

By Senator Lee

rb01-4

1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes;  
3           amending ss. 470.016, 471.025, 472.001,  
4           472.003, 472.005, 472.011, 472.015, 472.021,  
5           472.025, 472.027, 472.031, 472.037, 476.024,  
6           494.0017, 498.025, 499.015, 499.03, 499.05,  
7           501.34, 514.0231, 519.101, 527.01, 527.02,  
8           538.11, 550.6305, 550.904, 550.912, 553.381,  
9           553.507, 553.902, 569.11, 570.21, 576.045,  
10          589.065, 597.003, 597.0041, 607.1901, 617.1622,  
11          620.8101, 620.9901, 626.112, 626.621, 626.6215,  
12          626.797, 626.844, 626.8734, 626.909, 626.9911,  
13          626.99275, 627.031, 627.062, 627.351, 627.357,  
14          627.481, 627.6487, 627.6699, 627.6735, 627.736,  
15          627.9403, 627.9407, 627.94072, 627.944,  
16          628.909, 631.718, and 631.911, F.S.; and  
17          repealing ss. 489.1136(1)(g), 499.005(26),  
18          550.2633(3) and (4), 624.408(1)(b)1., and  
19          627.0661, F.S., pursuant to s. 11.242, F.S.;  
20          deleting provisions which have expired, have  
21          become obsolete, have had their effect, have  
22          served their purpose, or have been impliedly  
23          repealed or superseded; replacing incorrect  
24          cross-references and citations; correcting  
25          grammatical, typographical, and like errors;  
26          removing inconsistencies, redundancies, and  
27          unnecessary repetition in the statutes;  
28          improving the clarity of the statutes and  
29          facilitating their correct interpretation; and  
30          confirming the restoration of provisions  
31          unintentionally omitted from republication in

1 the acts of the Legislature during the  
2 amendatory process.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Subsection (1) of section 470.016, Florida  
7 Statutes, is amended to read:

8 470.016 Inactive status.--

9 (1) A funeral director or embalmer license that has  
10 become inactive may be reactivated under s. 470.015 upon  
11 application to the department. The board shall prescribe by  
12 rule continuing education requirements as a condition of  
13 reactivating a license. The continuing education requirements  
14 for reactivating a license may not exceed 12 classroom hours,  
15 and the board may by rule establish criteria for accepting  
16 alternative nonclassroom continuing education on an  
17 hour-for-hour basis, in addition to a board-approved course on  
18 communicable diseases, for each year the license was inactive.

19  
20 Reviser's note.--Amended to improve clarity and  
21 facilitate correct interpretation.

22  
23 Section 2. Subsections (1) and (2) of section 471.025,  
24 Florida Statutes, are amended to read:

25 471.025 Seals.--

26 (1) The board shall prescribe, by rule, a form of seal  
27 to be used by registrants holding valid certificates of  
28 registration. Each registrant shall obtain an impression-type  
29 metal seal in the form aforesaid and may, in addition,  
30 register his or her seal electronically in accordance with ss.  
31 668.001-668.006 ~~282.70-282.75~~. All final drawings,

1 specifications, plans, reports, or documents prepared or  
2 issued by the registrant and being filed for public record and  
3 all final bid documents provided to the owner or the owner's  
4 representative shall be signed by the registrant, dated, and  
5 stamped with said seal. Such signature, date, and seal shall  
6 be evidence of the authenticity of that to which they are  
7 affixed. Drawings, specifications, plans, reports, final bid  
8 documents, or documents prepared or issued by a registrant may  
9 be transmitted electronically and may be signed by the  
10 registrant, dated, and stamped electronically with said seal  
11 in accordance with ss. 668.001-668.006 ~~282.70-282.75~~.

12 (2) It is unlawful for any person to stamp, seal, or  
13 digitally sign any document with a seal or digital signature  
14 after his or her certificate of registration has expired or  
15 been revoked or suspended, unless such certificate of  
16 registration has been reinstated or reissued. When the  
17 certificate of registration of a registrant has been revoked  
18 or suspended by the board, it shall be mandatory that the  
19 registrant, within a period of 30 days after the revocation or  
20 suspension has become effective, surrender his or her seal to  
21 the secretary of the board and confirm to the secretary the  
22 cancellation of the registrant's digital signature in  
23 accordance with ss. 668.001-668.006 ~~282.70-282.75~~. In the  
24 event the registrant's certificate has been suspended for a  
25 period of time, his or her seal shall be returned to him or  
26 her upon expiration of the suspension period.

27  
28 Reviser's note.--Amended to conform to the  
29 redesignation of ss. 282.70-282.75 as ss.  
30 668.001-668.006 by the reviser incident to  
31 compiling the Florida Statutes 2000.

1 Section 3. Section 472.001, Florida Statutes, is  
2 amended to read:

3 472.001 Purpose.--The Legislature deems it necessary  
4 to regulate surveyors and mappers as provided in ss.  
5 472.001-472.037 ~~472.001-472.041~~.

6  
7 Reviser's note.--Amended to conform to the  
8 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
9 2000-332, Laws of Florida.

