thermal
337 units (Btu) per hour and above, up to a heat input not exceeding
338 400,000 Btu per hour, is exempt from inspection, but must be
339 stamped with the A.S.M.E. code symbol "HLW" and the boiler's
340 A.S.M.E data report must be filed as required under s.

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341 ~~554.103(2) The only boilers required to be inspected under the~~
342 ~~provisions of ss. 554.1011-554.115 are boilers located in public~~
343 ~~assembly locations.~~

344 (2) Each inspection of a boiler conducted pursuant to this
345 chapter must ss. 554.1011-554.115 shall be made by the chief
346 boiler inspector, a deputy boiler inspector, or a special boiler
347 inspector. An owner, or the owner's designee, shall perform all
348 operation, testing, manipulation of boiler controls and safety
349 devices, removal of lagging, and disassembly of boiler
350 components to allow the chief boiler inspector, deputy boiler
351 inspector, or special boiler inspector to conduct inspections as
352 required by this section.

353 (4) Each boiler subject to inspection must be inspected
354 within 30 days after expiration of the boiler's certificate of
355 operation. However, an inspection report must be received by the
356 chief boiler inspector no later than 30 days after the projected
357 expiration date of the certificate of operation. If, upon
358 inspection, the chief boiler inspector, deputy boiler inspector,
359 or special boiler inspector finds that a boiler is in violation
360 of any provision of the State Boiler Code, the inspector must
361 promptly notify the owner or user and state what repairs or
362 other corrective measures are needed. Deputy boiler inspectors
363 and special boiler inspectors shall file a written report, on a
364 form adopted by rule of the department, on each certificate
365 inspection with the chief boiler inspector within 15 days after

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366 ~~the following such~~ inspection. A certificate inspection report
367 must list all violations of the State Boiler Code and any
368 conditions that may adversely affect the operation of the
369 boiler. The filing of reports of inspections, other than
370 statutorily required certificate inspections, is are not
371 required unless such inspections disclose that a boiler is in an
372 unsafe condition, or if the boiler has failed and requires major
373 repair or replacement. The inspection report must list the
374 extent of damage to the boiler, as well as the cause of the
375 failure, if known and any other pertinent information. However,
376 an inspection report must be filed for any inspection performed
377 on a boiler with a previously identified code violation. The
378 report must indicate whether the violation has been corrected.
379 The agency responsible for conducting the inspection must
380 perform followup inspections, not more than every 6 months, of a
381 previously identified code violation until it is corrected.

382 (5) Upon a determination by the chief boiler inspector
383 ~~determining~~ that a boiler cannot be safely operated, is in an
384 ~~unsafe condition and poses an imminent danger to the public~~
385 ~~health, safety, and welfare, the chief inspector, a deputy~~
386 ~~inspector, or a special inspector may immediately order the~~
387 boiler must immediately ~~to~~ be shut down. The chief boiler
388 inspector or a deputy boiler inspector shall attach a tag to the
389 boiler indicating that the boiler has been shut down due to an
390 unsafe condition. The boiler must shall remain shut down until a

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391 reinspection by the chief boiler inspector or a deputy boiler a
392 ~~certified~~ inspector determines that ~~all violations have been~~
393 ~~corrected,~~ that the boiler may be operated safely, ~~and that a~~
394 ~~certificate of compliance has been issued.~~ A boiler that may not
395 be safely operated, as determined by the chief boiler inspector,
396 is deemed to constitute an imminent danger to the public health,
397 safety, and welfare.

398 (6) The department may adopt rules necessary to administer
399 this section.

400 Section 10. Section 554.1081, Florida Statutes, is created
401 to read:

402 554.1081 Boiler inspections by insurance companies and
403 local governmental agencies.-

404 (1) An insurance company insuring a boiler located in a
405 public assembly location in this state shall inspect, or shall
406 contract with an authorized inspection agency to inspect, the
407 insured boiler. A boiler insurance company shall annually report
408 to the department the name of any authorized inspection agency
409 performing any required boiler inspections on its behalf and
410 shall actively monitor insured boilers to ensure that
411 inspections are conducted as required by this chapter.

412 (2) A county, municipality, town, or other governmental
413 subdivision that has adopted into law the Boiler and Pressure
414 Vessel Code of the A.S.M.E. and the National Board Inspection
415 Code for the construction, installation, inspection,

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416 maintenance, and repair of boilers to regulate boilers in public
417 assembly locations may inspect such boilers. All boiler
418 inspections must be conducted by special boiler inspectors in
419 accordance with this chapter.

420 Section 11. Section 554.109, Florida Statutes, is amended
421 to read:

422 554.109 Exemptions.—

423 ~~(1) Any insurance company insuring a boiler located in a~~
424 ~~public assembly location in this state shall inspect such boiler~~
425 ~~so insured, and any county, city, town, or other governmental~~
426 ~~subdivision which has adopted into law the Boiler and Pressure~~
427 ~~Vessel Code of the American Society of Mechanical Engineers and~~
428 ~~the National Board Inspection Code for the construction,~~
429 ~~installation, inspection, maintenance, and repair of boilers,~~
430 ~~regulating such boilers in public assembly locations, shall~~
431 ~~inspect such boilers so regulated; provided that such inspection~~
432 ~~shall be conducted by a special inspector licensed pursuant to~~
433 ~~ss. 554.1011-554.115. Upon filing of a report of satisfactory~~
434 ~~inspection with the department, such boiler is exempt from~~
435 ~~inspection by the department.~~

436 ~~(2) The provisions of This chapter does shall not apply to~~
437 ~~potable hot water supply boilers or lined storage water heaters~~
438 ~~that ~~which~~ are directly fired with oil, gas, electricity, or~~
439 ~~solar energy, provided that none of the following limitations is~~
440 ~~are exceeded:~~

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- 441 (1) ~~(a)~~ Heat input of 400,000 Btu per hour.
442 (2) ~~(b)~~ Water temperature of 210 degrees Fahrenheit.
443 (3) ~~(c)~~ Nominal water-containing capacity of 120 gallons.
444

445 ~~These exempt hot water supply boilers and lined storage water~~
446 ~~heaters shall be equipped with safety relief valves conforming~~
447 ~~to the requirements of the Boiler and Pressure Vessel Code of~~
448 ~~the American Society of Mechanical Engineers and of the National~~
449 ~~Board Inspection Code.~~

450 Section 12. Section 554.1101, Florida Statutes, is amended
451 to read:

452 554.1101 Certificate of operation ~~compliance~~.—

453 (1) If an inspection report filed pursuant to s. 554.108
454 shows a boiler to be in compliance with all applicable
455 provisions of the State Boiler Code, the chief boiler inspector
456 must ~~shall~~, upon receipt of the inspection fee, issue a
457 certificate of operation ~~compliance~~ to the owner. Such
458 certificate must ~~shall~~ bear the date of the inspection and
459 specify the maximum pressure at which the boiler may be
460 operated.

461 (2) The certificate for a power boiler or a high pressure,
462 high temperature water boiler is valid for a period of 12 months
463 from the date of the certificate inspection. The certificate for
464 a heating boiler or a hot water supply boiler is valid for a
465 period of 24 months from the date of the certificate inspection.

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466 The certificate must ~~shall~~ be posted under glass, or be
467 similarly protected, in the room containing the boiler.

468 (3) A boiler insurance company shall notify the chief
469 boiler inspector within 30 days after the issuance of a new or
470 renewal boiler and machinery insurance policy, or the
471 cancellation or nonrenewal of a boiler and machinery insurance
472 policy, covering places of public assembly in this state.

473 (4) If the chief boiler inspector has knowledge that a
474 boiler regulated under this chapter was covered by a boiler and
475 machinery insurance policy after its most recent certification
476 inspection, the certificateholder must, upon the request of the
477 chief boiler inspector, submit its certificate of boiler and
478 machinery insurance for the boiler if the department has not
479 received the special boiler inspector's annual inspection report
480 within 30 days after its due date.

481 Section 13. Section 554.111, Florida Statutes, is amended
482 to read:

483 554.111 Fees.—

484 (1) The department shall charge the following fees:

485 (a) For an applicant for a certificate of competency, the
486 initial application fee shall be \$50, and the annual renewal fee
487 shall be \$30. The fee for examination shall be \$50.

488 (b) For certificate inspections conducted by the
489 department:

490 1. For power boilers and high pressure, high temperature

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491 water boilers of:
492 4,000 square feet or less heating surface.....\$60
493 More than 4,000 square feet heating surface and less than 10,000
494 square feet of heating surface.....\$70
495 10,000 square feet or more heating surface.....\$90
496 2. For heating boilers:
497 Without a manhole.....\$40
498 With a manhole.....\$70
499 3. For hot water supply boilers.....\$40
500 (c) For issuance of a ~~compliance~~ certificate of operation
501 without a department inspection.....\$30
502 (d) Duplicate certificates or address
503 changes.....\$5
504 (e) An application for a boiler permit must include the
505 applicable certificate inspection fee provided in paragraph (b).
506 (2) Not more than an amount equal to one certificate
507 inspection fee may ~~shall~~ be charged or collected for any and all
508 boiler inspections in any inspection period, except as otherwise
509 provided in this chapter ~~ss. 554.1011-554.115~~.
510 (a) When it is necessary to make a special trip to observe
511 the application of a hydrostatic test, an additional fee equal
512 to the fee for a certificate inspection of the boiler must ~~shall~~
513 be charged.
514 (b) All other inspections, including shop inspections,
515 surveys, and inspections of secondhand boilers made by the chief

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516 boiler inspector or a deputy boiler inspector, must ~~shall~~ be
517 charged at the rate of not less than \$270 for one-half day of 4
518 hours, and \$500 for 1 full day of 8 hours, plus travel, hotel,
519 and incidental expenses in accordance with chapter 112.

