

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Hager offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 259-1288 and insert:

6 Section 4. Section 218.32, Florida Statutes, is amended to
7 read:

8 218.32 Annual financial reports; local governmental
9 entities.—

10 (1)(a) Each local governmental entity that is determined
11 to be a reporting entity, as defined by generally accepted
12 accounting principles, and each independent special district as
13 defined in s. 189.012, shall submit to the department a copy of
14 its annual financial report for the previous fiscal year in a
15 format prescribed by the department. The annual financial report
16 must include a list of each local governmental entity included

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17 in the report and each local governmental entity that failed to
18 provide financial information as required by paragraph (b). The
19 chair of the governing body and the chief financial officer of
20 each local governmental entity shall sign the annual financial
21 report submitted pursuant to this subsection attesting to the
22 accuracy of the information included in the report. The county
23 annual financial report must be a single document that covers
24 each county agency.

25 (b) Each component unit, as defined by generally accepted
26 accounting principles, of a local governmental entity shall
27 provide the local governmental entity, within a reasonable time
28 period as established by the local governmental entity, with
29 financial information necessary to comply with the reporting
30 requirements contained in this section.

31 (c) Each regional planning council created under s.
32 186.504, each local government finance commission, board, or
33 council, and each municipal power corporation created as a
34 separate legal or administrative entity by interlocal agreement
35 under s. 163.01(7) shall submit to the department a copy of its
36 audit report and an annual financial report for the previous
37 fiscal year in a format prescribed by the department.

38 (d) Each local governmental entity that is required to
39 provide for an audit under s. 218.39(1) must submit a copy of
40 the audit report and annual financial report to the department
41 within 45 days after the completion of the audit report but no

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42 later than 9 months after the end of the fiscal year.

43 (e) Each local governmental entity that is not required to
44 provide for an audit under s. 218.39 must submit the annual
45 financial report to the department no later than 9 months after
46 the end of the fiscal year. The department shall consult with
47 the Auditor General in the development of the format of annual
48 financial reports submitted pursuant to this paragraph. The
49 format must include balance sheet information used by the
50 Auditor General pursuant to s. 11.45(7)(f). The department must
51 forward the financial information contained within the annual
52 financial reports to the Auditor General in electronic form.
53 This paragraph does not apply to housing authorities created
54 under chapter 421.

55 (f) If the department does not receive a completed annual
56 financial report from a local governmental entity within the
57 required period, it shall notify the Legislative Auditing
58 Committee and the Special District Accountability Program of the
59 Department of Economic Opportunity of the entity's failure to
60 comply with the reporting requirements.

61 (g) Each local governmental entity's website must provide
62 a link to the department's website to view the entity's annual
63 financial report submitted to the department pursuant to this
64 section. If the local governmental entity does not have an
65 official website, the county government's website must provide
66 the required link for the local governmental entity.

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67 (h) It is the intent of the Legislature to create the
68 Florida Open Financial Statement System, an interactive
69 repository for governmental financial statements.

70 1. The Chief Financial Officer may consult with
71 stakeholders, including the department, the Auditor General, a
72 representative of a municipality or county, a representative of
73 a special district, a municipal bond investor, and an
74 information technology professional employed in the private
75 sector, for input on the design and implementation of the
76 Florida Open Financial Statement System.

77 2. The Chief Financial Officer may choose contractors to
78 build one or more eXtensible Business Reporting Language (XBRL)
79 taxonomies suitable for state, county, municipal, and special
80 district financial filings and to create a software tool that
81 enables financial statement filers to easily create XBRL
82 documents consistent with the taxonomy or taxonomies. The Chief
83 Financial Officer shall recruit and select contractors through
84 an open request for proposals process pursuant to chapter 287.

85 3. The Chief Financial Officer shall require all work to be
86 completed no later than December 31, 2021.

87 4. If the Chief Financial Officer deems the work products
88 adequate, all local governmental financial statements pertaining
89 to fiscal years ending on or after September 1, 2022, must be
90 filed in XBRL format and must meet the validation requirements
91 of the relevant taxonomy.

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92 5. A local government that commences filing in XBRL format
93 may not be required to make filings in Portable Document Format.

94 Section 5. Section 284.40, Florida Statutes, is amended to
95 read:

96 284.40 Division of Risk Management; disclosure of certain
97 workers' compensation-related information by the Department of
98 Financial Services.—

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

102 (2) The claim files maintained by the Division of Risk
103 Management shall be confidential, shall be only for the usage by
104 the Department of Financial Services in fulfilling its duties
105 and responsibilities under this part, and shall be exempt from
106 the provisions of s. 119.07(1).

107 (3) Upon certification by the division director or his or
108 her designee to the custodian of any records maintained by the
109 Department of Children and Families, Department of Health,
110 Agency for Health Care Administration, or Department of Elderly
111 Affairs that such records are necessary to investigate a claim
112 against the Department of Children and Families, Department of
113 Health, Agency for Health Care Administration, or Department of
114 Elderly Affairs being handled by the Division of Risk
115 Management, the records shall be released to the division
116 subject to the provisions of subsection (2), any conflicting

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117 provisions as to the confidentiality of such records
118 notwithstanding.

119 (4) Notwithstanding s. 440.1851, the Department of
120 Financial Services may disclose the personal identifying
121 information of an injured or deceased employee to a department-
122 contracted vendor for the purpose of ascertaining a claimant's
123 claims history to investigate the compensability of a claim or
124 to identify and prevent fraud.

125 Section 6. Section 284.50, Florida Statutes, is amended to
126 read:

127 284.50 Loss prevention program; safety coordinators;
128 Interagency Advisory Council on Loss Prevention; employee
129 recognition program; return-to-work programs; risk management
130 programs.—

131 (1) The head of each department of state government,
132 except the Legislature, shall designate a safety coordinator.
133 Such safety coordinator must be an employee of the department
134 and must hold a position which has responsibilities comparable
135 to those of an employee in the Senior Management System. The
136 Department of Financial Services shall provide appropriate
137 training to the safety coordinators to permit them to
138 effectively perform their duties within their respective
139 departments. Within 1 year after being appointed by his or her
140 department head, the safety coordinator shall complete safety
141 coordinator training offered by the Department of Financial

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142 Services. Each safety coordinator shall, at the direction of his
143 or her department head:

144 (a) Develop and implement the loss prevention program, a
145 comprehensive departmental safety program which shall include a
146 statement of safety policy and responsibility.

147 (b) Provide for regular and periodic facility and
148 equipment inspections.

149 (c) Investigate job-related employee accidents of his or
150 her department.

151 (d) Establish a program to promote increased safety
152 awareness among employees.

153 (2) There shall be an Interagency Advisory Council on Loss
154 Prevention composed of the safety coordinators from each
155 department and representatives designated by the Division of
156 State Fire Marshal and the Division of Risk Management. The
157 chair of the council ~~is shall be~~ the Director of the Division of
158 Risk Management or his or her designee. The council shall meet
159 at least quarterly to discuss safety problems within state
160 government, to attempt to find solutions for these problems,
161 and, when possible, to assist in the implementation of the
162 solutions. If the safety coordinator of a department or office
163 is unable to attend a council meeting, an alternate, selected by
164 the department head or his or her designee, shall attend the
165 meeting to represent and provide input for that department or
166 office on the council. The council is further authorized to

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167 provide for the recognition of employees, agents, and volunteers
168 who make exceptional contributions to the reduction and control
169 of employment-related accidents. The necessary expenses for the
170 administration of this program of recognition shall be
171 considered an authorized administrative expense payable from the
172 State Risk Management Trust Fund.