10  
11 Section 4. Section 472.003, Florida Statutes, is  
12 amended to read:

13 472.003 Persons not affected by ss. 472.001-472.037  
14 ~~472.001-472.041~~--Sections 472.001-472.037 ~~472.001-472.041~~ do  
15 not apply to:

16 (1) Any surveyor and mapper working as a salaried  
17 employee of the United States Government when engaged in work  
18 solely for the United States Government.

19 (2) A registered professional engineer who takes or  
20 contracts for professional surveying and mapping services  
21 incidental to her or his practice of engineering and who  
22 delegates such surveying and mapping services to a registered  
23 professional surveyor and mapper qualified within her or his  
24 firm or contracts for such professional surveying and mapping  
25 services to be performed by others who are registered  
26 professional surveyors and mappers under the provisions of ss.  
27 472.001-472.037 ~~472.001-472.041~~.

28 (3) The following persons when performing construction  
29 layout from boundary, horizontal, and vertical controls that  
30 have been established by a registered professional surveyor  
31 and mapper:

1 (a) Contractors performing work on bridges, roads,  
2 streets, highways, or railroads, or utilities and services  
3 incidental thereto, or employees who are subordinates of such  
4 contractors provided that the employee does not hold herself  
5 or himself out for hire or engage in such contracting except  
6 as an employee;

7 (b) Certified or registered contractors licensed  
8 pursuant to part I of chapter 489 or employees who are  
9 subordinates of such contractors provided that the employee  
10 does not hold herself or himself out for hire or engage in  
11 contracting except as an employee; and

12 (c) Registered professional engineers licensed  
13 pursuant to chapter 471 and employees of a firm, corporation,  
14 or partnership who are the subordinates of the registered  
15 professional engineer in responsible charge.

16 (4) Persons employed by county property appraisers, as  
17 defined at s. 192.001(3), and persons employed by the  
18 Department of Revenue, to prepare maps for property appraisal  
19 purposes only, but only to the extent that they perform  
20 mapping services which do not include any surveying activities  
21 as described in s. 472.005(4)(a) and (b).

22  
23 Reviser's note.--Amended to conform to the  
24 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
25 2000-332, Laws of Florida.

26  
27 Section 5. Section 472.005, Florida Statutes, is  
28 amended to read:

29 472.005 Definitions.--As used in ss. 472.001-472.037  
30 ~~472.001-472.041~~:

- 1           (1) "Board" means the Board of Professional Surveyors  
2 and Mappers.
- 3           (2) "Department" means the Department of Business and  
4 Professional Regulation.
- 5           (3) "Surveyor and mapper" includes the term  
6 "professional surveyor and mapper" and means a person who is  
7 registered to engage in the practice of surveying and mapping  
8 under ss. 472.001-472.037 ~~472.001-472.041~~. For the purposes of  
9 this statute, a surveyor and mapper means a person who  
10 determines and displays the facts of size, shape, topography,  
11 tidal datum planes, legal or geodetic location or relation,  
12 and orientation of improved or unimproved real property  
13 through direct measurement or from certifiable measurement  
14 through accepted photogrammetric procedures.
- 15           (4)(a) "Practice of surveying and mapping" means,  
16 among other things, any professional service or work, the  
17 adequate performance of which involves the application of  
18 special knowledge of the principles of mathematics, the  
19 related physical and applied sciences, and the relevant  
20 requirements of law for adequate evidence of the act of  
21 measuring, locating, establishing, or reestablishing lines,  
22 angles, elevations, natural and manmade features in the air,  
23 on the surface and immediate subsurface of the earth, within  
24 underground workings, and on the beds or surface of bodies of  
25 water, for the purpose of determining, establishing,  
26 describing, displaying, or interpreting the facts of size,  
27 shape, topography, tidal datum planes, legal or geodetic  
28 location or relocation, and orientation of improved or  
29 unimproved real property and appurtenances thereto, including  
30 acreage and condominiums.
- 31

1           (b) The practice of surveying and mapping also  
2 includes, but is not limited to, photogrammetric control; the  
3 monumentation and remonumentation of property boundaries and  
4 subdivisions; the measurement of and preparation of plans  
5 showing existing improvements after construction; the layout  
6 of proposed improvements; the preparation of descriptions for  
7 use in legal instruments of conveyance of real property and  
8 property rights; the preparation of subdivision planning maps  
9 and record plats, as provided for in chapter 177; the  
10 determination of, but not the design of, grades and elevations  
11 of roads and land in connection with subdivisions or divisions  
12 of land; and the creation and perpetuation of alignments  
13 related to maps, record plats, field note records, reports,  
14 property descriptions, and plans and drawings that represent  
15 them.

16           (5) The term "surveyor and mapper intern" includes the  
17 term "surveyor-mapper-in-training" and means a person who  
18 complies with the requirements provided by ss. 472.001-472.037  
19 ~~472.001-472.041~~ and who has passed an examination as provided  
20 by rules adopted by the board.

21           (6) The term "responsible charge" means direct control  
22 and personal supervision of surveying and mapping work, but  
23 does not include experience as a chainperson, rodperson,  
24 instrumentperson, ordinary draftsperson, digitizer, scribe,  
25 photo lab technician, ordinary stereo plotter operator, aerial  
26 photo pilot, photo interpreter, and other positions of routine  
27 work.

28           (7) The term "license" means the registration of  
29 surveyors and mappers or the certification of businesses to  
30 practice surveying and mapping in this state.