520 (3) The chief boiler inspector shall deposit all fees or
521 finer received pursuant to this chapter ~~ss. 554.1011-554.115~~
522 into the Insurance Regulatory Trust Fund.

523 Section 14. Sections 554.112 and 554.113, Florida
524 Statutes, are repealed.

525 Section 15. Section 554.114, Florida Statutes, is amended
526 to read:

527 554.114 Prohibitions; penalties.—

528 (1) A person may not:

529 (a) Operate a boiler at a public assembly location without
530 a valid certificate of operation ~~compliance~~ for that boiler;

531 ~~(b) Give false or forged information to the department or~~
532 ~~an inspector for the purpose of obtaining a certificate of~~
533 ~~compliance;~~

534 ~~(c)~~ Use a certificate of operation ~~compliance~~ for any
535 boiler other than for the boiler for which it was issued;

536 ~~(c)-(d)~~ Operate a boiler for which the certificate of
537 operation ~~compliance~~ has been suspended, revoked, or not
538 renewed;

539 ~~(e) Give false or forged information to the department for~~
540 ~~the purpose of obtaining a certificate of competence; or~~

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541 (d)-(f) Inspect any boiler regulated under this chapter ~~the~~
542 ~~provisions of ss. 554.1011-554.115~~ without having a valid
543 certificate of competency.

544 (2) A boiler insurance company that fails to inspect or to
545 have inspected, in accordance with this chapter, any boiler
546 insured by the company and regulated under this chapter is
547 subject to the penalties provided in subsection (4), unless the
548 failure to inspect was the result of an owner or operator's
549 failure to provide reasonable access to the boiler ~~Any person~~
550 ~~who violates this section is guilty of a misdemeanor of the~~
551 ~~second degree, punishable by fine as provided in s. 775.083.~~

552 (3) An authorized inspection agency that is under contract
553 with a boiler insurance company and that fails to inspect, in
554 accordance with this chapter, any boiler insured by the company
555 and regulated under this chapter is subject to the penalties
556 provided in subsection (4), unless the failure to inspect was
557 the result of an owner or operator's failure to provide
558 reasonable access to the boiler.

559 (4) A boiler insurance company, authorized inspection
560 agency, or other person in violation of this section for more
561 than 30 days shall pay a fine of \$10 per day for the first 10
562 days of noncompliance, \$50 per day for the subsequent 20 days of
563 noncompliance, and \$100 per day for each subsequent day over 20
564 days of noncompliance.

565 Section 16. Section 554.115, Florida Statutes, is amended

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566 to read:

567 554.115 Disciplinary proceedings.—

568 (1) The department may deny, refuse to renew, suspend, or
569 revoke a certificate of operation compliance upon proof that:570 (a) The certificate has been obtained by fraud or
571 misrepresentation;572 (b) The boiler for which the certificate was issued cannot
573 be operated safely; ~~or~~574 (c) The person who received the certificate willfully or
575 deliberately violated the State Boiler Code, this chapter, ~~or~~
576 ~~ss. 554.1011-554.115~~ or any other rule adopted pursuant to this
577 chapter; or ~~ss. 554.1011-554.115.~~578 (d) The owner of a boiler:579 1. Operated a boiler at a public assembly location without
580 a valid certificate of operation for that boiler;581 2. Used a certificate of operation for a boiler other than
582 the boiler for which the certificate of operation was issued;583 3. Gave false or forged information to the department, to
584 an authorized inspection agency, or to another boiler inspector
585 for the purpose of obtaining a certificate of operation;586 4. Operated a boiler after the certificate of operation
587 for the boiler expired, was not renewed, or was suspended or
588 revoked;589 5. Operated a boiler that is in an unsafe condition; or590 6. Operated a boiler in a manner that is contrary to the

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591 requirements of this chapter or any rule adopted under this
592 chapter.

593 (2) The department may deny, refuse to renew, suspend, or
594 revoke a certificate of competency upon proof that:

595 (a) The certificate was obtained by fraud or
596 misrepresentation;

597 (b) The inspector to whom the certificate was issued is no
598 longer qualified under this chapter ss. 554.1011-554.115 to
599 inspect boilers; or

600 (c) The boiler inspector:

601 1. ~~Operated a boiler at a public assembly location without~~
602 ~~a valid certificate of compliance for that boiler;~~

603 2. Gave false or forged information to the department, an
604 authorized inspection agency, or to another boiler inspector for
605 the purpose of obtaining a certificate of operation; or
606 compliance;

607 3. ~~Used a certificate of compliance for any boiler other~~
608 ~~than the boiler for which it was issued;~~

609 4. ~~Operated a boiler for which the certificate of~~
610 ~~compliance has been suspended or revoked or has expired;~~

611 2.5. Inspected any boiler regulated under this chapter ss.
612 554.1011-554.115 without having obtained a valid certificate of
613 competency.†

614 6. ~~Operated a boiler that is in an unsafe condition; or~~

615 7. ~~Operated a boiler in a manner that is contrary to the~~

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616 ~~requirements of this chapter or any rule adopted under this~~
617 ~~chapter.~~

618 (3) Each suspension of a certificate of operation
619 ~~compliance~~ or certificate of competency shall continue in effect
620 until all violations have been corrected and, for boiler safety
621 violations, until the boiler has been inspected by an authorized
622 inspector and shown to be in a safe working condition.

623 ~~(4) A person in violation of this section who does not~~
624 ~~have a valid certificate of competency shall be reported by the~~
625 ~~chief inspector to the appropriate state attorney.~~

626 ~~(5) A person in violation of this section who has a valid~~
627 ~~certificate of competency is subject to administrative action by~~
628 ~~the chief inspector.~~

629 (4)-(6) A revocation of a certificate of competency is
630 permanent, and a revoked certificate of competency may not be
631 reinstated or a new certificate of competency issued to the same
632 person. A suspension of a certificate of competency continues in
633 effect until all violations have been corrected. ~~A suspension of~~
634 ~~a certificate of compliance for any boiler safety violation~~
635 ~~continues in effect until the boiler has been inspected by an~~
636 ~~authorized inspector and shown to be in safe working condition.~~

637 Section 17. Section 554.1151, Florida Statutes, is created
638 to read:

639 554.1151 Administrative fine in lieu of or in addition to
640 suspension, revocation, or refusal to renew a certificate of

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641 operation or competency.-

642 (1) If the department finds that one or more grounds exist
643 for the suspension, revocation, or refusal to renew any
644 certificate of operation or certificate of competency issued
645 under this chapter, the department may, in its discretion, in
646 lieu of or in addition to suspension or revocation or in lieu of
647 refusal to renew, impose upon the certificateholder an
648 administrative penalty in an amount up to \$500, or, if the
649 department has found willful misconduct or willful violation on
650 the part of the certificateholder, in an amount up to \$3,500.

651 (2) The department may allow the certificateholder a
652 reasonable period, no more than 30 days, within which to pay to
653 the department the amount of the penalty so imposed. If the
654 certificateholder fails to pay the penalty in its entirety to
655 the department within the period so allowed, the certificate of
656 that person must be suspended until the penalty is paid. If the
657 certificateholder fails to pay the penalty in its entirety to
658 the department within 90 days after the period so allowed, the
659 certificate of that person must be revoked.

660 Section 18. Subsection (7) of section 624.307, Florida
661 Statutes, is amended to read:

662 624.307 General powers; duties.-

663 (7) The department and office, within existing resources,
664 may expend funds for the professional development of its
665 employees, including, but not limited to, professional dues for

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666 employees who are required to be members of professional
667 organizations; examinations leading to professional designations
668 required for employment with the office; training courses and
669 examinations provided through, and to ensure compliance with,
670 the National Association of Insurance Commissioners; or other
671 training courses related to the regulation of insurance.

672 Section 19. Present subsections (1), (2), and (3) and (4)
673 through (19) of section 626.015, Florida Statutes, are
674 redesignated as subsections (2), (3), and (4) and (6) through
675 (21), respectively, present subsection (8) is amended, and new
676 subsections (1) and (5) are added to that section, to read:

677 626.015 Definitions.—As used in this part:

678 (1) "Active participant" means a member in good standing
679 of an association who attends 4 or more hours of association
680 meetings every year, not including any department-approved
681 continuing education course.

682 (5) "Association" includes the Florida Association of
683 Insurance Agents (FAIA), the National Association of Insurance
684 and Financial Advisors (NAIFA), the Florida Association of
685 Health Underwriters (FAHU), the Latin American Association of
686 Insurance Agencies (LAAIA), the Florida Association of Public
687 Insurance Adjusters (FAPIA), the Florida Bail Agents Association
688 (FBAA), or the Professional Bail Agents of the United States
689 (PBUS).

690 (10)-(8) "Insurance agency" means a business location at

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691 which an individual, firm, partnership, corporation,
692 association, or other entity, other than an employee of the
693 individual, firm, partnership, corporation, association, or
694 other entity and other than an insurer as defined by s. 624.03
695 or an adjuster as defined by subsection (2) ~~(1)~~, engages in any
696 activity or employs individuals to engage in any activity which
697 by law may be performed only by a licensed insurance agent.

698 Section 20. Section 626.207, Florida Statutes, is amended
699 to read:

700 626.207 Disqualification of applicants and licensees;
701 penalties against licensees; rulemaking authority.-

702 (1) For purposes of this section, the term or terms:

703 (a) "Applicant" means an individual applying for licensure
704 or relicensure under this chapter, and an officer, director,
705 majority owner, partner, manager, or other person who manages or
706 controls an entity applying for licensure or relicensure under
707 this chapter.

708 (c) "Financial services business" means any financial
709 activity regulated by the Department of Financial Services, the
710 Office of Insurance Regulation, or the Office of Financial
711 Regulation.