173 (3) The Department of Financial Services and all agencies
174 that are provided workers' compensation insurance coverage by
175 the State Risk Management Trust Fund and employ more than 3,000
176 full-time employees shall establish and maintain return-to-work
177 programs for employees who are receiving workers' compensation
178 benefits. The programs must ~~shall~~ have the primary goal of
179 enabling injured workers to remain at work or return to work to
180 perform job duties within the physical or mental functional
181 limitations and restrictions established by the workers'
182 treating physicians. If no limitation or restriction is
183 established in writing by a worker's treating physician, the
184 worker is ~~shall be~~ deemed to be able to fully perform the same
185 work duties he or she performed before the injury. Agencies
186 employing more than 3,000 full-time employees shall report
187 return-to-work information to the Department of Financial
188 Services to support the Department of Financial Services'
189 mandatory reporting requirements on agency return-to-work
190 efforts under s. 284.42(1)(b).

191 (4) The Division of Risk Management shall evaluate each

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192 agency's risk management programs, including, but not limited
193 to, return-to-work, safety, and loss prevention programs, at
194 least once every 5 years. Reports, including, but not limited
195 to, any recommended corrective action, resulting from such
196 evaluations must ~~shall~~ be provided to the head of the agency
197 being evaluated, the Chief Financial Officer, and the director
198 of the Division of Risk Management. The agency head must provide
199 to the Division of Risk Management a response to all report
200 recommendations within 45 days and a plan to implement any
201 corrective action to be taken as part of the response. If the
202 agency disagrees with any final report recommendations,
203 including, but not limited to, any recommended corrective
204 action, or if the agency fails to implement any recommended
205 corrective action within a reasonable time, the division shall
206 submit the evaluation report to the legislative appropriations
207 committees. Each agency shall provide risk management program
208 information to the Division of Risk Management to support the
209 Division of Risk Management's mandatory evaluation and reporting
210 requirements in this subsection.

211 (5) Each agency shall:

212 (a) Review information provided by the Division of Risk
213 Management on claims and losses;

214 (b) Identify any discrepancies between the Division of
215 Risk Management's records and the agency's records and report
216 such discrepancies to the Division of Risk Management in

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217 writing; and

218 (c) Review and respond to communications from the Division
219 of Risk Management identifying unsafe or inappropriate
220 conditions, policies, procedures, trends, equipment, or actions
221 or incidents that have led or may lead to accidents or claims
222 involving the state.

223 Section 7. Paragraph (b) of subsection (3) of section
224 409.1451, Florida Statutes, is amended to read:

225 409.1451 The Road-to-Independence Program.—

226 (b) Aftercare services include, but are not limited to,
227 the following:

- 228 1. Mentoring and tutoring.
- 229 2. Mental health services and substance abuse counseling.
- 230 3. Life skills classes, including credit management and
231 preventive health activities.
- 232 4. Parenting classes.
- 233 5. Job and career skills training.
- 234 6. Counselor consultations.
- 235 7. Temporary financial assistance for necessities,
236 including, but not limited to, education supplies,
237 transportation expenses, security deposits for rent and
238 utilities, furnishings, household goods, and other basic living
239 expenses.
- 240 8. Financial literacy skills training pursuant to s.
241 39.6035(1)(c).

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242
243 The specific services to be provided under this paragraph shall
244 be determined by an assessment of the young adult and may be
245 provided by the community-based care provider or through
246 referrals in the community.

247 Section 8. Subsections (1) and (3) of section 414.411,
248 Florida Statutes, are amended to read:

249 414.411 Public assistance fraud.—

250 (1) The Department of Financial Services shall investigate
251 all public assistance provided to residents of the state or
252 provided to others by the state. In the course of such
253 investigation the department shall examine all records,
254 including electronic benefits transfer records and make inquiry
255 of all persons who may have knowledge as to any irregularity
256 incidental to the disbursement of public moneys, food
257 assistance, or other items or benefits authorizations to
258 recipients. All public assistance recipients, as a condition
259 precedent to qualification for public assistance under chapter
260 409, chapter 411, or this chapter, must first give in writing,
261 to the Agency for Health Care Administration, the Department of
262 Health, the Department of Education ~~Economic Opportunity~~, and
263 the Department of Children and Families, as appropriate, and to
264 the Department of Financial Services, consent to make inquiry of
265 past or present employers and records, financial or otherwise.

266 (3) The results of such investigation shall be reported by

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267 the Department of Financial Services to the appropriate
268 legislative committees, the Agency for Health Care
269 Administration, the Department of Health, the Department of
270 Education ~~Economic Opportunity~~, and the Department of Children
271 and Families, and to such others as the department may
272 determine.

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

275 624.317 Investigation of agents, adjusters,
276 administrators, service companies, and others.—If it has reason
277 to believe that any person has violated or is violating any
278 provision of this code, or upon the written complaint signed by
279 any interested person indicating that any such violation may
280 exist:

281 (1) The department shall conduct such investigation as it
282 deems necessary of the accounts, records, documents, and
283 transactions pertaining to or affecting the insurance affairs of
284 any ~~general agent, surplus lines agent,~~ adjuster, ~~managing~~
285 ~~general agent, insurance agent,~~ insurance agency, customer
286 representative, service representative, or other person subject
287 to its jurisdiction, subject to the requirements of s. 626.601.

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

290 624.34 Authority of Department of Law Enforcement to
291 accept fingerprints of, and exchange criminal history records

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292 with respect to, certain persons.—

293 (2) The Department of Law Enforcement may accept
294 fingerprints of individuals who apply for a license as an agent,
295 customer representative, adjuster, service representative, or
296 navigator, ~~or managing general agent~~ or the fingerprints of the
297 majority owner, sole proprietor, partners, officers, and
298 directors of a corporation or other legal entity that applies
299 for licensure with the department or office under the Florida
300 Insurance Code.

301 Section 11. Section 624.4073, Florida Statutes, is amended
302 to read:

303 624.4073 Officers and directors of insolvent insurers.—Any
304 person who was an officer or director of an insurer doing
305 business in this state and who served in that capacity within
306 the 2-year period before ~~prior to~~ the date the insurer became
307 insolvent, for any insolvency that occurs on or after July 1,
308 2002, may not thereafter serve as an officer or director of an
309 insurer authorized in this state or have direct or indirect
310 control over the selection or appointment of an officer or
311 director through contract, trust, or by operation of law, unless
312 the officer or director demonstrates that his or her personal
313 actions or omissions were not a significant contributing cause
314 to the insolvency.

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

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317 624.4094 Bail bond premiums.—

318 (1) The Legislature finds that a significant portion of
319 bail bond premiums is retained by the licensed bail bond agents
320 or appointed ~~licensed~~ managing general agents. For purposes of
321 reporting in financial statements required to be filed with the
322 office pursuant to s. 624.424, direct written premiums for bail
323 bonds by a domestic insurer in this state shall be reported net
324 of any amounts retained by licensed bail bond agents or
325 appointed ~~licensed~~ managing general agents. However, in no case
326 shall the direct written premiums for bail bonds be less than
327 6.5 percent of the total consideration received by the agent for
328 all bail bonds written by the agent. This subsection also
329 applies to any determination of compliance with s. 624.4095.