31

1           (8) "Photogrammetric mapper" means any person who  
2 engages in the practice of surveying and mapping using aerial  
3 or terrestrial photography or other sources of images.

4  
5           Reviser's note.--Amended to conform to the  
6 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
7 2000-332, Laws of Florida.

8  
9           Section 6. Subsection (1) of section 472.011, Florida  
10 Statutes, is amended to read:

11           472.011 Fees.--

12           (1) The board, by rule, may establish fees to be paid  
13 for applications, examination, reexamination, licensing and  
14 renewal, inactive status application and reactivation of  
15 inactive licenses, recordmaking and recordkeeping, and  
16 applications for providers of continuing education. The board  
17 may also establish by rule a delinquency fee. The board shall  
18 establish fees that are adequate to ensure the continued  
19 operation of the board. Fees shall be based on department  
20 estimates of the revenue required to implement ss.  
21 472.001-472.037 ~~472.001-472.041~~ and the provisions of law with  
22 respect to the regulation of surveyors and mappers.

23  
24           Reviser's note.--Amended to conform to the  
25 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
26 2000-332, Laws of Florida.

27  
28           Section 7. Subsection (4) of section 472.015, Florida  
29 Statutes, is amended to read:

30           472.015 Licensure.--



1           (4) The department shall not issue a license by  
2 endorsement to any applicant who is under investigation in  
3 another state for any act that would constitute a violation of  
4 ss. 472.001-472.037 ~~472.001-472.041~~ or chapter 455 until such  
5 time as the investigation is complete and disciplinary  
6 proceedings have been terminated.

7  
8           Reviser's note.--Amended to conform to the  
9 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
10 2000-332, Laws of Florida.

11  
12           Section 8. Subsection (1) of section 472.021, Florida  
13 Statutes, is amended to read:

14           472.021 Certification of partnerships and  
15 corporations.--

16           (1) The practice of or the offer to practice surveying  
17 and mapping by registrants through a corporation or  
18 partnership offering surveying and mapping services to the  
19 public, or by a corporation or partnership offering said  
20 services to the public through registrants under ss.  
21 472.001-472.037 ~~472.001-472.041~~ as agents, employees,  
22 officers, or partners, is permitted subject to the provisions  
23 of ss. 472.001-472.037 ~~472.001-472.041~~, provided that one or  
24 more of the principal officers of the corporation or one or  
25 more partners of the partnership and all personnel of the  
26 corporation or partnership who act in its behalf as surveyors  
27 and mappers in this state are registered as provided by ss.  
28 472.001-472.037 ~~472.001-472.041~~, and, further, provided that  
29 the corporation or partnership has been issued a certificate  
30 of authorization by the board as provided in this section. All  
31 final drawings, specifications, plans, reports, or other

1 papers or documents involving the practice of surveying and  
2 mapping which are prepared or approved for the use of the  
3 corporation or partnership or for delivery to any person or  
4 for public record within the state must be dated and must bear  
5 the signature and seal of the registrant who prepared or  
6 approved them. Nothing in this section shall be construed to  
7 allow a corporation to hold a certificate of registration to  
8 practice surveying and mapping. No corporation or partnership  
9 shall be relieved of responsibility for the conduct or acts of  
10 its agents, employees, or officers by reason of its compliance  
11 with this section, nor shall any individual practicing  
12 surveying and mapping be relieved of responsibility for  
13 professional services performed by reason of his or her  
14 employment or relationship with a corporation or partnership.

15

16 Reviser's note.--Amended to conform to the  
17 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
18 2000-332, Laws of Florida.

19

20 Section 9. Subsections (1) and (2) of section 472.025,  
21 Florida Statutes, are amended to read:

22 472.025 Seals.--

23 (1) The board shall prescribe, by rule, a form of seal  
24 to be used by all registrants holding valid certificates of  
25 registration, whether the registrants are corporations,  
26 partnerships, or individuals. Each registrant shall obtain an  
27 impression-type metal seal in that form; and all final  
28 drawings, plans, specifications, plats, or reports prepared or  
29 issued by the registrant in accordance with minimum technical  
30 standards set by the board shall be signed by the registrant,  
31 dated, and stamped with his or her seal. This signature, date,

1 and seal shall be evidence of the authenticity of that to  
2 which they are affixed. Each registrant may in addition  
3 register his or her seal electronically in accordance with ss.  
4 668.001-668.006 ~~282.70-282.75~~. Drawings, plans,  
5 specifications, reports, or documents prepared or issued by a  
6 registrant may be transmitted electronically and may be signed  
7 by the registrant, dated, and stamped electronically with such  
8 seal in accordance with ss. 668.001-668.006 ~~282.70-282.75~~.

9 (2) It is unlawful for any person to stamp, seal, or  
10 digitally sign any document with a seal or digital signature  
11 after his or her certificate of registration has expired or  
12 been revoked or suspended, unless such certificate of  
13 registration has been reinstated or reissued. When the  
14 certificate of registration of a registrant has been revoked  
15 or suspended by the board, the registrant shall, within a  
16 period of 30 days after the revocation or suspension has  
17 become effective, surrender his or her seal to the secretary  
18 of the board and confirm to the secretary the cancellation of  
19 the registrant's digital signature in accordance with ss.  
20 668.001-668.006 ~~282.70-282.75~~. In the event the registrant's  
21 certificate has been suspended for a period of time, his or  
22 her seal shall be returned to him or her upon expiration of  
23 the suspension period.