712 ~~(b)(2) For purposes of this section, the terms "Felony of~~
713 ~~the first degree" and "capital felony" include all felonies~~
714 ~~designated as such by the Florida Statutes, as well as any~~
715 ~~felony so designated in the jurisdiction in which the plea is~~

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716 entered or judgment is rendered.

717 (2)(3) An applicant who has been found guilty of or has
718 pleaded guilty or nolo contendere to any of the following
719 crimes, regardless of adjudication, is permanently barred from
720 licensure under this chapter: commits

721 (a) A felony of the first degree;

722 (b) A capital felony;

723 (c) A felony involving money laundering; ~~fraud, or~~

724 (d) A felony embezzlement; or

725 (e) A felony directly related to the financial services
726 business is permanently barred from applying for a license under
727 this part. This bar applies to convictions, guilty pleas, or
728 nolo contendere pleas, regardless of adjudication, by any
729 applicant, officer, director, majority owner, partner, manager,
730 or other person who manages or controls any applicant.

731 (3)(4) An applicant who has been found guilty of or has
732 pleaded guilty or nolo contendere to a crime For all other
733 crimes not included in subsection (2), regardless of
734 adjudication, is subject to (3), the department shall adopt
735 rules establishing the process and application of disqualifying
736 periods that include:

737 (a) A 15-year disqualifying period for all felonies
738 involving moral turpitude which ~~that~~ are not specifically
739 included in the permanent bar contained in subsection (2) (3).

740 (b) A 7-year disqualifying period for all felonies to

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741 which neither the permanent bar in subsection (2) ~~(3)~~ nor the
742 15-year disqualifying period in paragraph (a) applies.

743 (c) A 7-year disqualifying period for all misdemeanors
744 directly related to the financial services business.

745 (4)~~(5)~~ The department shall adopt rules to administer this
746 section. The rules must provide ~~providing~~ for additional
747 disqualifying periods due to the commitment of multiple crimes
748 and may include other factors reasonably related to the
749 applicant's criminal history. The rules shall provide for
750 mitigating and aggravating factors. However, mitigation may not
751 result in a period of disqualification of less than 7 years and
752 may not mitigate the disqualifying periods in paragraphs (3) (b)
753 and (c) ~~(4) (b) and (e)~~.

754 (5)~~(6)~~ For purposes of this section, the disqualifying
755 periods begin upon the applicant's final release from
756 supervision or upon completion of the applicant's criminal
757 sentence, ~~including payment of fines, restitution, and court~~
758 ~~costs for the crime for which the disqualifying period applies.~~
759 The department may not issue a license to an applicant unless
760 all related fines, court costs and fees, and court-ordered
761 restitution have been paid.

762 (6)~~(7)~~ After the disqualifying period has expired ~~been~~
763 ~~met~~, the burden is on the applicant to demonstrate that the
764 applicant has been rehabilitated, does not pose a risk to the
765 insurance-buying public, is fit and trustworthy to engage in the

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766 business of insurance pursuant to s. 626.611(1)(g), and is
767 otherwise qualified for licensure.

768 (7) Notwithstanding subsections (2) and (3), upon a grant
769 of a pardon or the restoration of civil rights pursuant to
770 chapter 940 and s. 8, Art. IV of the State Constitution with
771 respect to a finding of guilt or a plea under subsection (2) or
772 subsection (3), such finding or plea no longer bars or
773 disqualifies the applicant from licensure under this chapter
774 unless the clemency specifically excludes licensure in the
775 financial services business; however, a pardon or restoration of
776 civil rights does not require the department to award such
777 license.

778 (8) The department shall adopt rules establishing specific
779 penalties against licensees in accordance with ss. 626.641 and
780 626.651 for violations of s. 626.611, s. 626.621, s. 626.8437,
781 s. 626.844, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s.
782 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The
783 purpose of the revocation or suspension is to provide a
784 sufficient penalty to deter future violations of the Florida
785 Insurance Code. The imposition of a revocation or the length of
786 suspension shall be based on the type of conduct and the
787 probability that the propensity to commit further illegal
788 conduct has been overcome at the time of eligibility for
789 relicensure. The length of suspension may be adjusted based on
790 aggravating or mitigating factors, established by rule and

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791 consistent with this purpose.

792 (9) Section 112.011 does not apply to any applicants for
793 licensure under the Florida Insurance Code, including, but not
794 limited to, agents, agencies, adjusters, adjusting firms,
795 customer representatives, or managing general agents.

796 Section 21. Section 626.9954, Florida Statutes, is amended
797 to read:

798 626.9954 Disqualification from registration.—

799 (1) As used in this section, the terms "felony of the
800 first degree" and "capital felony" include all felonies so
801 designated by the laws of this state, as well as any felony so
802 designated in the jurisdiction in which the plea is entered or
803 judgment is rendered.

804 (2) An applicant who has been found guilty of or has
805 pleaded guilty or nolo contendere to the following crimes,
806 regardless of adjudication, is permanently disqualified from
807 registration under this part: ~~commits~~

808 (a) A felony of the first degree;

809 (b) A capital felony;

810 (c) A felony involving money laundering; ~~fraud, or~~

811 (d) A felony embezzlement; or

812 (e) A felony directly related to the financial services
813 business ~~is permanently barred from applying for registration~~
814 ~~under this part. This bar applies to convictions, guilty pleas,~~
815 ~~or nolo contendere pleas, regardless of adjudication, by an~~

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816 applicant.

817 (3) An applicant who has been found guilty of or has
818 pleaded guilty or nolo contendere to a crime ~~For all other~~
819 ~~crimes~~ not described in subsection (2), regardless of
820 adjudication, is subject to the department may adopt rules
821 ~~establishing the process and application of disqualifying~~
822 ~~periods including:~~

823 (a) A 15-year disqualifying period for all felonies
824 involving moral turpitude which are not specifically included in
825 subsection (2).

826 (b) A 7-year disqualifying period for all felonies not
827 specifically included in subsection (2) or paragraph (a).

828 (c) A 7-year disqualifying period for all misdemeanors
829 directly related to the financial services business.

830 (4) The department may adopt rules to administer this
831 section. The rules must provide for ~~providing~~ additional
832 disqualifying periods due to the commitment of multiple crimes
833 and may include other factors reasonably related to the
834 applicant's criminal history. The rules must provide for
835 mitigating and aggravating factors. However, mitigation may not
836 result in a disqualifying period of less than 7 years and may
837 not mitigate the disqualifying periods in paragraph (3) (b) or
838 paragraph (3) (c).

839 (5) For purposes of this section, the disqualifying
840 periods begin upon the applicant's final release from

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841 supervision or upon completion of the applicant's criminal
842 sentence, ~~including the payment of fines, restitution, and court~~
843 ~~costs for the crime for which the disqualifying period applies.~~
844 The department may not issue a registration to an applicant
845 unless all related fines, court costs and fees, and court-
846 ordered restitution have been paid.

847 (6) After the disqualifying period has expired ~~been met~~,
848 the burden is on the applicant to demonstrate to the
849 satisfaction of the department that he or she has been
850 rehabilitated and does not pose a risk to the insurance-buying
851 public and is otherwise qualified for registration.

852 (7) Notwithstanding subsections (2) and (3), upon a grant
853 of a pardon or the restoration of civil rights pursuant to
854 chapter 940 and s. 8, Art. IV of the State Constitution with
855 respect to a finding of guilt or a plea under subsection (2) or
856 subsection (3), such finding or plea no longer bars or
857 disqualifies the applicant from applying for registration under
858 this part unless the clemency specifically excludes licensure or
859 specifically excludes registration in the financial services
860 business; however, a pardon or restoration of civil rights does
861 not require the department to award such registration.

862 (8) ~~(7)~~ Section 112.011 does not apply to an applicant for
863 registration as a navigator.

864 Section 22. Paragraph (a) of subsection (3) of section
865 626.2815, Florida Statutes, is amended, and paragraph (j) is

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866 added to that subsection, to read:

867 626.2815 Continuing education requirements.—

868 (3) Each licensee except a title insurance agent must
869 complete a 5-hour update course every 2 years which is specific
870 to the license held by the licensee. The course must be
871 developed and offered by providers and approved by the
872 department. The content of the course must address all lines of
873 insurance for which examination and licensure are required and
874 include the following subject areas: insurance law updates,
875 ethics for insurance professionals, disciplinary trends and case
876 studies, industry trends, premium discounts, determining
877 suitability of products and services, and other similar
878 insurance-related topics the department determines are relevant
879 to legally and ethically carrying out the responsibilities of
880 the license granted. A licensee who holds multiple insurance
881 licenses must complete an update course that is specific to at
882 least one of the licenses held. Except as otherwise specified,
883 any remaining required hours of continuing education are
884 elective and may consist of any continuing education course
885 approved by the department under this section.

886 (a) Except as provided in paragraphs (b), (c), (d), (e),
887 ~~and (i),~~ and (j), each licensee must also complete 19 hours of
888 elective continuing education courses every 2 years.

889 (j) For a licensee who is an active participant in an
890 association, 2 hours of elective continuing education credit per

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891 calendar year may be approved by the department, if properly
892 reported by the association.

893 Section 23. Paragraph (n) of subsection (1) and subsection
894 (2) of section 626.611, Florida Statutes, are amended to read:

895 626.611 Grounds for compulsory refusal, suspension, or
896 revocation of agent's, title agency's, adjuster's, customer
897 representative's, service representative's, or managing general
898 agent's license or appointment.-

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

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

914 (2) The department shall, upon receipt of information or
915 an indictment, immediately temporarily suspend a license or

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916 appointment issued under this chapter when the licensee is
917 charged with a felony enumerated in s. 626.207(2) ~~s. 626.207(3)~~.
918 Such suspension shall continue if the licensee is found guilty
919 of, or pleads guilty or nolo contendere to, the crime,
920 regardless of whether a judgment or conviction is entered,
921 during a pending appeal. A person may not transact insurance
922 business after suspension of his or her license or appointment.