330 Section 13. Paragraph (e) of subsection (19) of section
331 624.501, Florida Statutes, is amended to read:

332 624.501 Filing, license, appointment, and miscellaneous
333 fees.—The department, commission, or office, as appropriate,
334 shall collect in advance, and persons so served shall pay to it
335 in advance, fees, licenses, and miscellaneous charges as
336 follows:

337 (19) Miscellaneous services:

338 (e) Insurer's registration fee for agent exchanging
339 business more than four ~~24~~ times in a calendar year under s.
340 626.752, s. 626.793, or s. 626.837, registration fee per agent
341 per year.....\$30.00

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342 Section 14. Subsection (1) of section 624.509, Florida
343 Statutes, is amended to read:

344 624.509 Premium tax; rate and computation.—

345 (1) In addition to the license taxes provided for in this
346 chapter, each insurer shall also annually, and on or before
347 March 1 in each year, except as to wet marine and transportation
348 insurance taxed under s. 624.510, pay to the Department of
349 Revenue a tax on insurance premiums, premiums for title
350 insurance, or assessments, including membership fees and policy
351 fees and gross deposits received from subscribers to reciprocal
352 or interinsurance agreements, and on annuity premiums or
353 considerations, received during the preceding calendar year, the
354 amounts thereof to be determined as set forth in this section,
355 to wit:

356 (a) An amount equal to 1.75 percent of the gross amount of
357 such receipts on account of life and health insurance policies
358 covering persons resident in this state and on account of all
359 other types of policies and contracts, except annuity policies
360 or contracts taxable under paragraph (b) and bail bond policies
361 or contracts taxable under paragraph (c), covering property,
362 subjects, or risks located, resident, or to be performed in this
363 state, omitting premiums on reinsurance accepted, and less
364 return premiums or assessments, but without deductions:

- 365 1. For reinsurance ceded to other insurers;
366 2. For moneys paid upon surrender of policies or

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367 certificates for cash surrender value;

368 3. For discounts or refunds for direct or prompt payment
369 of premiums or assessments; and

370 4. On account of dividends of any nature or amount paid
371 and credited or allowed to holders of insurance policies;
372 certificates; or surety, indemnity, reciprocal, or
373 interinsurance contracts or agreements;

374 (b) An amount equal to 1 percent of the gross receipts on
375 annuity policies or contracts paid by holders thereof in this
376 state; and

377 (c) An amount equal to 1.75 percent of the direct written
378 premiums for bail bonds, excluding any amounts retained by
379 licensed bail bond agents or appointed ~~licensed~~ managing general
380 agents.

381 Section 15. Section 625.071, Florida Statutes, is amended
382 to read:

383 625.071 Special reserve for bail and judicial bonds.—In
384 lieu of the unearned premium reserve required on surety bonds
385 under s. 625.051, the office may require any surety insurer or
386 limited surety insurer to set up and maintain a reserve on all
387 bail bonds or other single-premium bonds without definite
388 expiration date, furnished in judicial proceedings, equal to the
389 lesser of 35 percent of the bail premiums in force or \$7 per
390 \$1,000 of bail liability. Such reserve shall be reported as a
391 liability in financial statements required to be filed with the

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392 office. Each insurer shall file a supplementary schedule showing
393 bail premiums in force and bail liability and the associated
394 special reserve for bail and judicial bonds with financial
395 statements required by s. 624.424. Bail premiums in force do not
396 include amounts retained by licensed bail bond agents or
397 appointed ~~licensed~~ managing general agents, but may not be less
398 than 6.5 percent of the total consideration received for all
399 bail bonds in force.

400 Section 16. Subsection (5) of section 626.112, Florida
401 Statutes, is amended to read:

402 626.112 License and appointment required; agents, customer
403 representatives, adjusters, insurance agencies, service
404 representatives, managing general agents.-

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

409 Section 17. Section 626.171, Florida Statutes, is amended
410 to read:

411 626.171 Application for license as an agent, customer
412 representative, adjuster, service representative, ~~managing~~
413 ~~general agent,~~ or reinsurance intermediary.-

414 (1) The department may not issue a license as agent,
415 customer representative, adjuster, service representative,
416 ~~managing general agent,~~ or reinsurance intermediary to any

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417 person except upon written application filed with the
418 department, meeting the qualifications for the license applied
419 for as determined by the department, and payment in advance of
420 all applicable fees. The application must be made under the oath
421 of the applicant and be signed by the applicant. An applicant
422 may permit a third party to complete, submit, and sign an
423 application on the applicant's behalf, but is responsible for
424 ensuring that the information on the application is true and
425 correct and is accountable for any misstatements or
426 misrepresentations. The department shall accept the uniform
427 application for nonresident agent licensing. The department may
428 adopt revised versions of the uniform application by rule.

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

430 (a) His or her full name, age, social security number,
431 residence address, business address, mailing address, contact
432 telephone numbers, including a business telephone number, and e-
433 mail address.

434 (b) A statement indicating the method the applicant used
435 or is using to meet any required prelicensing education,
436 knowledge, experience, or instructional requirements for the
437 type of license applied for.

438 (c) Whether he or she has been refused or has voluntarily
439 surrendered or has had suspended or revoked a license to solicit
440 insurance by the department or by the supervising officials of
441 any state.

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

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

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

449 (g) The applicant's native language.

450 (h) The highest level of education achieved by the
451 applicant.

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

454 (j) Such other or additional information as the department
455 may deem proper to enable it to determine the character,
456 experience, ability, and other qualifications of the applicant
457 to hold himself or herself out to the public as an insurance
458 representative.

459

460 However, the application must contain a statement that an
461 applicant is not required to disclose his or her race or
462 ethnicity, gender, or native language, that he or she will not
463 be penalized for not doing so, and that the department will use
464 this information exclusively for research and statistical
465 purposes and to improve the quality and fairness of the
466 examinations.

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

469 (4) An applicant for a license as an agent, customer
470 representative, adjuster, service representative, ~~managing~~
471 ~~general agent~~, or reinsurance intermediary must submit a set of
472 the individual applicant's fingerprints, or, if the applicant is
473 not an individual, a set of the fingerprints of the sole
474 proprietor, majority owner, partners, officers, and directors,
475 to the department and must pay the fingerprint processing fee
476 set forth in s. 624.501. Fingerprints must ~~shall~~ be used to
477 investigate the applicant's qualifications pursuant to s.
478 626.201. The fingerprints must ~~shall~~ be taken by a law
479 enforcement agency, designated examination center, or other
480 department-approved entity. The department shall require all
481 designated examination centers to have fingerprinting equipment
482 and to take fingerprints from any applicant or prospective
483 applicant who pays the applicable fee. The department may not
484 approve an application for licensure as an agent, customer
485 service representative, adjuster, service representative,
486 ~~managing general agent~~, or reinsurance intermediary if
487 fingerprints have not been submitted.

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

490 (6) Members of the United States Armed Forces and their
491 spouses, and veterans of the United States Armed Forces who have

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492 retired within 24 months before application for licensure, are
493 exempt from the application filing fee prescribed in s. 624.501.
494 Qualified individuals must provide a copy of a military
495 identification card, military dependent identification card,
496 military service record, military personnel file, veteran
497 record, discharge paper, ~~or separation document~~, or a separation
498 document that indicates such members of the United States Armed
499 Forces are currently in good standing or were honorably
500 discharged.

501 (7) Pursuant to the federal Personal Responsibility and
502 Work Opportunity Reconciliation Act of 1996, each party is
503 required to provide his or her social security number in
504 accordance with this section. Disclosure of social security
505 numbers obtained through this requirement must ~~shall~~ be limited
506 to the purpose of administration of the Title IV-D program for
507 child support enforcement.

508 Section 18. Section 626.202, Florida Statutes, is amended
509 to read:

510 626.202 Fingerprinting requirements.-

511 (1) The requirements for completion and submission of
512 fingerprints under this chapter are deemed to be met when an
513 individual currently licensed under this chapter seeks
514 additional licensure and has previously submitted fingerprints
515 to the department within the past 48 months. However, the
516 department may require the individual to file fingerprints if it

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517 has reason to believe that an applicant or licensee has been
518 found guilty of, or pleaded guilty or nolo contendere to, a
519 felony or a crime related to the business of insurance in this
520 state or any other state or jurisdiction.