24  
25 Reviser's note.--Amended to conform to the  
26 redesignation of ss. 282.70-282.75 as ss.  
27 668.001-668.006 by the reviser incident to  
28 compiling the Florida Statutes 2000.

29  
30 Section 10. Section 472.027, Florida Statutes, is  
31 amended to read:

1           472.027 Minimum technical standards for surveying and  
2 mapping.--The board shall adopt rules relating to the practice  
3 of surveying and mapping which establish minimum technical  
4 standards to ensure the achievement of no less than minimum  
5 degrees of accuracy, completeness, and quality in order to  
6 assure adequate and defensible real property boundary  
7 locations and other pertinent information provided by  
8 surveyors and mappers under the authority of ss.

9 472.001-472.037 ~~472.001-472.041~~.

10  
11           Reviser's note.--Amended to conform to the  
12 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
13 2000-332, Laws of Florida.

14  
15           Section 11. Paragraphs (a) and (b) of subsection (1)  
16 of section 472.031, Florida Statutes, are amended to read:

17           472.031 Prohibitions; penalties.--

18           (1) No person shall:

19           (a) Practice surveying and mapping unless such person  
20 is registered pursuant to ss. 472.001-472.037 ~~472.001-472.041~~;

21           (b) Use the name or title "registered surveyor and  
22 mapper" when such person has not registered pursuant to ss.

23 472.001-472.037 ~~472.001-472.041~~;

24  
25           Reviser's note.--Amended to conform to the  
26 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
27 2000-332, Laws of Florida.

28  
29           Section 12. Section 472.037, Florida Statutes, is  
30 amended to read:

1           472.037 Application of ss. 472.001-472.037

2 ~~472.001-472.041~~.--

3           (1) Nothing contained in ss. 472.001-472.037

4 ~~472.001-472.041~~ shall be construed to repeal, amend, limit, or  
5 otherwise affect any local building code or zoning law or  
6 ordinance, now or hereafter enacted, which is more restrictive  
7 with respect to the services of registered surveyors and  
8 mappers than the provisions of ss. 472.001-472.037  
9 ~~472.001-472.041~~.

10           (2) In counties or municipalities that issue building  
11 permits, such permits shall not be issued in any case where it  
12 is apparent from the application for such building permit that  
13 the provisions of ss. 472.001-472.037 ~~472.001-472.041~~ have  
14 been violated. However, this shall not authorize the  
15 withholding of building permits in any cases within the exempt  
16 classes set forth in ss. 472.001-472.037 ~~472.001-472.041~~.

17

18           Reviser's note.--Amended to conform to the  
19 repeal of ss. 472.039 and 472.041 by s. 8, ch.  
20 2000-332, Laws of Florida.

21

22           Section 13. Section 476.024, Florida Statutes, is  
23 amended to read:

24           476.024 Purpose.--The Legislature deems it necessary  
25 in the interest of public health, safety, and welfare to  
26 regulate the practice of barbering in this state. However,  
27 restrictions should be imposed only to the extent necessary to  
28 protect the public from ~~these~~ recognized dangers and in a  
29 manner which will not unreasonably affect the competitive  
30 market.

31

1 Reviser's note.--Amended to improve clarity.

2

3 Section 14. Paragraph (g) of subsection (1) of section  
4 489.1136, Florida Statutes, is repealed.

5

6 Reviser's note.--The cited paragraph requires  
7 medical gas system licensees to meet specified  
8 training requirements by October 1, 2000.

9

10 Section 15. Subsections (1) and (4) of section  
11 494.0017, Florida Statutes, are amended to read:

12 494.0017 Mortgage Brokerage Guaranty Fund.--

13 (1) The department shall make transfers from the  
14 Regulatory Trust Fund to the Mortgage Brokerage Guaranty Fund  
15 to pay valid claims arising under former ss. 494.042, 494.043,  
16 and 494.044, as provided in former s. 494.00171.

17 (4) Notwithstanding s. 215.965 ~~216.331~~, the department  
18 may disburse funds to a court or court-appointed person for  
19 distribution, if the conditions precedent for recovery exist  
20 and the distribution would be the fairest and most equitable  
21 manner of distributing the funds.

22

23 Reviser's note.--Subsection (1) is amended to  
24 improve clarity, facilitate correct  
25 interpretation, and take into account any  
26 claims that have been filed and are still  
27 pending. Section 494.00171 was repealed by s.  
28 70, ch. 2000-158, Laws of Florida. Subsection  
29 (4) is amended to conform to the redesignation  
30 of s. 216.331 as s. 215.965 by s. 59, ch.  
31 2000-371, Laws of Florida.