923 Section 24. Subsection (8) of section 626.621, Florida
924 Statutes, is amended, and a new subsection (15) is added to that
925 section, to read:

926 626.621 Grounds for discretionary refusal, suspension, or
927 revocation of agent's, adjuster's, customer representative's,
928 service representative's, or managing general agent's license or
929 appointment.—The department may, in its discretion, deny an
930 application for, suspend, revoke, or refuse to renew or continue
931 the license or appointment of any applicant, agent, adjuster,
932 customer representative, service representative, or managing
933 general agent, and it may suspend or revoke the eligibility to
934 hold a license or appointment of any such person, if it finds
935 that as to the applicant, licensee, or appointee any one or more
936 of the following applicable grounds exist under circumstances
937 for which such denial, suspension, revocation, or refusal is not
938 mandatory under s. 626.611:

939 ~~(8) Having been found guilty of or having pleaded guilty~~
940 ~~or nolo contendere to a felony or a crime punishable by~~

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941 ~~imprisonment of 1 year or more under the law of the United~~
942 ~~States of America or of any state thereof or under the law of~~
943 ~~any other country, without regard to whether a judgment of~~
944 ~~conviction has been entered by the court having jurisdiction of~~
945 ~~such cases.~~

946 (15) Denial, suspension, or revocation of, or any other
947 adverse administrative action against, a license to practice or
948 conduct any regulated profession, business, or vocation by this
949 state, any other state, any nation, any possession or district
950 of the United States, any court, or any lawful agency thereof.

951 Section 25. Subsection (2) of section 626.7845, Florida
952 Statutes, is amended to read:

953 626.7845 Prohibition against unlicensed transaction of
954 life insurance.—

955 (2) Except as provided in s. 626.112(6), with respect to
956 any line of authority specified in s. 626.015(12) ~~s.~~
957 ~~626.015(10)~~, an ~~no~~ individual may not ~~shall~~, unless licensed as
958 a life agent:

959 (a) Solicit insurance or annuities or procure
960 applications;

961 (b) In this state, engage or hold himself or herself out
962 as engaging in the business of analyzing or abstracting
963 insurance policies or of counseling or advising or giving
964 opinions to persons relative to insurance or insurance
965 contracts, unless the individual is ~~other than~~:

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966 1. ~~As~~ A consulting actuary advising insurers ~~an insurer~~;
967 or

968 2. An employee ~~As to the counseling and advising of a~~
969 labor union, association, employer, or other business entity
970 ~~labor unions, associations, trustees, employers, or other~~
971 ~~business entities, or~~ the subsidiaries and affiliates of each,
972 who counsels and advises such entity or entities relative to
973 their interests and those of their members or employees under
974 insurance benefit plans; or

975 3. A trustee advising a settlor, a beneficiary, or a
976 person regarding his or her interests in a trust, relative to
977 insurance benefit plans; or

978 (c) In this state, from this state, or with a resident of
979 this state, offer or attempt to negotiate on behalf of another
980 person a viatical settlement contract as defined in s. 626.9911.

981 Section 26. Section 626.8305, Florida Statutes, is amended
982 to read:

983 626.8305 Prohibition against the unlicensed transaction of
984 health insurance.—Except as provided in s. 626.112(6), with
985 respect to any line of authority specified in s. 626.015(8) ~~s.~~
986 ~~626.015(6)~~, an ~~no~~ individual may not ~~shall~~, unless licensed as a
987 health agent:

988 (1) Solicit insurance or procure applications; or

989 (2) In this state, engage or hold himself or herself out
990 as engaging in the business of analyzing or abstracting

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991 insurance policies or of counseling or advising or giving
992 opinions to persons relative to insurance contracts, unless the
993 individual is other than:

994 (a) ~~As~~ A consulting actuary advising insurers; ~~or~~

995 (b) An employee ~~As to the counseling and advising of a~~
996 labor union, association, employer, or other business entity
997 ~~labor unions, associations, trustees, employers, or other~~
998 ~~business entities, or~~ the subsidiaries and affiliates of each,
999 who counsels and advises such entity or entities relative to
1000 their interests and those of their members or employees under
1001 insurance benefit plans; or-

1002 (c) A trustee advising a settlor, a beneficiary, or a
1003 person regarding his or her interests in a trust, relative to
1004 insurance benefit plans.

1005 Section 27. Subsection (1) of section 626.861, Florida
1006 Statutes, is amended to read:

1007 626.861 Insurer's officers, insurer's employees,
1008 reciprocal insurer's representatives; adjustments by.-

1009 (1) This part may not ~~Nothing in this part shall~~ be
1010 construed to prevent an executive officer of any insurer, ~~or~~ a
1011 regularly salaried employee of an insurer handling claims with
1012 respect to health insurance, a regular employee of an insurer
1013 handling claims with respect to residential property when the
1014 sublimit coverage does not exceed \$500, or the duly designated
1015 attorney or agent authorized and acting for subscribers to

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1016 reciprocal insurers, from adjusting any claim loss or damage
1017 under any insurance contract of such insurer.

1018 Section 28. Paragraph (c) of subsection (5) and subsection
1019 (6) of section 626.9543, Florida Statutes, are amended to read:

1020 626.9543 Holocaust victims.—

1021 (5) PROOF OF A CLAIM.—Any insurer doing business in this
1022 state, in receipt of a claim from a Holocaust victim or from a
1023 beneficiary, descendant, or heir of a Holocaust victim, shall:

1024 (c) Permit claims irrespective of any statute of
1025 limitations or notice requirements imposed by any insurance
1026 policy issued, ~~provided the claim is submitted on or before July~~
1027 ~~1, 2018.~~

1028 (6) STATUTE OF LIMITATIONS.—Notwithstanding any law or
1029 agreement among the parties to an insurance policy to the
1030 contrary, any action brought by Holocaust victims or by a
1031 beneficiary, heir, or a descendant of a Holocaust victim seeking
1032 proceeds of an insurance policy issued or in effect between 1920
1033 and 1945, inclusive, may ~~shall~~ not be dismissed for failure to
1034 comply with the applicable statute of limitations or laches
1035 ~~provided the action is commenced on or before July 1, 2018.~~

1036 Section 29. Section 633.516, Florida Statutes, is amended
1037 to read:

1038 633.516 Studies of Division to make study of firefighter
1039 employee occupational diseases of firefighters or persons in
1040 other fire-related fields.—The division may contract for

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1041 studies, subject to the availability of funding, of shall make a
1042 continuous study of firefighter employee occupational diseases
1043 of firefighters or persons in other fire-related fields and the
1044 ways and means for the their control and prevention of such
1045 occupational diseases. When such a study or another study that
1046 is wholly or partly funded under an agreement, including a
1047 contract or grant, with the department tracks a disease of an
1048 individual firefighter or a person in another fire-related
1049 field, the division may, with associated security measures,
1050 release the confidential information, including a social
1051 security number, of that individual to a party who has entered
1052 into an agreement with the department and shall adopt rules
1053 necessary for such control and prevention. For this purpose, the
1054 division is authorized to cooperate with firefighter employers,
1055 firefighter employees, and insurers and with the Department of
1056 Health.

1057 Section 30. Paragraph (a) of subsection (6) and subsection
1058 (7) of section 768.28, Florida Statutes, are amended to read:

1059 768.28 Waiver of sovereign immunity in tort actions;
1060 recovery limits; limitation on attorney fees; statute of
1061 limitations; exclusions; indemnification; risk management
1062 programs.—

1063 (6) (a) An action may not be instituted on a claim against
1064 the state or one of its agencies or subdivisions unless the
1065 claimant presents the claim in writing to the appropriate

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1066 agency, and also, except as to any claim against a municipality,
1067 ~~or~~ the Florida Space Authority, or county, presents such claim
1068 in writing to the Department of Financial Services, within 3
1069 years after such claim accrues and the Department of Financial
1070 Services or the appropriate agency denies the claim in writing;
1071 except that, if:

1072 1. Such claim is for contribution pursuant to s. 768.31,
1073 it must be so presented within 6 months after the judgment
1074 against the tortfeasor seeking contribution has become final by
1075 lapse of time for appeal or after appellate review or, if there
1076 is no such judgment, within 6 months after the tortfeasor
1077 seeking contribution has either discharged the common liability
1078 by payment or agreed, while the action is pending against her or
1079 him, to discharge the common liability; or

1080 2. Such action is for wrongful death, the claimant must
1081 present the claim in writing to the Department of Financial
1082 Services within 2 years after the claim accrues.

1083 (7) In actions brought pursuant to this section, process
1084 shall be served upon the head of the agency concerned and also,
1085 except as to a defendant municipality, ~~or~~ the Florida Space
1086 Authority, or county, upon the Department of Financial Services;
1087 and the department or the agency concerned shall have 30 days
1088 within which to plead thereto.

1089 Section 31. Subsections (3) and (4) and paragraph (e) of
1090 subsection (5) of section 288.706, Florida Statutes, are amended

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1091 to read:

1092 288.706 Florida Minority Business Loan Mobilization
1093 Program.—

1094 (3) Notwithstanding ss. 215.422(15) and 216.181(16) ~~ss.~~
1095 ~~215.422(14) and 216.181(16)~~, and pursuant to s. 216.351, under
1096 the Florida Minority Business Loan Mobilization Program, a state
1097 agency may disburse up to 10 percent of the base contract award
1098 amount to assist a minority business enterprise vendor that is
1099 awarded a state agency contract for goods or services in
1100 obtaining working capital financing as provided in subsection
1101 (5).