521 (2) If there is a change in ownership or control of any
522 entity licensed under this chapter, or if a new partner,
523 officer, or director is employed or appointed, a set of
524 fingerprints of the new owner, partner, officer, or director
525 must be filed with the department or office within 30 days after
526 the change. The acquisition of 10 percent or more of the voting
527 securities of a licensed entity is considered a change of
528 ownership or control. The fingerprints must be taken by a law
529 enforcement agency or other department-approved entity and be
530 accompanied by the fingerprint processing fee in s. 624.501.

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

533 626.207 Disqualification of applicants and licensees;
534 penalties against licensees; rulemaking authority.—

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

539 Section 20. Paragraph (j) of subsection (2) of section
540 626.221, Florida Statutes, is amended to read:

541 626.221 Examination requirement; exemptions.—

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

544 (j) An applicant for license as an all-lines adjuster who
545 has the designation of Accredited Claims Adjuster (ACA) from a
546 regionally accredited postsecondary institution in this state,
547 Associate in Claims (AIC) from the Insurance Institute of
548 America, Professional Claims Adjuster (PCA) from the
549 Professional Career Institute, Professional Property Insurance
550 Adjuster (PPIA) from the HurriClaim Training Academy, Certified
551 Adjuster (CA) from ALL LINES Training, Certified Claims Adjuster
552 (CCA) from AE21 Incorporated, Claims Adjuster Certified
553 Professional (CACP) from WebCE, Inc., or Universal Claims
554 Certification (UCC) from Claims and Litigation Management
555 Alliance (CLM) whose curriculum has been approved by the
556 department and which includes comprehensive analysis of basic
557 property and casualty lines of insurance and testing at least
558 equal to that of standard department testing for the all-lines
559 adjuster license. The department shall adopt rules establishing
560 standards for the approval of curriculum.

561 Section 21. Subsection (7) of section 626.451, Florida
562 Statutes, is renumbered as subsection (6), and subsections (1)
563 and (5) and present subsection (6) of that section are amended,
564 to read:

565 626.451 Appointment of agent or other representative.—

566 (1) Each appointing entity or person designated by the

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567 department to administer the appointment process appointing an
568 agent, adjuster, service representative, customer
569 representative, or managing general agent in this state shall
570 file the appointment with the department or office and, at the
571 same time, pay the applicable appointment fee and taxes. Every
572 appointment is ~~shall be~~ subject to the prior issuance of the
573 appropriate agent's, adjuster's, service representative's, or
574 customer representative's, ~~or managing general agent's~~ license.

575 ~~(5) Any law enforcement agency or state attorney's office~~
576 ~~that is aware that an agent, adjuster, service representative,~~
577 ~~customer representative, or managing general agent has pleaded~~
578 ~~guilty or nolo contendere to or has been found guilty of a~~
579 ~~felony shall notify the department or office of such fact.~~

580 ~~(5)-(6)~~ Upon the filing of an information or indictment
581 against an agent, adjuster, service representative, or customer
582 representative, ~~or managing general agent,~~ the state attorney
583 shall immediately furnish the department or office a certified
584 copy of the information or indictment.

585 Section 22. Section 626.521, Florida Statutes, is amended
586 to read:

587 626.521 ~~Character,~~ Credit and character reports.—

588 (1) Before appointing ~~As to each applicant who~~ for the
589 first time in this state an ~~is applying and qualifying for a~~
590 ~~license as~~ agent, adjuster, service representative, customer
591 representative, or managing general agent, the appointing

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592 insurer or employer shall ~~its manager or general agent in this~~
593 ~~state, in the case of agents, or the appointing general lines~~
594 ~~agent, in the case of customer representatives, or the employer,~~
595 ~~in the case of service representatives and of adjusters who are~~
596 ~~not to be self-employed, shall coincidentally with such~~
597 ~~appointment or employment~~ secure and thereafter keep on file a
598 full detailed credit and character report ~~made by an established~~
599 ~~and reputable independent reporting service,~~ relative to the
600 individual so appointed ~~or employed~~. This subsection does not
601 apply to licensees who self-appoint pursuant to s. 624.501.

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

607 ~~(3) As to an applicant for an adjuster's or reinsurance~~
608 ~~intermediary's license who is to be self-employed, the~~
609 ~~department may secure, at the cost of the applicant, a full~~
610 ~~detailed credit and character report made by an established and~~
611 ~~reputable independent reporting service relative to the~~
612 ~~applicant.~~

613 ~~(4) Each person who for the first time in this state is~~
614 ~~applying and qualifying for a license as a reinsurance~~
615 ~~intermediary shall file with her or his application for license~~
616 ~~a full, detailed credit and character report for the 5-year~~

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617 ~~period immediately prior to the date of application for license,~~
618 ~~made by an established and reputable independent reporting~~
619 ~~service, relative to the individual if a partnership or sole~~
620 ~~proprietorship, or the officers if a corporation or other legal~~
621 ~~entity.~~

622 ~~(3)-(5)~~ Information contained in credit or character
623 reports furnished to or secured by the department under this
624 section is confidential and exempt from ~~the provisions of s.~~
625 119.07(1).

626 Section 23. Paragraph (f) of subsection (1) of section
627 626.731, Florida Statutes, is amended to read:

628 626.731 Qualifications for general lines agent's license.-

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

633 ~~(f) The applicant is not a service representative, a~~
634 ~~managing general agent in this state, or a special agent or~~
635 ~~similar service representative of a health insurer which also~~
636 ~~transacts property, casualty, or surety insurance; except that~~
637 ~~the president, vice president, secretary, or treasurer,~~
638 ~~including a member of the board of directors, of a corporate~~
639 ~~insurer, if otherwise qualified under and meeting the~~
640 ~~requirements of this part, may be licensed and appointed as a~~
641 ~~local resident agent.~~

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

644 626.7351 Qualifications for customer representative's
645 license.—The department shall not grant or issue a license as
646 customer representative to any individual found by it to be
647 untrustworthy or incompetent, or who does not meet each of the
648 following qualifications:

649 (6) Upon the issuance of the license applied for, the
650 applicant is not an agent or, a service representative, ~~or a~~
651 ~~managing general agent~~.

652 Section 25. Section 626.744, Florida Statutes, is amended
653 to read:

654 626.744 Service representatives, ~~managing general agents~~;
655 application for license.—The application for a license as
656 service representative must ~~or the application for a license as~~
657 ~~managing general agent shall~~ show the applicant's name,
658 residence address, name of employer, position or title, type of
659 work to be performed by the applicant in this state, and any
660 additional information which the department may reasonably
661 require.

662 Section 26. Section 626.745, Florida Statutes, is amended
663 to read:

664 626.745 Service representatives, managing general agents;
665 managers; activities.—Individuals employed by insurers or their
666 managers, general agents, or representatives as service

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667 representatives, and as managing general agents employed for the
668 purpose of or engaged in assisting agents in negotiating and
669 effecting contracts of insurance, shall engage in such
670 activities ~~when, and~~ only when licensed as or, accompanied by a
671 general lines ~~an~~ agent duly licensed and appointed ~~as a resident~~
672 ~~licensee and appointee~~ under this code.

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

675 626.7451 Managing general agents; required contract
676 provisions.—No person acting in the capacity of a managing
677 general agent shall place business with an insurer unless there
678 is in force a written contract between the parties which sets
679 forth the responsibility for a particular function, specifies
680 the division of responsibilities, and contains the following
681 minimum provisions:

682 (11) An appointed ~~A licensed~~ managing general agent, when
683 placing business with an insurer under this code, may charge a
684 per-policy fee not to exceed \$25. ~~In no instance shall~~ The
685 aggregate of per-policy fees for a placement of business
686 authorized under this section, when combined with any other per-
687 policy fee charged by the insurer, may not result in per-policy
688 fees that ~~which~~ exceed the aggregate amount of \$25. The per-
689 policy fee must ~~shall~~ be a component of the insurer's rate
690 filing and must ~~shall~~ be fully earned.