1           Section 16. Paragraph (n) of subsection (1) of section  
2 498.025, Florida Statutes, is amended to read:

3           498.025 Exemptions.--

4           (1) Except as provided in s. 498.022, the provisions  
5 of this chapter do not apply to:

6           (n) An offer or disposition of any interest in a  
7 subdivision that has received a development order pursuant to  
8 s. 380.06 ~~380.060~~ or s. 380.061, or the offer or disposition  
9 of any interest in subdivided lands by a person who has  
10 entered into a development agreement with local government in  
11 accordance with part II of chapter 163, subject to the  
12 following conditions:

13           1. All funds or property paid by a purchaser are  
14 escrowed until closing; and

15           2. Closing shall not occur until all promised  
16 improvements including infrastructure, facilities, and  
17 amenities represented by the seller or the seller's agent are  
18 deemed complete and the plat of same is recorded in the  
19 official records of the county in which the subdivision is  
20 located.

21  
22           Reviser's note.--Amended to conform to the  
23 correct citation to the referenced material; s.  
24 380.060 does not exist.

25  
26           Section 17. Subsection (26) of section 499.005,  
27 Florida Statutes, is repealed.

28  
29           Reviser's note.--Repeals a provision that has  
30 served its purpose. Section 499.018, which  
31 detailed the investigational drug application

1 process, was repealed by s. 10, ch. 2000-326,  
2 Laws of Florida.

3  
4 Section 18. Paragraph (b) of subsection (1) of section  
5 499.015, Florida Statutes, is amended to read:

6 499.015 Registration of drugs, devices, and cosmetics;  
7 issuance of certificates of free sale.--

8 (1)

9 (b) The department may not register any product that  
10 does not comply with the Federal Food, Drug, and Cosmetic Act,  
11 as amended, or Title 21 C.F.R., ~~or that is not an approved~~  
12 ~~investigational drug as provided for in s. 499.018.~~

13 Registration of a product by the department does not mean that  
14 the product does in fact comply with all provisions of the  
15 Federal Food, Drug, and Cosmetic Act, as amended.

16  
17 Reviser's note.--Amended to delete language  
18 that has served its purpose. Section 499.018,  
19 which detailed the investigational drug  
20 application process, was repealed by s. 10, ch.  
21 2000-326, Laws of Florida.

22  
23 Section 19. Subsection (1) of section 499.03, Florida  
24 Statutes, is amended to read:

25 499.03 Possession of new drugs or legend drugs without  
26 prescriptions unlawful; exemptions and exceptions.--

27 (1) A person may not possess, or possess with intent  
28 to sell, dispense, or deliver, any habit-forming, toxic,  
29 harmful, or new drug subject to s. 499.003(22), or legend drug  
30 as defined in s. 499.003(19)~~499.003(18)~~, unless the  
31 possession of the drug has been obtained by a valid



1 prescription of a practitioner licensed by law to prescribe  
2 the drug. However, this section does not apply to the delivery  
3 of such drugs to persons included in any of the classes named  
4 in this subsection, or to the agents or employees of such  
5 persons, for use in the usual course of their businesses or  
6 practices or in the performance of their official duties, as  
7 the case may be; nor does this section apply to the possession  
8 of such drugs by those persons or their agents or employees  
9 for such use:

10 (a) A licensed pharmacist or any person under the  
11 licensed pharmacist's supervision while acting within the  
12 scope of the licensed pharmacist's practice;

13 (b) A licensed practitioner authorized by law to  
14 prescribe legend drugs or any person under the licensed  
15 practitioner's supervision while acting within the scope of  
16 the licensed practitioner's practice;

17 (c) A qualified person who uses legend drugs for  
18 lawful research, teaching, or testing, and not for resale;

19 (d) A licensed hospital or other institution that  
20 procures such drugs for lawful administration or dispensing by  
21 practitioners;

22 (e) An officer or employee of a federal, state, or  
23 local government; or

24 (f) A person that holds a valid permit issued by the  
25 department pursuant to ss. 499.001-499.081 which authorizes  
26 that person to possess prescription drugs.

27

28 Reviser's note.--Amended to conform to the  
29 correct citation to the referenced material.

30 Section 14, ch. 2000-326, Laws of Florida,  
31 redesignated a reference to s. 499.003 as s.

1           499.003(18), accounting for the deletion of  
2           former s. 499.003(16) by that law. Section 34,  
3           ch. 2000-242, Laws of Florida, added a new s.  
4           499.003(11). The term "legend drug" continues  
5           to be defined at s. 499.003(19).  
6

7           Section 20. Paragraph (c) of subsection (1) of section  
8           499.05, Florida Statutes, is amended to read:

9           499.05 Rules.--

10           (1) The department shall adopt rules to implement and  
11           enforce ss. 499.001-499.081 with respect to:

12           (c) Application requirements, protocols, reporting  
13           requirements, and requirements for submitting other  
14           information to the department ~~and the Florida Drug Technical~~  
15           ~~Review Panel, as required under the investigational drug~~  
16           ~~program.~~

17  
18           Reviser's note.--Amended to delete obsolete  
19           language. Provisions relating to the  
20           investigational drug program and to the Florida  
21           Drug Technical Review Panel were repealed by s.  
22           10, ch. 2000-326, Laws of Florida.  
23

24           Section 21. Subsection (1) of section 501.34, Florida  
25           Statutes, is amended to read:

26           501.34 Enforcement.--

27           (1) Any violation of this part by an insurer shall be  
28           deemed a violation of the Unfair Insurance Trade Practices  
29           Act, part IX ~~§~~, chapter 626.  
30  
31