1102 (4) Notwithstanding ss. 215.422(15) and 216.181(16) ~~ss.~~
1103 ~~215.422(14) and 216.181(16)~~, and pursuant to s. 216.351, in lieu
1104 of applying for participation in the Florida Minority Business
1105 Loan Mobilization Program, a minority business enterprise vendor
1106 awarded a state agency contract for the performance of
1107 professional services may apply with that contracting state
1108 agency for up to 5 percent of the base contract award amount.
1109 The contracting state agency may award such advance in order to
1110 facilitate the performance of that contract.

1111 (5) The following Florida Minority Business Loan
1112 Mobilization Program procedures apply to minority business
1113 enterprise vendors for contracts awarded by a state agency for
1114 construction or professional services or for the provision of
1115 goods or services:

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1116 (e) The following procedures shall apply when the minority
1117 business enterprise is the prime contract vendor to the
1118 contracting state agency:

1119 1. Pursuant to s. 216.351, ss. 215.422(15) and 216.181(16)
1120 ~~the provisions of ss. 215.422(14) and 216.181(16)~~ do not apply
1121 to this paragraph.

1122 2. For construction contracts, the designated loan
1123 mobilization payment shall be disbursed when:

1124 a. The minority business enterprise prime contract vendor
1125 requests disbursement in the first application for payment.

1126 b. The contracting state agency has issued a notice to
1127 proceed and has approved the first application for payment.

1128 3. For contracts other than construction contracts, the
1129 designated loan mobilization payment shall be disbursed when:

1130 a. The minority business enterprise prime contract vendor
1131 requests disbursement by letter delivered to the contracting
1132 state agency after the execution of the contract but prior to
1133 the commencement of work.

1134 b. The contracting state agency has approved the minority
1135 business enterprise prime contract vendor's letter of request.

1136 4. The designated loan mobilization payment may be paid by
1137 the contracting state agency prior to the commencement of work.

1138 In order to ensure that the contract time provisions do not
1139 commence until the minority business enterprise prime contract
1140 vendor has adequate working capital, the contract documents may

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1141 provide that the contract shall commence at such time as the
1142 contracting state agency releases the designated loan
1143 mobilization payment to the minority business enterprise prime
1144 contract vendor and participating financial institution pursuant
1145 to the working capital agreement.

1146 Section 32. Section 626.7315, Florida Statutes, is amended
1147 to read:

1148 626.7315 Prohibition against the unlicensed transaction of
1149 general lines insurance.—With respect to any line of authority
1150 as defined in s. 626.015(7) ~~s. 626.015(5)~~, no individual shall,
1151 unless licensed as a general lines agent:

1152 (1) Solicit insurance or procure applications therefor;

1153 (2) In this state, receive or issue a receipt for any
1154 money on account of or for any insurer, or receive or issue a
1155 receipt for money from other persons to be transmitted to any
1156 insurer for a policy, contract, or certificate of insurance or
1157 any renewal thereof, even though the policy, certificate, or
1158 contract is not signed by him or her as agent or representative
1159 of the insurer, except as provided in s. 626.0428(1);

1160 (3) Directly or indirectly represent himself or herself to
1161 be an agent of any insurer or as an agent, to collect or forward
1162 any insurance premium, or to solicit, negotiate, effect,
1163 procure, receive, deliver, or forward, directly or indirectly,
1164 any insurance contract or renewal thereof or any endorsement
1165 relating to an insurance contract, or attempt to effect the

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1166 same, of property or insurable business activities or interests,
1167 located in this state;

1168 (4) In this state, engage or hold himself or herself out
1169 as engaging in the business of analyzing or abstracting
1170 insurance policies or of counseling or advising or giving
1171 opinions, other than as a licensed attorney at law, relative to
1172 insurance or insurance contracts, for fee, commission, or other
1173 compensation, other than as a salaried bona fide full-time
1174 employee so counseling and advising his or her employer relative
1175 to the insurance interests of the employer and of the
1176 subsidiaries or business affiliates of the employer;

1177 (5) In any way, directly or indirectly, make or cause to
1178 be made, or attempt to make or cause to be made, any contract of
1179 insurance for or on account of any insurer;

1180 (6) Solicit, negotiate, or in any way, directly or
1181 indirectly, effect insurance contracts, if a member of a
1182 partnership or association, or a stockholder, officer, or agent
1183 of a corporation which holds an agency appointment from any
1184 insurer; or

1185 (7) Receive or transmit applications for suretyship, or
1186 receive for delivery bonds founded on applications forwarded
1187 from this state, or otherwise procure suretyship to be effected
1188 by a surety insurer upon the bonds of persons in this state or
1189 upon bonds given to persons in this state.

1190 Section 33. Paragraph (c) of subsection (6) of section

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1191 627.351, Florida Statutes, is amended to read:

1192 627.351 Insurance risk apportionment plans.—

1193 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1194 (c) The corporation's plan of operation:

1195 1. Must provide for adoption of residential property and
1196 casualty insurance policy forms and commercial residential and
1197 nonresidential property insurance forms, which must be approved
1198 by the office before use. The corporation shall adopt the
1199 following policy forms:

1200 a. Standard personal lines policy forms that are
1201 comprehensive multiperil policies providing full coverage of a
1202 residential property equivalent to the coverage provided in the
1203 private insurance market under an HO-3, HO-4, or HO-6 policy.

1204 b. Basic personal lines policy forms that are policies
1205 similar to an HO-8 policy or a dwelling fire policy that provide
1206 coverage meeting the requirements of the secondary mortgage
1207 market, but which is more limited than the coverage under a
1208 standard policy.

1209 c. Commercial lines residential and nonresidential policy
1210 forms that are generally similar to the basic perils of full
1211 coverage obtainable for commercial residential structures and
1212 commercial nonresidential structures in the admitted voluntary
1213 market.

1214 d. Personal lines and commercial lines residential
1215 property insurance forms that cover the peril of wind only. The

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1216 forms are applicable only to residential properties located in
1217 areas eligible for coverage under the coastal account referred
1218 to in sub-subparagraph (b)2.a.

1219 e. Commercial lines nonresidential property insurance
1220 forms that cover the peril of wind only. The forms are
1221 applicable only to nonresidential properties located in areas
1222 eligible for coverage under the coastal account referred to in
1223 sub-subparagraph (b)2.a.

1224 f. The corporation may adopt variations of the policy
1225 forms listed in sub-subparagraphs a.-e. which contain more
1226 restrictive coverage.

1227 g. Effective January 1, 2013, the corporation shall offer
1228 a basic personal lines policy similar to an HO-8 policy with
1229 dwelling repair based on common construction materials and
1230 methods.

1231 2. Must provide that the corporation adopt a program in
1232 which the corporation and authorized insurers enter into quota
1233 share primary insurance agreements for hurricane coverage, as
1234 defined in s. 627.4025(2)(a), for eligible risks, and adopt
1235 property insurance forms for eligible risks which cover the
1236 peril of wind only.

1237 a. As used in this subsection, the term:

1238 (I) "Quota share primary insurance" means an arrangement
1239 in which the primary hurricane coverage of an eligible risk is
1240 provided in specified percentages by the corporation and an

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1241 authorized insurer. The corporation and authorized insurer are
1242 each solely responsible for a specified percentage of hurricane
1243 coverage of an eligible risk as set forth in a quota share
1244 primary insurance agreement between the corporation and an
1245 authorized insurer and the insurance contract. The
1246 responsibility of the corporation or authorized insurer to pay
1247 its specified percentage of hurricane losses of an eligible
1248 risk, as set forth in the agreement, may not be altered by the
1249 inability of the other party to pay its specified percentage of
1250 losses. Eligible risks that are provided hurricane coverage
1251 through a quota share primary insurance arrangement must be
1252 provided policy forms that set forth the obligations of the
1253 corporation and authorized insurer under the arrangement,
1254 clearly specify the percentages of quota share primary insurance
1255 provided by the corporation and authorized insurer, and
1256 conspicuously and clearly state that the authorized insurer and
1257 the corporation may not be held responsible beyond their
1258 specified percentage of coverage of hurricane losses.

1259 (II) "Eligible risks" means personal lines residential and
1260 commercial lines residential risks that meet the underwriting
1261 criteria of the corporation and are located in areas that were
1262 eligible for coverage by the Florida Windstorm Underwriting
1263 Association on January 1, 2002.

1264 b. The corporation may enter into quota share primary
1265 insurance agreements with authorized insurers at corporation

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1266 coverage levels of 90 percent and 50 percent.

1267 c. If the corporation determines that additional coverage
1268 levels are necessary to maximize participation in quota share
1269 primary insurance agreements by authorized insurers, the
1270 corporation may establish additional coverage levels. However,
1271 the corporation's quota share primary insurance coverage level
1272 may not exceed 90 percent.

1273 d. Any quota share primary insurance agreement entered
1274 into between an authorized insurer and the corporation must
1275 provide for a uniform specified percentage of coverage of
1276 hurricane losses, by county or territory as set forth by the
1277 corporation board, for all eligible risks of the authorized
1278 insurer covered under the agreement.

1279 e. Any quota share primary insurance agreement entered
1280 into between an authorized insurer and the corporation is
1281 subject to review and approval by the office. However, such
1282 agreement shall be authorized only as to insurance contracts
1283 entered into between an authorized insurer and an insured who is
1284 already insured by the corporation for wind coverage.

1285 f. For all eligible risks covered under quota share
1286 primary insurance agreements, the exposure and coverage levels
1287 for both the corporation and authorized insurers shall be
1288 reported by the corporation to the Florida Hurricane Catastrophe
1289 Fund. For all policies of eligible risks covered under such
1290 agreements, the corporation and the authorized insurer must

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1291 maintain complete and accurate records for the purpose of
1292 exposure and loss reimbursement audits as required by fund
1293 rules. The corporation and the authorized insurer shall each
1294 maintain duplicate copies of policy declaration pages and
1295 supporting claims documents.