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692 For the purposes of this section and ss. 626.7453 and 626.7454,
693 the term "controlling person" or "controlling" has the meaning
694 set forth in s. 625.012(5)(b)1., and the term "controlled
695 person" or "controlled" has the meaning set forth in s.
696 625.012(5)(b)2.

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

699 626.7455 Managing general agent; responsibility of
700 insurer.—

701 (1) An insurer may not ~~No insurer shall~~ enter into an
702 agreement with any person to manage the business written in this
703 state by the general lines agents appointed by the insurer or
704 appointed by the managing general agent on behalf of the insurer
705 unless the person is properly licensed as an agent and appointed
706 as a managing general agent in this state. An insurer is ~~shall~~
707 ~~be~~ responsible for the acts of its managing general agent when
708 the agent acts within the scope of his or her authority.

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

711 626.752 Exchange of business.—

712 (3)

713 (e) The brokering agent shall maintain an appropriate and
714 permanent Brokering Agent's Register, which must ~~shall~~ be a
715 permanent record of ~~bound journal in which~~ chronologically
716 numbered transactions that are entered no later than the day in

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717 which the brokering agent's application bearing the same number
718 is signed by the applicant. The numbers must ~~shall~~ reflect an
719 annual aggregate through numerical sequence and be preceded by
720 the last two digits of the current year. The initial entry must
721 ~~shall~~ contain the number of the transaction, date, time, date of
722 binder, date on which coverage commences, name and address of
723 applicant, type of coverage desired, name of insurer binding the
724 risk or to whom the application is to be submitted, and the
725 amount of any premium collected therefor. By no later than the
726 date following policy delivery, the policy number and coverage
727 expiration date must ~~shall~~ be added to the register.

728 (5) Within 15 days after the last day of each month, any
729 insurer accepting business under this section shall report to
730 the department the name, address, telephone number, and social
731 security number of each agent from which the insurer received
732 more than four ~~24~~ personal lines risks during the calendar year,
733 except for risks being removed from the Citizens Property
734 Insurance Corporation and placed with that insurer by a
735 brokering agent. Once the insurer has reported pursuant to this
736 subsection an agent's name to the department, additional reports
737 on the same agent shall not be required. However, the fee set
738 forth in s. 624.501 must ~~shall~~ be paid for the agent by the
739 insurer for each year until the insurer notifies the department
740 that the insurer is no longer accepting business from the agent
741 pursuant to this section. The insurer may require that the agent

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742 reimburse the insurer for the fee.

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

745 626.793 Excess or rejected business.—

746 (4) Within 15 days after the last day of each month, any
747 insurer accepting business under this section shall report to
748 the department the name, address, telephone number, and social
749 security number of each agent from which the insurer received
750 more than four ~~24~~ risks during the calendar year. Once the
751 insurer has reported an agent's name to the department pursuant
752 to this subsection, additional reports on the same agent shall
753 not be required. However, the fee set forth in s. 624.501 must
754 ~~shall~~ be paid for the agent by the insurer for each year until
755 the insurer notifies the department that the insurer is no
756 longer accepting business from the agent pursuant to this
757 section. The insurer may require that the agent reimburse the
758 insurer for the fee.

759 Section 31. Section 626.798, Florida Statutes, is amended
760 to read:

761 626.798 Life agent as beneficiary; prohibition.—

762 (1) A ~~No~~ life agent may not place or modify ~~shall, with~~
763 ~~respect to the placement of~~ life insurance coverage with a life
764 insurer covering the life of a person who is not a family member
765 of the life agent, ~~handle in his or her capacity as a life agent~~
766 ~~the placement of such coverage~~ when the life agent ~~placing the~~

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767 ~~coverage~~ or a family member of the life ~~such~~ agent is the named
768 beneficiary under the life insurance policy, or the modification
769 names the life agent or a family member of the life agent the
770 named beneficiary, unless the life agent or family member of the
771 life agent has an insurable interest in the life of such person.

772 (2) A life ~~However, the~~ agent or a family member of the
773 life ~~such~~ agent may not serve ~~be designated~~ as a trustee or
774 guardian or accept authority to act under a ~~be granted~~ power of
775 attorney for any person the life agent conducts insurance
776 business with, unless he or she is:

777 (a) A family member of the ~~person~~ policy owner or insured;
778 or

779 (b)1. Acting as a fiduciary;

780 2. Licensed as a certified public accountant under s.
781 473.308; and

782 3.a. Registered under s. 203 of the Investment Advisers Act
783 of 1940 as an investment adviser, or a representative thereof,
784 and compliant with the notice filing requirements of s.
785 517.1201; or

786 b. Registered under s. 517.12, as a dealer, investment
787 adviser, or associated person ~~or is a bank or trust company duly~~
788 ~~authorized to act as a fiduciary.~~

789 (3) For the purposes of this section: ~~the phrase~~

790 (a) "not a Family member," with respect to a life agent,
791 means an individual who is ~~not~~ related to the life agent as

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792 father, mother, son, daughter, brother, sister, grandfather,
793 grandmother, uncle, aunt, first cousin, nephew, niece, husband,
794 wife, father-in-law, mother-in-law, brother-in-law, sister-in-
795 law, stepfather, stepmother, stepson, stepdaughter, stepbrother,
796 stepsister, half brother, or half sister.

797 (b) ~~For the purposes of this section, the term~~ "Insurable
798 interest" means that the life agent or family member of the life
799 agent has an actual, lawful, and substantial economic interest
800 in the safety and preservation of the life of the insured or a
801 reasonable expectation of benefit or advantage from the
802 continued life of the insured.

803 Section 32. Subsection (5) of section 626.837, Florida
804 Statutes, is amended to read:

805 626.837 Excess or rejected business.—

806 (5) Within 15 days after the last day of each month, any
807 insurer accepting business under this section shall report to
808 the department the name, address, telephone number, and social
809 security number of each agent from which the insurer received
810 more than four ~~24~~ risks during the calendar year. Once the
811 insurer has reported pursuant to this subsection an agent's name
812 to the department, additional reports on the same agent shall
813 not be required. However, the fee set forth in s. 624.501 must
814 ~~shall~~ be paid for the agent by the insurer for each year until
815 the insurer notifies the department that the insurer is no
816 longer accepting business from the agent pursuant to this

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817 section. The insurer may require that the agent reimburse the
818 insurer for the fee.