1 Reviser's note.--Amended to conform to the  
2 redesignation of part X of chapter 626 as part  
3 IX necessitated by the transfer of ss.  
4 626.941-626.945, comprising former part IX, by  
5 ch. 98-89, Laws of Florida.  
6

7 Section 22. Section 514.0231, Florida Statutes, is  
8 amended to read:

9 514.0231 Advisory committee to oversee sampling of  
10 beach waters.--The Department of Health shall form an  
11 interagency technical advisory committee to oversee the  
12 performance of the study ~~studies~~ required in s. 514.023 ~~and~~  
13 ~~section 6 of this act~~, and to advise it in rulemaking  
14 pertaining to standards for public bathing places along the  
15 coastal and intracoastal beaches and shores of the state.  
16 Membership on the committee shall consist of equal numbers of  
17 staff of the Department of Health and the Department of  
18 Environmental Protection with expertise in the subject matter  
19 of the study ~~studies~~. Members shall be appointed by the  
20 respective secretaries of these departments. The committee  
21 shall be chaired by a representative from the Department of  
22 Health.  
23

24 Reviser's note.--Amended to conform to the veto  
25 of section 6 of C.S. for S.B. 1412 (ch.  
26 2000-309, Laws of Florida) by the Governor on  
27 June 16, 2000.  
28

29 Section 23. Subsection (1) of section 519.101, Florida  
30 Statutes, is amended to read:  
31

1           519.101 Florida equity exchange feasibility study;  
2 structure, operation, and regulation.--

3           (1) There may be created one or more Florida equity  
4 exchanges, with one or more offices each, upon a determination  
5 by the Comptroller that each such exchange has a reasonable  
6 promise of successful operation, will promote economic  
7 development, will produce net economic benefits in the state,  
8 and will not expose the public to undue risk of financial  
9 loss. This determination shall be based on the results of a  
10 feasibility study concerning the possible structure,  
11 operation, and regulation of each such exchange, to be carried  
12 out under the supervision of the Comptroller. ~~The Secretary~~  
13 ~~of Commerce shall provide the Comptroller any needed advice on~~  
14 ~~economic development aspects of the feasibility study.~~ Said  
15 feasibility study shall evaluate to what extent securities  
16 laws may limit the transferability of investments in which any  
17 exchange would deal; to what extent companies financed through  
18 securities in which the exchange would deal would prefer a  
19 stable group of investors; to what extent the particular  
20 investment objectives of potential participants in any  
21 exchange might be inconsistent with an exchange operation; and  
22 the possibility that the frequency of investment opportunities  
23 of the type in which an exchange would deal would be too low  
24 to economically operate any exchange. The determination of  
25 the Comptroller shall constitute a final order as defined in  
26 s. 120.52 and shall be subject to the provisions of chapter  
27 120. Nothing in this section, however, shall be construed to  
28 require the expenditure of state funds for the purpose of  
29 conducting any such feasibility study. For the purposes of  
30 this section, the term "exchange" shall apply to any such  
31

1 Florida equity exchange proposed or created under this  
2 section.

3  
4 Reviser's note.--Amended to delete obsolete  
5 language relating to the Department of Commerce  
6 as created in s. 20.17. Section 20.17 was  
7 repealed by s. 3, ch. 96-320, Laws of Florida.

8  
9 Section 24. Subsection (9) of section 527.01, Florida  
10 Statutes, is amended to read:

11 527.01 Definitions.--As used in this chapter:

12 (9) "Category IV liquefied petroleum gas dispenser and  
13 recreational vehicle servicer" means any person engaging in  
14 the business of operating a liquefied petroleum gas dispensing  
15 unit for the purpose of serving liquid product to the ultimate  
16 consumer for industrial, commercial, or domestic use, and  
17 selling or offering to sell, or leasing or offering to lease,  
18 apparatus, appliances, and equipment for the use of liquefied  
19 petroleum gas, and whose services include the installation,  
20 service, or repair of recreational vehicle liquefied petroleum  
21 gas appliances and equipment.

22  
23 Reviser's note.--Amended to improve clarity.

24  
25 Section 25. Paragraph (b) of subsection (2) of section  
26 527.02, Florida Statutes, is amended to read:

27 527.02 License; penalty; fees.--

28 (2) In addition to the requirements of subsection (1),  
29 any person applying for a license to engage in the activities  
30 of a pipeline system operator, category I liquefied petroleum  
31 gas dealer, category II liquefied petroleum gas dispenser,

1 category IV liquefied petroleum gas dispenser and recreational  
2 vehicle servicer, LP gas installer, specialty installer,  
3 requalification of cylinders, or fabricator, repairer, and  
4 tester of vehicles and cargo tanks, must prove competency by  
5 passing a written examination administered by the department  
6 or its agent with a grade of 75 percent or above. Each  
7 applicant for examination shall submit a \$20 nonrefundable  
8 fee. The department shall by rule specify the general areas of  
9 competency to be covered by each examination and the relative  
10 weight to be assigned in grading each area tested.