1296 g. The corporation board shall establish in its plan of
1297 operation standards for quota share agreements which ensure that
1298 there is no discriminatory application among insurers as to the
1299 terms of the agreements, pricing of the agreements, incentive
1300 provisions if any, and consideration paid for servicing policies
1301 or adjusting claims.

1302 h. The quota share primary insurance agreement between the
1303 corporation and an authorized insurer must set forth the
1304 specific terms under which coverage is provided, including, but
1305 not limited to, the sale and servicing of policies issued under
1306 the agreement by the insurance agent of the authorized insurer
1307 producing the business, the reporting of information concerning
1308 eligible risks, the payment of premium to the corporation, and
1309 arrangements for the adjustment and payment of hurricane claims
1310 incurred on eligible risks by the claims adjuster and personnel
1311 of the authorized insurer. Entering into a quota sharing
1312 insurance agreement between the corporation and an authorized
1313 insurer is voluntary and at the discretion of the authorized
1314 insurer.

1315 3. May provide that the corporation may employ or

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1316 otherwise contract with individuals or other entities to provide
1317 administrative or professional services that may be appropriate
1318 to effectuate the plan. The corporation may borrow funds by
1319 issuing bonds or by incurring other indebtedness, and shall have
1320 other powers reasonably necessary to effectuate the requirements
1321 of this subsection, including, without limitation, the power to
1322 issue bonds and incur other indebtedness in order to refinance
1323 outstanding bonds or other indebtedness. The corporation may
1324 seek judicial validation of its bonds or other indebtedness
1325 under chapter 75. The corporation may issue bonds or incur other
1326 indebtedness, or have bonds issued on its behalf by a unit of
1327 local government pursuant to subparagraph (q)2. in the absence
1328 of a hurricane or other weather-related event, upon a
1329 determination by the corporation, subject to approval by the
1330 office, that such action would enable it to efficiently meet the
1331 financial obligations of the corporation and that such
1332 financings are reasonably necessary to effectuate the
1333 requirements of this subsection. The corporation may take all
1334 actions needed to facilitate tax-free status for such bonds or
1335 indebtedness, including formation of trusts or other affiliated
1336 entities. The corporation may pledge assessments, projected
1337 recoveries from the Florida Hurricane Catastrophe Fund, other
1338 reinsurance recoverables, policyholder surcharges and other
1339 surcharges, and other funds available to the corporation as
1340 security for bonds or other indebtedness. In recognition of s.

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1341 10, Art. I of the State Constitution, prohibiting the impairment
1342 of obligations of contracts, it is the intent of the Legislature
1343 that no action be taken whose purpose is to impair any bond
1344 indenture or financing agreement or any revenue source committed
1345 by contract to such bond or other indebtedness.

1346 4. Must require that the corporation operate subject to
1347 the supervision and approval of a board of governors consisting
1348 of nine individuals who are residents of this state and who are
1349 from different geographical areas of the state, one of whom is
1350 appointed by the Governor and serves solely to advocate on
1351 behalf of the consumer. The appointment of a consumer
1352 representative by the Governor is deemed to be within the scope
1353 of the exemption provided in s. 112.313(7)(b) and is in addition
1354 to the appointments authorized under sub-subparagraph a.

1355 a. The Governor, the Chief Financial Officer, the
1356 President of the Senate, and the Speaker of the House of
1357 Representatives shall each appoint two members of the board. At
1358 least one of the two members appointed by each appointing
1359 officer must have demonstrated expertise in insurance and be
1360 deemed to be within the scope of the exemption provided in s.
1361 112.313(7)(b). The Chief Financial Officer shall designate one
1362 of the appointees as chair. All board members serve at the
1363 pleasure of the appointing officer. All members of the board are
1364 subject to removal at will by the officers who appointed them.
1365 All board members, including the chair, must be appointed to

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1366 | serve for 3-year terms beginning annually on a date designated
1367 | by the plan. However, for the first term beginning on or after
1368 | July 1, 2009, each appointing officer shall appoint one member
1369 | of the board for a 2-year term and one member for a 3-year term.
1370 | A board vacancy shall be filled for the unexpired term by the
1371 | appointing officer. The Chief Financial Officer shall appoint a
1372 | technical advisory group to provide information and advice to
1373 | the board in connection with the board's duties under this
1374 | subsection. The executive director and senior managers of the
1375 | corporation shall be engaged by the board and serve at the
1376 | pleasure of the board. Any executive director appointed on or
1377 | after July 1, 2006, is subject to confirmation by the Senate.
1378 | The executive director is responsible for employing other staff
1379 | as the corporation may require, subject to review and
1380 | concurrence by the board.

1381 | b. The board shall create a Market Accountability Advisory
1382 | Committee to assist the corporation in developing awareness of
1383 | its rates and its customer and agent service levels in
1384 | relationship to the voluntary market insurers writing similar
1385 | coverage.

1386 | (I) The members of the advisory committee consist of the
1387 | following 11 persons, one of whom must be elected chair by the
1388 | members of the committee: four representatives, one appointed by
1389 | the Florida Association of Insurance Agents, one by the Florida
1390 | Association of Insurance and Financial Advisors, one by the

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1391 Professional Insurance Agents of Florida, and one by the Latin
1392 American Association of Insurance Agencies; three
1393 representatives appointed by the insurers with the three highest
1394 voluntary market share of residential property insurance
1395 business in the state; one representative from the Office of
1396 Insurance Regulation; one consumer appointed by the board who is
1397 insured by the corporation at the time of appointment to the
1398 committee; one representative appointed by the Florida
1399 Association of Realtors; and one representative appointed by the
1400 Florida Bankers Association. All members shall be appointed to
1401 3-year terms and may serve for consecutive terms.

1402 (II) The committee shall report to the corporation at each
1403 board meeting on insurance market issues which may include rates
1404 and rate competition with the voluntary market; service,
1405 including policy issuance, claims processing, and general
1406 responsiveness to policyholders, applicants, and agents; and
1407 matters relating to depopulation.

1408 5. Must provide a procedure for determining the
1409 eligibility of a risk for coverage, as follows:

1410 a. Subject to s. 627.3517, with respect to personal lines
1411 residential risks, if the risk is offered coverage from an
1412 authorized insurer at the insurer's approved rate under a
1413 standard policy including wind coverage or, if consistent with
1414 the insurer's underwriting rules as filed with the office, a
1415 basic policy including wind coverage, for a new application to

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1416 the corporation for coverage, the risk is not eligible for any
1417 policy issued by the corporation unless the premium for coverage
1418 from the authorized insurer is more than 15 percent greater than
1419 the premium for comparable coverage from the corporation.

1420 Whenever an offer of coverage for a personal lines residential
1421 risk is received for a policyholder of the corporation at
1422 renewal from an authorized insurer, if the offer is equal to or
1423 less than the corporation's renewal premium for comparable
1424 coverage, the risk is not eligible for coverage with the
1425 corporation. If the risk is not able to obtain such offer, the
1426 risk is eligible for a standard policy including wind coverage
1427 or a basic policy including wind coverage issued by the
1428 corporation; however, if the risk could not be insured under a
1429 standard policy including wind coverage regardless of market
1430 conditions, the risk is eligible for a basic policy including
1431 wind coverage unless rejected under subparagraph 8. However, a
1432 policyholder removed from the corporation through an assumption
1433 agreement remains eligible for coverage from the corporation
1434 until the end of the assumption period. The corporation shall
1435 determine the type of policy to be provided on the basis of
1436 objective standards specified in the underwriting manual and
1437 based on generally accepted underwriting practices.

1438 (I) If the risk accepts an offer of coverage through the
1439 market assistance plan or through a mechanism established by the
1440 corporation other than a plan established by s. 627.3518, before

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1441 a policy is issued to the risk by the corporation or during the
1442 first 30 days of coverage by the corporation, and the producing
1443 agent who submitted the application to the plan or to the
1444 corporation is not currently appointed by the insurer, the
1445 insurer shall:

1446 (A) Pay to the producing agent of record of the policy for
1447 the first year, an amount that is the greater of the insurer's
1448 usual and customary commission for the type of policy written or
1449 a fee equal to the usual and customary commission of the
1450 corporation; or

1451 (B) Offer to allow the producing agent of record of the
1452 policy to continue servicing the policy for at least 1 year and
1453 offer to pay the agent the greater of the insurer's or the
1454 corporation's usual and customary commission for the type of
1455 policy written.

1456
1457 If the producing agent is unwilling or unable to accept
1458 appointment, the new insurer shall pay the agent in accordance
1459 with sub-sub-sub-subparagraph (A).

1460 (II) If the corporation enters into a contractual
1461 agreement for a take-out plan, the producing agent of record of
1462 the corporation policy is entitled to retain any unearned
1463 commission on the policy, and the insurer shall:

1464 (A) Pay to the producing agent of record, for the first
1465 year, an amount that is the greater of the insurer's usual and

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1466 customary commission for the type of policy written or a fee
1467 equal to the usual and customary commission of the corporation;
1468 or

1469 (B) Offer to allow the producing agent of record to
1470 continue servicing the policy for at least 1 year and offer to
1471 pay the agent the greater of the insurer's or the corporation's
1472 usual and customary commission for the type of policy written.

1473

1474 If the producing agent is unwilling or unable to accept
1475 appointment, the new insurer shall pay the agent in accordance
1476 with sub-sub-sub-subparagraph (A).