819 Section 33. Subsection (5) of section 626.8732, Florida
820 Statutes, is amended to read:

821 626.8732 Nonresident public adjuster's qualifications,
822 bond.—

823 ~~(5) After licensure as a nonresident public adjuster, as a~~
824 ~~condition of doing business in this state, the licensee must~~
825 ~~annually on or before January 1, on a form prescribed by the~~
826 ~~department, submit an affidavit certifying that the licensee is~~
827 ~~familiar with and understands the insurance code and rules~~
828 ~~adopted thereunder and the provisions of the contracts~~
829 ~~negotiated or to be negotiated. Compliance with this filing~~
830 ~~requirement is a condition precedent to the issuance,~~
831 ~~continuation, reinstatement, or renewal of a nonresident public~~
832 ~~adjuster's appointment.~~

833 Section 34. Subsection (4) of section 626.8734, Florida
834 Statutes, is amended to read:

835 626.8734 Nonresident all-lines adjuster license
836 qualifications.—

837 ~~(4) As a condition of doing business in this state as a~~
838 ~~nonresident independent adjuster, the appointee must submit an~~
839 ~~affidavit to the department certifying that the licensee is~~
840 ~~familiar with and understands the insurance laws and~~
841 ~~administrative rules of this state and the provisions of the~~

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842 ~~contracts negotiated or to be negotiated. Compliance with this~~
843 ~~filing requirement is a condition precedent to the issuance,~~
844 ~~continuation, reinstatement, or renewal of a nonresident~~
845 ~~independent adjuster's appointment.~~

846 Section 35. Paragraph (h) of subsection (1) of section
847 626.88, Florida Statutes, is amended to read:

848 626.88 Definitions.—For the purposes of this part, the
849 term:

850 (1) "Administrator" is any person who directly or
851 indirectly solicits or effects coverage of, collects charges or
852 premiums from, or adjusts or settles claims on residents of this
853 state in connection with authorized commercial self-insurance
854 funds or with insured or self-insured programs which provide
855 life or health insurance coverage or coverage of any other
856 expenses described in s. 624.33(1) or any person who, through a
857 health care risk contract as defined in s. 641.234 with an
858 insurer or health maintenance organization, provides billing and
859 collection services to health insurers and health maintenance
860 organizations on behalf of health care providers, other than any
861 of the following persons:

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

865
866 A person who provides billing and collection services to health

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867 insurers and health maintenance organizations on behalf of
868 health care providers shall comply with the provisions of ss.
869 627.6131, 641.3155, and 641.51(4).

870 Section 36. Subsection (2) of section 626.927, Florida
871 Statutes, is amended to read:

872 626.927 Licensing of surplus lines agent.-

873 ~~(1) Any individual while licensed and appointed as a resident~~
874 ~~general lines agent as to property, casualty, and surety~~
875 ~~insurances, and who is deemed by the department to have had~~
876 ~~sufficient experience in the insurance business to be competent~~
877 ~~for the purpose, and who, within the 4 years immediately~~
878 ~~preceding the date the application was submitted, has a minimum~~
879 ~~of 1 year's experience working for a licensed surplus lines~~
880 ~~agent or who has successfully completed 60 class hours in~~
881 ~~surplus and excess lines in a course approved by the department,~~
882 ~~may be licensed as a surplus lines agent, upon taking and~~
883 ~~successfully passing a written examination as to surplus lines,~~
884 ~~as given by the department.~~

885 ~~(2) Any individual, while licensed as and appointed as a~~
886 ~~managing general agent as defined in s. 626.015, or service~~
887 ~~representative as defined in s. 626.015, and who otherwise~~
888 ~~possesses all of the other qualifications of a general lines~~
889 ~~agent under this code, and who has a minimum of 1 year of ~~year's~~~~
890 ~~experience working for a licensed surplus lines agent or who has~~
891 ~~successfully completed 60 class hours in surplus and excess~~

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892 lines in a course approved by the department, may, upon taking
893 and successfully passing a written examination as to surplus
894 lines, as given by the department, be licensed as a surplus
895 lines agent solely for the purpose of placing with surplus lines
896 insurers property, marine, casualty, or surety coverages
897 originated by general lines agents; ~~except that no examination~~
898 ~~as for a general lines agent's license shall be required of any~~
899 ~~managing general agent or service representative who held a~~
900 ~~Florida surplus lines agent's license as of January 1, 1959.~~

901 (23) Application for the license shall be made to the
902 department on forms as designated and furnished by it.

903 (34) License and appointment fees in the amount specified
904 in s. 624.501 shall be paid to the department in advance. The
905 license and appointment of surplus lines agent continue in force
906 until suspended, revoked, or otherwise terminated. The
907 appointment of a surplus lines agent continues in force until
908 suspended, revoked, or terminated, but is subject to biennial
909 renewal or continuation by the licensee in accordance with
910 procedures prescribed in s. 626.381 for agents in general.

911 (45) Examinations as to surplus lines, as required under
912 subsections (1) ~~and (2)~~, are subject to the provisions of part I
913 as applicable to applicants for licenses in general.

914 (56) An individual who has been licensed by the department
915 as a surplus lines agent as provided in this section may be
916 subsequently appointed without additional written examination if

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917 his or her application for appointment is filed with the
918 department within 48 months after the date of cancellation or
919 expiration of the prior appointment. The department may require
920 an individual to take and successfully pass an examination as
921 for original issuance of license as a condition precedent to the
922 reinstatement or continuation of the licensee's current license
923 or reinstatement or continuation of the licensee's appointment.

924 Section 37. Subsection (3) of section 626.930, Florida
925 Statutes, is amended to read:

926 626.930 Records of surplus lines agent.—

927 (3) Each surplus lines agent shall maintain all surplus
928 lines business records in his or her general lines agency
929 office, ~~if licensed as a general lines agent,~~ or in his or her
930 managing general agency office, ~~if licensed as a managing~~
931 ~~general agent or the full-time salaried employee of such general~~
932 ~~agent.~~

933 Section 38. Subsection (2) of section 626.9892, Florida
934 Statutes, is amended to read:

935 626.9892 Anti-Fraud Reward Program; reporting of insurance
936 fraud.—

937 (2) The department may pay rewards of up to \$25,000 to
938 persons providing information leading to the arrest and
939 conviction of persons committing crimes investigated by the
940 department arising from violations of s. 440.105, s. 624.15, s.
941 626.9541, s. 626.989, s. 790.164, s. 790.165, s. 790.166, s.

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942 806.01, s. 806.031, s. 806.10, s. 806.111, s. 817.233, or s.
943 817.234.

944 Section 39. Subsection (3) of section 633.302, Florida
945 Statutes, is amended to read:

946 633.302 Florida Fire Safety Board; membership; duties;
947 meetings; officers; quorum; compensation; seal.-

948 (3) The State Fire Marshal's term on the board, or that of
949 her or his designee, shall coincide with the State Fire
950 Marshal's term of office. ~~Of the other six members of the board,~~
951 ~~one member shall be appointed for a term of 1 year, one member~~
952 ~~for a term of 2 years, two members for terms of 3 years, and two~~
953 ~~members for terms of 4 years.~~ All terms are for 4 years and
954 expire on June 30 of the last year of the term. When the term of
955 a member expires, the State Fire Marshal shall appoint a member
956 to fill the vacancy for a term of 4 years. The State Fire
957 Marshal may remove any appointed member for cause. A vacancy in
958 the membership of the board for any cause must ~~shall~~ be filled
959 by appointment by the State Fire Marshal for the balance of the
960 unexpired term.

961 Section 40. Subsection (2), paragraph (a) of subsection
962 (3), and paragraphs (b), (c), and (d) of subsection (4) of
963 section 633.304, Florida Statutes, are amended to read:

964 633.304 Fire suppression equipment; license to install or
965 maintain.-

966 (2) A person who holds a valid fire equipment dealer

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967 license may maintain such license in an inactive status during
968 which time he or she may not engage in any work under the
969 definition of the license held. An inactive status license is
970 ~~shall be void after 4 years after the approval date of the~~
971 inactive status application. To maintain inactive status, the
972 inactive licensee must submit proof of continuing education and
973 the inactive status fee before December 31 of each odd-numbered
974 year or when the license is renewed, whichever comes first. An
975 ~~inactive status license may not be reactivated unless the~~
976 ~~continuing education requirements of this chapter have been~~
977 ~~fulfilled.~~

978 (3) Each individual actually performing the work of
979 servicing, recharging, repairing, hydrotesting, installing,
980 testing, or inspecting fire extinguishers or preengineered
981 systems must possess a valid and subsisting permit issued by the
982 division. Permittees are limited as to specific type of work
983 performed to allow work no more extensive than the class of
984 license held by the licensee under whom the permittee is
985 working. Permits will be issued by the division as follows:

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

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992 Any fire equipment permittee licensed pursuant to this
993 subsection who does not want to engage in servicing, inspecting,
994 recharging, repairing, hydrotesting, or installing halon
995 equipment must file an affidavit on a form provided by the
996 division so stating. Permits will be issued by the division to
997 show the work authorized thereunder. It is unlawful, unlicensed
998 activity for a person or firm to falsely hold himself or herself
999 out to perform any service, inspection, recharge, repair,
1000 hydrotest, or installation except as specifically described in
1001 the permit.