11 (b) Qualifier cards issued to category I liquefied  
12 petroleum gas dealers and liquefied petroleum gas installers  
13 shall expire 3 years after the date of issuance. All category  
14 I liquefied petroleum gas dealer qualifiers and liquefied  
15 petroleum gas installer qualifiers holding a valid qualifier  
16 card upon the effective date of this act shall retain their  
17 qualifier status until July 1, 2003, and may sit for the  
18 master qualifier examination at any time during that time  
19 period. Alternatively, all category I liquefied petroleum gas  
20 dealer qualifiers and liquefied petroleum gas installer  
21 qualifiers may renew their qualification on or before July 1,  
22 2003, upon application to the department, payment of a \$20  
23 renewal fee, and documentation of the completion of a minimum  
24 of 12 hours approved continuing ~~continuous~~ education courses,  
25 as defined by department rule, during the previous 3-year  
26 period. Applications for renewal must be made 30 calender days  
27 prior to expiration. Persons failing to renew prior to the  
28 expiration date must reapply and take a qualifier competency  
29 examination in order to reestablish category I liquefied  
30 petroleum gas dealer qualifier and liquefied petroleum gas  
31 installer qualifier status. In the event a category I

1 liquefied petroleum gas qualifier or liquefied petroleum gas  
2 installer qualifier becomes a master qualifier at any time  
3 during the effective date of the qualifier card, the card  
4 shall remain in effect until expiration of the master  
5 qualifier certification.

6

7 Reviser's note.--Amended to improve clarity and  
8 facilitate correct interpretation.

9

10 Section 26. Section 538.11, Florida Statutes, is  
11 amended to read:

12 538.11 Powers and duties of department; rules.--The  
13 same duties and privileges imposed by chapter 212 upon dealers  
14 of tangible personal property respecting the keeping of books  
15 and records and accounts and compliance with rules of the  
16 department shall apply to and be binding upon all persons who  
17 are subject to the provisions of this chapter. The department  
18 shall administer, collect, and enforce the registration  
19 authorized under this chapter pursuant to the same procedures  
20 used in the administration, collection, and enforcement of the  
21 general state sales tax imposed under chapter 212, except as  
22 provided in this section. The provisions of chapter 212  
23 regarding the keeping of records and books shall apply. The  
24 department, ~~under the applicable rules of the Career Service~~  
25 ~~Commission~~, is authorized to employ persons and incur other  
26 expenses for which funds are appropriated by the Legislature.  
27 The department is empowered to adopt such rules, and shall  
28 prescribe and publish such forms, as may be necessary to  
29 effectuate the purposes of this chapter. The Legislature  
30 hereby finds that the failure to promptly implement the  
31 provisions of this chapter would present an immediate threat

1 to the welfare of the state. Therefore, the executive director  
2 of the department is hereby authorized to adopt emergency  
3 rules pursuant to s. 120.54(4), for purposes of implementing  
4 this chapter. Notwithstanding any other provision of law, such  
5 emergency rules shall remain effective for 6 months from the  
6 date of adoption. Other rules of the department related to and  
7 in furtherance of the orderly implementation of the chapter  
8 shall not be subject to a rule challenge under s. 120.56(2) or  
9 a drawout proceeding under s. 120.54(3)(c)2. but, once  
10 adopted, shall be subject to an invalidity challenge under s.  
11 120.56(3). Such rules shall be adopted by the Governor and  
12 Cabinet and shall become effective upon filing with the  
13 Department of State, notwithstanding the provisions of s.  
14 120.54(3)(e)6.

15

16 Reviser's note.--Amended to delete language  
17 that has served its purpose. The Career Service  
18 Commission was repealed by s. 87, ch. 86-163,  
19 Laws of Florida.

20

21 Section 27. Subsections (3) and (4) of section  
22 550.2633, Florida Statutes, are repealed.

23

24 Reviser's note.--The cited subsections relate  
25 to payment of moneys that escheated to the  
26 state during specified time periods in 1992.

27

28 Section 28. Paragraphs (a) and (g) of subsection (9)  
29 of section 550.6305, Florida Statutes, are amended to read:

30 550.6305 Intertrack wagering; guest track payments;  
31 accounting rules.--



1           (9) A host track that has contracted with an  
2 out-of-state horse track to broadcast live races conducted at  
3 such out-of-state horse track pursuant to s. 550.3551(5) may  
4 broadcast such out-of-state races to any guest track and  
5 accept wagers thereon in the same manner as is provided in s.  
6 550.3551.

7           (a) For purposes of this section, "net proceeds" means  
8 the amount of takeout remaining after the payment of state  
9 taxes, purses required pursuant to s. 550.0951(3)(c)1., the  
10 cost to the permitholder required to be paid to the  
11 out-of-state horse track, breeders' awards paid to the Florida  
12 Thoroughbred Breeders' Association and the Florida  
13 Standardbred Breeders and Owners Association, to be used as  
14 set forth in s. 550.625(2)(a) and (b), and the deduction of  
15 any amount retained pursuant to s. 550.615(11)~~550.615(12)~~.

16           (g)1. Any thoroughbred permitholder which accepts  
17 wagers on a simulcast signal must make the signal available to  
18 any permitholder that is eligible to conduct intertrack  
19 wagering under the provisions of ss. 550.615-550.6345.