1477 b. With respect to commercial lines residential risks, for
1478 a new application to the corporation for coverage, if the risk
1479 is offered coverage under a policy including wind coverage from
1480 an authorized insurer at its approved rate, the risk is not
1481 eligible for a policy issued by the corporation unless the
1482 premium for coverage from the authorized insurer is more than 15
1483 percent greater than the premium for comparable coverage from
1484 the corporation. Whenever an offer of coverage for a commercial
1485 lines residential risk is received for a policyholder of the
1486 corporation at renewal from an authorized insurer, if the offer
1487 is equal to or less than the corporation's renewal premium for
1488 comparable coverage, the risk is not eligible for coverage with
1489 the corporation. If the risk is not able to obtain any such
1490 offer, the risk is eligible for a policy including wind coverage

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1491 issued by the corporation. However, a policyholder removed from
1492 the corporation through an assumption agreement remains eligible
1493 for coverage from the corporation until the end of the
1494 assumption period.

1495 (I) If the risk accepts an offer of coverage through the
1496 market assistance plan or through a mechanism established by the
1497 corporation other than a plan established by s. 627.3518, before
1498 a policy is issued to the risk by the corporation or during the
1499 first 30 days of coverage by the corporation, and the producing
1500 agent who submitted the application to the plan or the
1501 corporation is not currently appointed by the insurer, the
1502 insurer shall:

1503 (A) Pay to the producing agent of record of the policy,
1504 for the first year, an amount that is the greater of the
1505 insurer's usual and customary commission for the type of policy
1506 written or a fee equal to the usual and customary commission of
1507 the corporation; or

1508 (B) Offer to allow the producing agent of record of the
1509 policy to continue servicing the policy for at least 1 year and
1510 offer to pay the agent the greater of the insurer's or the
1511 corporation's usual and customary commission for the type of
1512 policy written.

1513
1514 If the producing agent is unwilling or unable to accept
1515 appointment, the new insurer shall pay the agent in accordance

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1516 with sub-sub-sub-subparagraph (A).

1517 (II) If the corporation enters into a contractual
1518 agreement for a take-out plan, the producing agent of record of
1519 the corporation policy is entitled to retain any unearned
1520 commission on the policy, and the insurer shall:

1521 (A) Pay to the producing agent of record, for the first
1522 year, an amount that is the greater of the insurer's usual and
1523 customary commission for the type of policy written or a fee
1524 equal to the usual and customary commission of the corporation;
1525 or

1526 (B) Offer to allow the producing agent of record to
1527 continue servicing the policy for at least 1 year and offer to
1528 pay the agent the greater of the insurer's or the corporation's
1529 usual and customary commission for the type of policy written.

1530
1531 If the producing agent is unwilling or unable to accept
1532 appointment, the new insurer shall pay the agent in accordance
1533 with sub-sub-sub-subparagraph (A).

1534 c. For purposes of determining comparable coverage under
1535 sub-subparagraphs a. and b., the comparison must be based on
1536 those forms and coverages that are reasonably comparable. The
1537 corporation may rely on a determination of comparable coverage
1538 and premium made by the producing agent who submits the
1539 application to the corporation, made in the agent's capacity as
1540 the corporation's agent. A comparison may be made solely of the

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1541 premium with respect to the main building or structure only on
1542 the following basis: the same coverage A or other building
1543 limits; the same percentage hurricane deductible that applies on
1544 an annual basis or that applies to each hurricane for commercial
1545 residential property; the same percentage of ordinance and law
1546 coverage, if the same limit is offered by both the corporation
1547 and the authorized insurer; the same mitigation credits, to the
1548 extent the same types of credits are offered both by the
1549 corporation and the authorized insurer; the same method for loss
1550 payment, such as replacement cost or actual cash value, if the
1551 same method is offered both by the corporation and the
1552 authorized insurer in accordance with underwriting rules; and
1553 any other form or coverage that is reasonably comparable as
1554 determined by the board. If an application is submitted to the
1555 corporation for wind-only coverage in the coastal account, the
1556 premium for the corporation's wind-only policy plus the premium
1557 for the ex-wind policy that is offered by an authorized insurer
1558 to the applicant must be compared to the premium for multiperil
1559 coverage offered by an authorized insurer, subject to the
1560 standards for comparison specified in this subparagraph. If the
1561 corporation or the applicant requests from the authorized
1562 insurer a breakdown of the premium of the offer by types of
1563 coverage so that a comparison may be made by the corporation or
1564 its agent and the authorized insurer refuses or is unable to
1565 provide such information, the corporation may treat the offer as

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1566 not being an offer of coverage from an authorized insurer at the
1567 insurer's approved rate.

1568 6. Must include rules for classifications of risks and
1569 rates.

1570 7. Must provide that if premium and investment income for
1571 an account attributable to a particular calendar year are in
1572 excess of projected losses and expenses for the account
1573 attributable to that year, such excess shall be held in surplus
1574 in the account. Such surplus must be available to defray
1575 deficits in that account as to future years and used for that
1576 purpose before assessing assessable insurers and assessable
1577 insureds as to any calendar year.

1578 8. Must provide objective criteria and procedures to be
1579 uniformly applied to all applicants in determining whether an
1580 individual risk is so hazardous as to be uninsurable. In making
1581 this determination and in establishing the criteria and
1582 procedures, the following must be considered:

1583 a. Whether the likelihood of a loss for the individual
1584 risk is substantially higher than for other risks of the same
1585 class; and

1586 b. Whether the uncertainty associated with the individual
1587 risk is such that an appropriate premium cannot be determined.

1588

1589 The acceptance or rejection of a risk by the corporation shall
1590 be construed as the private placement of insurance, and the

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1591 provisions of chapter 120 do not apply.

1592 9. Must provide that the corporation make its best efforts
1593 to procure catastrophe reinsurance at reasonable rates, to cover
1594 its projected 100-year probable maximum loss as determined by
1595 the board of governors.

1596 10. The policies issued by the corporation must provide
1597 that if the corporation or the market assistance plan obtains an
1598 offer from an authorized insurer to cover the risk at its
1599 approved rates, the risk is no longer eligible for renewal
1600 through the corporation, except as otherwise provided in this
1601 subsection.

1602 11. Corporation policies and applications must include a
1603 notice that the corporation policy could, under this section, be
1604 replaced with a policy issued by an authorized insurer which
1605 does not provide coverage identical to the coverage provided by
1606 the corporation. The notice must also specify that acceptance of
1607 corporation coverage creates a conclusive presumption that the
1608 applicant or policyholder is aware of this potential.

1609 12. May establish, subject to approval by the office,
1610 different eligibility requirements and operational procedures
1611 for any line or type of coverage for any specified county or
1612 area if the board determines that such changes are justified due
1613 to the voluntary market being sufficiently stable and
1614 competitive in such area or for such line or type of coverage
1615 and that consumers who, in good faith, are unable to obtain

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1616 insurance through the voluntary market through ordinary methods
1617 continue to have access to coverage from the corporation. If
1618 coverage is sought in connection with a real property transfer,
1619 the requirements and procedures may not provide an effective
1620 date of coverage later than the date of the closing of the
1621 transfer as established by the transferor, the transferee, and,
1622 if applicable, the lender.

1623 13. Must provide that, with respect to the coastal
1624 account, any assessable insurer with a surplus as to
1625 policyholders of \$25 million or less writing 25 percent or more
1626 of its total countrywide property insurance premiums in this
1627 state may petition the office, within the first 90 days of each
1628 calendar year, to qualify as a limited apportionment company. A
1629 regular assessment levied by the corporation on a limited
1630 apportionment company for a deficit incurred by the corporation
1631 for the coastal account may be paid to the corporation on a
1632 monthly basis as the assessments are collected by the limited
1633 apportionment company from its insureds, but a limited
1634 apportionment company must begin collecting the regular
1635 assessments not later than 90 days after the regular assessments
1636 are levied by the corporation, and the regular assessments must
1637 be paid in full within 15 months after being levied by the
1638 corporation. A limited apportionment company shall collect from
1639 its policyholders any emergency assessment imposed under sub-
1640 subparagraph (b)3.d. The plan must provide that, if the office

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1641 determines that any regular assessment will result in an
1642 impairment of the surplus of a limited apportionment company,
1643 the office may direct that all or part of such assessment be
1644 deferred as provided in subparagraph (q)4. However, an emergency
1645 assessment to be collected from policyholders under sub-
1646 subparagraph (b)3.d. may not be limited or deferred.

1647 14. Must provide that the corporation appoint as its
1648 licensed agents only those agents who throughout such
1649 appointments also hold an appointment as defined in s. 626.015
1650 ~~s. 626.015(3)~~ by an insurer who is authorized to write and is
1651 actually writing or renewing personal lines residential property
1652 coverage, commercial residential property coverage, or
1653 commercial nonresidential property coverage within the state.

1654 15. Must provide a premium payment plan option to its
1655 policyholders which, at a minimum, allows for quarterly and
1656 semiannual payment of premiums. A monthly payment plan may, but
1657 is not required to, be offered.

1658 16. Must limit coverage on mobile homes or manufactured
1659 homes built before 1994 to actual cash value of the dwelling
1660 rather than replacement costs of the dwelling.

1661 17. Must provide coverage for manufactured or mobile home
1662 dwellings. Such coverage must also include the following
1663 attached structures:

1664 a. Screened enclosures that are aluminum framed or
1665 screened enclosures that are not covered by the same or

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1666 substantially the same materials as those of the primary
1667 dwelling;

1668 b. Carports that are aluminum or carports that are not
1669 covered by the same or substantially the same materials as those
1670 of the primary dwelling; and

1671 c. Patios that have a roof covering that is constructed of
1672 materials that are not the same or substantially the same
1673 materials as those of the primary dwelling.

1674

1675 The corporation shall make available a policy for mobile homes
1676 or manufactured homes for a minimum insured value of at least
1677 \$3,000.