1002 (4)

1003 (b) After initial licensure, each licensee or permittee
1004 must successfully complete a course or courses of continuing
1005 education for fire equipment technicians of at least 16 hours. A
1006 license or permit may not be renewed unless the licensee or
1007 permittee produces documentation of the completion of at least
1008 16 hours of continuing education for fire equipment technicians
1009 during the biennial licensure period. A person who is both a
1010 licensee and a permittee shall ~~be required to~~ complete 16 hours
1011 of continuing education during each renewal period. Each
1012 licensee shall ensure that all permittees in his or her
1013 employment or through a contractual agreement meet their
1014 continuing education requirements. The State Fire Marshal shall
1015 adopt rules describing the continuing education requirements and
1016 shall have the authority upon reasonable belief, to audit a fire

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1017 equipment dealer to determine compliance with continuing
1018 education requirements.

1019 (c) The forms of such licenses and permits and
1020 applications therefor must ~~shall~~ be prescribed by the State Fire
1021 Marshal; in addition to such other information and data as that
1022 officer determines is appropriate and required for such forms,
1023 there must ~~shall~~ be included in such forms the following
1024 matters. Each such application must be in such form as to
1025 provide that the data and other information set forth therein
1026 shall be sworn to by the applicant or, if a corporation, by an
1027 officer thereof. An application for a permit must include the
1028 name of the licensee employing, or contractually related to,
1029 such permittee, and the permit issued in pursuance of such
1030 application must also set forth the name of such licensee. A
1031 permit is valid solely for use by the holder thereof in his or
1032 her employment by, or contractual relationship with, the
1033 licensee named in the permit.

1034 (d) A license of any class may not be issued or renewed by
1035 the division and a license of any class does not remain
1036 operative unless:

1037 1. The applicant has submitted to the State Fire Marshal
1038 evidence of registration as a Florida corporation or evidence of
1039 compliance with s. 865.09.

1040 2. The State Fire Marshal or his or her designee has by
1041 inspection determined that the applicant possesses the equipment

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1042 required for the class of license sought. The State Fire Marshal
1043 shall give an applicant a reasonable opportunity to correct any
1044 deficiencies discovered by inspection. To obtain such
1045 inspection, an applicant with facilities located outside this
1046 state must:

1047 a. Provide a notarized statement from a professional
1048 engineer licensed by the applicant's state of domicile
1049 certifying that the applicant possesses the equipment required
1050 for the class of license sought and that all such equipment is
1051 operable; or

1052 b. Allow the State Fire Marshal or her or his designee to
1053 inspect the facility. All costs associated with the State Fire
1054 Marshal's inspection must ~~shall~~ be paid by the applicant. The
1055 State Fire Marshal, in accordance with s. 120.54, may adopt
1056 rules to establish standards for the calculation and
1057 establishment of the amount of costs associated with any
1058 inspection conducted by the State Fire Marshal under this
1059 section. Such rules must ~~shall~~ include procedures for invoicing
1060 and receiving funds in advance of the inspection.

1061 3. The applicant has submitted to the State Fire Marshal
1062 proof of insurance providing coverage for comprehensive general
1063 liability for bodily injury and property damage, products
1064 liability, completed operations, and contractual liability. The
1065 State Fire Marshal shall adopt rules providing for the amounts
1066 of such coverage, but such amounts may not be less than \$300,000

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1067 for Class A or Class D licenses, \$200,000 for Class B licenses,
1068 and \$100,000 for Class C licenses; and the total coverage for
1069 any class of license held in conjunction with a Class D license
1070 may not be less than \$300,000. The State Fire Marshal may, at
1071 any time after the issuance of a license or its renewal, require
1072 upon demand, and in no event more than 30 days after notice of
1073 such demand, the licensee to provide proof of insurance, on the
1074 insurer's a form ~~provided by the State Fire Marshal~~, containing
1075 confirmation of insurance coverage as required by this chapter.
1076 Failure, for any length of time, to provide proof of insurance
1077 coverage as required must ~~shall~~ result in the immediate
1078 suspension of the license until proof of proper insurance is
1079 provided to the State Fire Marshal. An insurer that ~~which~~
1080 provides such coverage shall notify the State Fire Marshal of
1081 any change in coverage or of any termination, cancellation, or
1082 nonrenewal of any coverage.

1083 4. The applicant applies to the State Fire Marshal,
1084 provides proof of experience, and successfully completes a
1085 prescribed training course offered by the State Fire College or
1086 an equivalent course approved by the State Fire Marshal. This
1087 subparagraph does not apply to any holder of or applicant for a
1088 permit under paragraph (g) or to a business organization or a
1089 governmental entity seeking initial licensure or renewal of an
1090 existing license solely for the purpose of inspecting,
1091 servicing, repairing, marking, recharging, and maintaining fire

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1092 extinguishers used and located on the premises of and owned by
1093 such organization or entity.

1094 5. The applicant has a current retestor identification
1095 number that is appropriate for the license for which the
1096 applicant is applying and that is listed with the United States
1097 Department of Transportation.

1098 6. The applicant has passed, with a grade of at least 70
1099 percent, a written examination testing his or her knowledge of
1100 the rules and statutes governing the activities authorized by
1101 the license and demonstrating his or her knowledge and ability
1102 to perform those tasks in a competent, lawful, and safe manner.
1103 Such examination must ~~shall~~ be developed and administered by the
1104 State Fire Marshal, or his or her designee in accordance with
1105 policies and procedures of the State Fire Marshal. An applicant
1106 shall pay a nonrefundable examination fee of \$50 for each
1107 examination or reexamination scheduled. A reexamination may not
1108 be scheduled sooner than 30 days after any administration of an
1109 examination to an applicant. An applicant may not be permitted
1110 to take an examination for any level of license more than a
1111 total of four times during 1 year, regardless of the number of
1112 applications submitted. As a prerequisite to licensure of the
1113 applicant, he or she:

1114 a. Must be at least 18 years of age.

1115 b. Must have 4 years of proven experience as a fire
1116 equipment permittee at a level equal to or greater than the

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1117 level of license applied for or have a combination of education
1118 and experience determined to be equivalent thereto by the State
1119 Fire Marshal. Having held a permit at the appropriate level for
1120 the required period constitutes the required experience.

1121 c. Must not have been convicted of a felony or a crime
1122 punishable by imprisonment of 1 year or more under the law of
1123 the United States or of any state thereof or under the law of
1124 any other country. "Convicted" means a finding of guilt or the
1125 acceptance of a plea of guilty or nolo contendere in any federal
1126 or state court or a court in any other country, without regard
1127 to whether a judgment of conviction has been entered by the
1128 court having jurisdiction of the case. If an applicant has been
1129 convicted of any such felony, the applicant is ~~shall be~~ excluded
1130 from licensure for a period of 4 years after expiration of
1131 sentence or final release by the Florida Commission on Offender
1132 Review unless the applicant, before the expiration of the 4-year
1133 period, has received a full pardon or has had her or his civil
1134 rights restored.

1135
1136 This subparagraph does not apply to any holder of or applicant
1137 for a permit under paragraph (g) or to a business organization
1138 or a governmental entity seeking initial licensure or renewal of
1139 an existing license solely for the purpose of inspecting,
1140 servicing, repairing, marking, recharging, hydrotesting, and
1141 maintaining fire extinguishers used and located on the premises

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1142 of and owned by such organization or entity.

1143 Section 41. Subsection (2) of section 633.314, Florida
1144 Statutes, is amended to read:

1145 633.314 Sale or use of certain types of fire extinguishers
1146 prohibited; penalty.—

1147 (2) It is unlawful for any person, directly or through an
1148 agent, to sell, offer for sale, or give in this state any make,
1149 type, or model of fire extinguisher, either new or used, unless
1150 such make, type, or model of extinguisher has first been tested
1151 and is currently approved or listed by Underwriters
1152 Laboratories, Inc., Factory Mutual Laboratories, Inc., or
1153 another testing laboratory recognized by the State Fire Marshal
1154 as nationally recognized in accordance with procedures adopted
1155 by rule, taking into account the laboratory's facilities,
1156 procedures, use of nationally recognized standards, and any
1157 other criteria reasonably calculated to reach an informed
1158 determination, and unless such extinguisher carries an
1159 Underwriters Laboratories, Inc., or manufacturer's serial
1160 number. Such serial number must ~~shall~~ be permanently affixed
1161 ~~stamped~~ on the manufacturer's identification and instruction
1162 plate.

1163

1164

1165

1166

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

Remove lines 17-141 and insert:

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Bill No. CS/CS/HB 1073 (2018)

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1167 specified information; amending s. 218.32, F.S.; stating the
1168 intent to create the Florida Open Financial Statement System;
1169 authorizing the Chief Financial Officer to choose contracts to
1170 build eXtensible Business Reporting language taxonomies;
1171 requiring that local governmental financial statements be filed
1172 in XBRL format; amending s. 284.40, F.S.; authorizing the
1173 department to disclose certain personal identifying information
1174 of injured or deceased employees which is exempt from disclosure
1175 under the Workers' Compensation Law to department-contracted
1176 vendors for certain purposes; amending s. 284.50, F.S.;
1177 requiring safety coordinators of state governmental departments
1178 to complete, within a certain timeframe, safety coordinator
1179 training offered by the department; requiring certain agencies
1180 to report certain return-to-work information to the department;
1181 requiring agencies to provide certain risk management program
1182 information to the Division of Risk Management for certain
1183 purposes; specifying requirements for agencies in reviewing and
1184 responding to certain information and communications provided by
1185 the division; amending s. 409.1451, F.S.; conforming a provision
1186 to changes made by the act; amending s. 414.411, F.S.; replacing
1187 the Department of Economic Opportunity with the Department of
1188 Education in a list of entities to which a public assistance
1189 recipient may be required to provide written consent for certain
1190 investigative inquiries and to which the department must report
1191 investigation results; amending s. 624.317, F.S.; authorizing

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1192 the department to conduct investigations of any, rather than
1193 specified, agents subject to its jurisdiction; amending s.
1194 624.34, F.S.; conforming a provision to changes made by the act;
1195 amending s. 624.4073, F.S.; prohibiting certain officers or
1196 directors of insolvent insurers from having direct or indirect
1197 control over certain selection or appointment of officers or
1198 directors, except under certain circumstances; amending ss.
1199 624.4094, 624.501, 624.509, and 625.071, F.S.; conforming
1200 provisions to changes made by the act; amending s. 626.112,
1201 F.S.; requiring a managing general agent to hold a currently
1202 effective producer license rather than a managing general agent
1203 license; amending s. 626.171, F.S.; deleting applicability of
1204 licensing provisions as to managing general agents; making a
1205 technical change; amending s. 626.202, F.S.; providing that
1206 certain applicants are not required to resubmit fingerprints to
1207 the department under certain circumstances; authorizing the
1208 department to require these applicants to file fingerprints
1209 under certain circumstances; amending s. 626.207, F.S.;
1210 conforming a provision to changes made by the act; amending s.
1211 626.221, F.S.; adding a designation that exempts applicants for
1212 licensure as an all-lines adjuster from an examination
1213 requirement; amending s. 626.451, F.S.; deleting a requirement
1214 for law enforcement agencies and state attorney's offices to
1215 notify the department or the Office of Insurance Regulation of
1216 certain felony dispositions; deleting a requirement for the

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Bill No. CS/CS/HB 1073 (2018)

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1217 state attorney to provide the department or office a certified
1218 copy of an information or indictment against a managing general
1219 agent; conforming a provision to changes made by the act;
1220 amending s. 626.521, F.S.; revising requirements for credit and
1221 character reports secured and kept by insurers or employers
1222 appointing certain insurance representatives; providing
1223 applicability; amending s. 626.731, F.S.; deleting a certain
1224 qualification for licensure as a general lines agent; amending
1225 s. 626.7351, F.S.; revising a qualification for licensure as a
1226 customer representative; amending s. 626.744, F.S.; conforming a
1227 provision to changes made by the act; amending s. 626.745, F.S.;
1228 revising conditions under which service representatives and
1229 managing general agents may engage in certain activities;
1230 amending ss. 626.7451 and 626.7455, F.S.; conforming provisions
1231 to changes made by the act; amending s. 626.752, F.S.; revising
1232 a requirement for the Brokering Agent's Register maintained by
1233 brokering agents; revising the limit on certain personal lines
1234 risks an insurer may receive from an agent within a specified
1235 timeframe before the insurer must comply with certain reporting
1236 requirements for that agent; amending s. 626.793, F.S.; revising
1237 the limit on certain risks that certain insurers may receive
1238 from a life agent within a specified timeframe before the
1239 insurer must comply with certain reporting requirements for that
1240 agent; amending s. 626.798, F.S.; authorizing specified life
1241 agents or family members of life agents to be beneficiary,

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1242 trustee, guardian, or attorney in fact; amending s. 626.837,
1243 F.S.; revising the limit on certain risks that certain insurers
1244 may receive from a health agent within a specified timeframe
1245 before the insurer must comply with certain reporting
1246 requirements for that agent; amending s. 626.8732, F.S.;
1247 deleting a requirement for a licensed nonresident public
1248 adjuster to submit a certain annual affidavit to the department;
1249 amending s. 626.8734, F.S.; deleting a requirement for a
1250 nonresident independent adjuster to submit a certain annual
1251 affidavit to the department; amending s. 626.88, F.S.;
1252 conforming a provision to changes made by the act; amending s.
1253 626.927, F.S.; revising conditions under which an individual may
1254 be licensed as a surplus lines agent solely for the purpose of
1255 placing certain coverages with surplus lines insurers; amending
1256 s. 626.930, F.S.; revising a requirement relating to the
1257 location of a surplus lines agent's surplus lines business
1258 records; amending s. 626.9892, F.S.; authorizing the department
1259 to pay a specified amount of rewards under the Anti-Fraud Reward
1260 Program for information leading to the arrest and conviction of
1261 persons guilty of arson; amending s. 633.302, F.S.; revising the
1262 duration of the terms of members of the Florida Fire Safety
1263 Board; amending s. 633.304, F.S.; revising circumstances under
1264 which an inactive fire equipment dealer license is void;
1265 specifying the timeframe when an inactive license must be
1266 reactivated; specifying that permittees performing certain work

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1267 | on fire equipment may be contracted rather than employed;
1268 | revising a requirement for a certain proof-of-insurance form to
1269 | be provided by the insurer rather than the State Fire Marshal;
1270 | amending s. 633.314, F.S.; authorizing fire extinguisher serial
1271 | numbers to be permanently affixed rather than stamped to the
1272 | manufacturer's identification plate; amending