1678 18. May provide such limits of coverage as the board
1679 determines, consistent with the requirements of this subsection.

1680 19. May require commercial property to meet specified
1681 hurricane mitigation construction features as a condition of
1682 eligibility for coverage.

1683 20. Must provide that new or renewal policies issued by
1684 the corporation on or after January 1, 2012, which cover
1685 sinkhole loss do not include coverage for any loss to
1686 appurtenant structures, driveways, sidewalks, decks, or patios
1687 that are directly or indirectly caused by sinkhole activity. The
1688 corporation shall exclude such coverage using a notice of
1689 coverage change, which may be included with the policy renewal,
1690 and not by issuance of a notice of nonrenewal of the excluded

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1691 coverage upon renewal of the current policy.

1692 21. As of January 1, 2012, must require that the agent
1693 obtain from an applicant for coverage from the corporation an
1694 acknowledgment signed by the applicant, which includes, at a
1695 minimum, the following statement:

1696
1697 ACKNOWLEDGMENT OF POTENTIAL SURCHARGE
1698 AND ASSESSMENT LIABILITY:
1699

1700 1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE
1701 CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A
1702 DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON,
1703 MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND
1704 PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE
1705 POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT
1706 OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA
1707 LEGISLATURE.

1708 2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER
1709 SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM,
1710 BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO
1711 BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN
1712 PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE
1713 WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES
1714 ARE REGULATED AND APPROVED BY THE STATE.

1715 3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY

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1716 ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER
1717 INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE
1718 FLORIDA LEGISLATURE.

1719 4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE
1720 CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE
1721 STATE OF FLORIDA.

1722
1723 a. The corporation shall maintain, in electronic format or
1724 otherwise, a copy of the applicant's signed acknowledgment and
1725 provide a copy of the statement to the policyholder as part of
1726 the first renewal after the effective date of this subparagraph.

1727 b. The signed acknowledgment form creates a conclusive
1728 presumption that the policyholder understood and accepted his or
1729 her potential surcharge and assessment liability as a
1730 policyholder of the corporation.

1731 Section 34. This act shall take effect July 1, 2017.

1732
1733 -----

1734 **T I T L E A M E N D M E N T**

1735 Remove everything before the enacting clause and insert:
1736 An act relating to the Department of Financial Services;
1737 amending s. 17.575, F.S.; replacing, within the Division of
1738 Treasury, the Treasury Investment Committee with the Treasury
1739 Investment Council; specifying the composition and term length
1740 of members; specifying duties of the council; providing that

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1741 members shall serve without additional compensation or
1742 honorarium but may receive per diem and travel expense
1743 reimbursement; amending s. 215.422, F.S.; providing
1744 applicability of certain requirements relating to payments,
1745 warrants, and invoices to payments made in relation to certain
1746 agreements funded with federal or state assistance; reordering
1747 and amending s. 554.1021, F.S.; defining and redefining terms;
1748 amending s. 554.103, F.S.; requiring, rather than authorizing,
1749 the Department of Financial Services to adopt amendments and
1750 interpretations of a specified code into the State Boiler Code;
1751 revising requirements that installers, rather than owners, must
1752 comply with before installing a boiler; authorizing the
1753 department to adopt rules; conforming provisions to changes made
1754 by the act; amending s. 554.104, F.S.; deleting a provision
1755 relating to boilers of special design which is recreated in s.
1756 554.103, F.S.; requiring certification of boiler inspectors;
1757 requiring an application for a certification examination;
1758 specifying qualifications and requirements for the certification
1759 examination; requiring the department to adopt a specified
1760 training course; providing authorized methods and requirements
1761 for the training course; requiring the chief boiler inspector to
1762 issue a certificate of competency to a person meeting certain
1763 requirements; providing procedures for renewing a certificate;
1764 authorizing the department to adopt rules; amending s. 554.105,
1765 F.S.; renaming the chief inspector as the chief boiler

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1766 inspector; revising requirements for the department through the
1767 state boiler inspection program; amending s. 554.106, F.S.;
1768 renaming deputy inspectors as deputy boiler inspectors;
1769 specifying required and authorized duties of deputy boiler
1770 inspectors; amending s. 554.107, F.S.; renaming special
1771 inspectors as special boiler inspectors; revising entities that
1772 may employ special boiler inspectors; specifying required
1773 inspection intervals for special boiler inspectors; amending s.
1774 554.108, F.S.; providing an exemption, under certain conditions,
1775 from inspection requirements; specifying duties of an owner or
1776 an owner's designee to allow an inspector to conduct
1777 inspections; specifying requirements for boiler inspections and
1778 inspection reports; providing a penalty against an insurance
1779 carrier if certain followup inspections are not conducted;
1780 revising conditions that require a boiler to be shut down;
1781 revising requirements and procedures for a boiler that must be
1782 shut down; providing construction; authorizing the department to
1783 adopt rules; creating s. 554.1081, F.S.; revising requirements
1784 for boiler inspections by insurance companies and local
1785 governmental agencies; amending s. 554.109, F.S.; conforming
1786 provisions to changes made by the act; revising boilers that are
1787 exempt from regulation under the chapter; revising requirements
1788 for certain exempt boilers and water heaters; amending s.
1789 554.1101, F.S.; conforming provisions to changes made by the
1790 act; requiring a boiler insurance company to notify, within a

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1791 specified timeframe, the chief boiler inspector under certain
1792 circumstances; requiring a certificateholder to submit a certain
1793 certificate of insurance to the chief boiler inspector under
1794 certain circumstances; amending s. 554.111, F.S.; requiring an
1795 application for a boiler permit to include a specified fee;
1796 requiring the chief boiler inspector to deposit fines into a
1797 specified trust fund; conforming provisions to changes made by
1798 the act; repealing ss. 554.112 and 554.113, F.S., relating to
1799 examinations, and certification of inspectors and renewals,
1800 respectively; amending s. 554.114, F.S.; revising prohibited
1801 acts; providing penalties for a boiler insurance company or
1802 authorized inspection agency that fails to conduct certain
1803 inspections; conforming provisions to changes made by the act;
1804 amending s. 554.115, F.S.; adding authorized disciplinary
1805 actions for the department; adding specified grounds for
1806 disciplinary action against an owner of a boiler; revising
1807 grounds for disciplinary action against a boiler inspector;
1808 deleting a provision requiring a chief inspector to report
1809 certain persons to the state attorney; deleting a provision
1810 authorizing certain administrative action by the chief
1811 inspector; deleting a provision relating to the duration of a
1812 suspended certificate of compliance; creating s. 554.1151, F.S.;
1813 authorizing the department to impose specified administrative
1814 fines in lieu of or in addition to certain disciplinary actions;
1815 authorizing procedures for payment of fines by a

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 925 (2017)

Amendment No.

1816 certificateholder; requiring a certificate to be revoked under
1817 certain circumstances; amending s. 624.307, F.S.; authorizing
1818 the department to expend funds for professional development of
1819 its employees; amending s. 626.015, F.S.; defining terms;
1820 conforming a cross-reference; amending s. 626.207, F.S.;
1821 defining the term "applicant"; revising a list of felonies
1822 subject to a permanent bar from licensure; revising a condition
1823 for when certain disqualifying periods begin; conforming cross-
1824 references; providing an exception from a permanent bar on or
1825 disqualifying periods for cases of executive clemency; providing
1826 construction; amending s. 626.9954, F.S.; revising a list of
1827 felonies subject to a permanent bar from licensure; revising
1828 conditions for when certain disqualifying periods begin;
1829 conforming cross-references; providing an exception from a
1830 permanent bar on or disqualifying periods for cases of executive
1831 clemency; providing construction; amending s. 626.2815, F.S.;
1832 authorizing the department to approve a certain number of
1833 elective continuing education credits for certain insurance
1834 licensees; providing an exception from a certain continuing
1835 education requirement for such licensees; amending s. 626.611,
1836 F.S.; deleting a condition for the involvement of moral
1837 turpitude in felonies or certain crimes in relation to
1838 compulsory disciplinary actions by the department against
1839 certain entities' licenses or appointments; conforming a cross-
1840 reference; amending s. 626.621, F.S.; revising grounds for the

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1841 department's discretionary refusal, suspension, or revocation of
1842 the license or appointment of certain persons; amending s.
1843 626.7845, F.S.; revising an exception to the prohibition against
1844 the unlicensed transaction of life insurance; conforming a
1845 cross-reference; amending s. 626.8305, F.S.; revising an
1846 exception to the prohibition against the unlicensed transaction
1847 of health insurance; conforming a cross-reference; amending s.
1848 626.861, F.S.; authorizing certain insurer employees to adjust
1849 specified claim losses or damage; amending s. 626.9543, F.S.;
1850 removing the scheduled expiration of a requirement for insurers
1851 to permit claims from a Holocaust victim or certain related
1852 persons irrespective of certain conditions; removing the
1853 scheduled expiration of an exception from statutes of
1854 limitations or laches for certain actions brought by Holocaust
1855 victims or certain related persons; amending s. 633.516, F.S.;
1856 authorizing the Division of State Fire Marshal within the
1857 division to contract for studies of, rather than to make a
1858 continuous study of, occupational diseases of firefighters;
1859 adding persons in other fire-related fields to such studies;
1860 authorizing the division to release confidential information of
1861 an individual firefighter or a person in another fire-related
1862 field to certain parties under certain circumstances; amending
1863 s. 768.28, F.S.; providing exceptions in tort claims against a
1864 subdivision of the state from requirements that a claimant
1865 present the written claim to the department within a specified

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 925 (2017)

Amendment No.

1866 | timeframe and serve process upon the department; amending ss.
1867 | 288.706, 626.7315, and 627.351, F.S.; conforming cross-
1868 | references; providing an effective date.