20           2. Any thoroughbred permitholder which accepts wagers  
21 on a simulcast signal received after 6 p.m. must make such  
22 signal available to any permitholder that is eligible to  
23 conduct intertrack wagering under the provisions of ss.  
24 550.615-550.6345, including any permitholder located as  
25 specified in s. 550.615(6). Such guest permitholders are  
26 authorized to accept wagers on such simulcast signal,  
27 notwithstanding any other provision of this chapter to the  
28 contrary.

29           3. Any thoroughbred permitholder which accepts wagers  
30 on a simulcast signal received after 6 p.m. must make such  
31 signal available to any permitholder that is eligible to

1 | conduct intertrack wagering under the provisions of ss.  
2 | ~~550.615-550.6345, including any permitholder located as~~  
3 | ~~specified in s. 550.615(9).~~ Such guest permitholders are  
4 | authorized to accept wagers on such simulcast signals for a  
5 | number of performances not to exceed that which constitutes a  
6 | full schedule of live races for a quarter horse permitholder  
7 | pursuant to s. 550.002(11), notwithstanding any other  
8 | provision of this chapter to the contrary, ~~except that the~~  
9 | ~~restrictions provided in s. 550.615(9)(a) apply to wagers on~~  
10 | ~~such simulcast signals.~~

11 |

12 | No thoroughbred permitholder shall be required to continue to  
13 | rebroadcast a simulcast signal to any in-state permitholder if  
14 | the average per performance gross receipts returned to the  
15 | host permitholder over the preceding 30-day period were less  
16 | than \$100. Subject to the provisions of s. 550.615(4), as a  
17 | condition of receiving rebroadcasts of thoroughbred simulcast  
18 | signals under this paragraph, a guest permitholder must accept  
19 | intertrack wagers on all live races conducted by all  
20 | then-operating thoroughbred permitholders.

21 |

22 |       Reviser's note.--Paragraph (9)(a) is amended to  
23 |       conform to the redesignation of s. 550.615(12)  
24 |       as s. 550.615(11) by the reviser incident to  
25 |       compiling the Florida Statutes 2000. Paragraph  
26 |       (9)(g) is amended to conform to the repeal of  
27 |       s. 550.615(9) by s. 44, ch. 2000-354, Laws of  
28 |       Florida.

29 |

30 |       Section 29. Section 550.904, Florida Statutes, is  
31 | amended to read:

1           550.904 Entry into force.--This compact shall come  
2 into force when enacted by any four states. Thereafter, this  
3 compact shall become effective in any other state upon that  
4 state's enactment of this compact and upon the affirmative  
5 vote of a majority of the officials on the compact committee  
6 as provided in s. 550.909 ~~section 41~~.

7  
8           Reviser's note.--Amended to correct an apparent  
9 error and facilitate correct interpretation.  
10          Section 41, ch. 2000-354, Laws of Florida, was  
11 codified as s. 550.911 and relates to immunity  
12 from liability for specified compact committee  
13 personnel. Section 39, ch. 2000-354, codified  
14 as s. 550.909, relates to voting requirements  
15 for the compact committee.

16  
17          Section 30. Paragraph (b) of subsection (1) of section  
18 550.912, Florida Statutes, is amended to read:

19          550.912 Rights and responsibilities of each party  
20 state.--

21           (1) By enacting this compact, each party state:

22           (b) Agrees not to treat a notification to an applicant  
23 by the compact committee described in s. 550.908 ~~subsection~~  
24 ~~(3) of section 42~~ as the denial of a license, or to penalize  
25 such an applicant in any other way based solely on such a  
26 decision by the compact committee.

27  
28          Reviser's note.--Amended to correct an apparent  
29 error. Subsection (3) of s. 42, ch. 2000-354,  
30 Laws of Florida, does not exist. Section 38,  
31 ch. 2000-354, codified as s. 550.908, does

1           contain a subsection (3) relating to agreement  
2           not to treat notification to an applicant by  
3           the compact committee as denial of a license.

4  
5           Section 31. Effective July 1, 2001, subsection (3) of  
6 section 553.381, Florida Statutes, as amended by section 62 of  
7 chapter 2000-141, Laws of Florida, is amended to read:

8           553.381 Manufacturer certification.--

9           (3) Certification of manufacturers under this section  
10 shall be for a period of 3 years, subject to renewal by the  
11 manufacturer. Upon application for renewal, the manufacturer  
12 must submit the information described in subsection (1) ~~(2)~~ or  
13 a sworn statement that there has been no change in the status  
14 or content of that information since the manufacturer's last  
15 submittal. Fees for renewal of manufacturers' certification  
16 shall be established by the commission by rule.

17  
18           Reviser's note.--Amended to correct an apparent  
19 error. Subsection (1) describes information to  
20 be submitted. Subsection (2) relates to  
21 revocation of certification.

22  
23           Section 32. Section 553.507, Florida Statutes, is  
24 amended to read:

25           553.507 Exemptions.--Sections 553.501-553.513 and s.  
26 553.5041(4) ~~316.1955(4)~~ do not apply to any of the following:

27           (1) Buildings, structures, or facilities that were  
28 either under construction or under contract for construction  
29 on October 1, 1997.

30           (2) Buildings, structures, or facilities that were in  
31 existence on October 1, 1997, unless:

1 (a) The building, structure, or facility is being  
2 converted from residential to nonresidential or mixed use, as  
3 defined by local law;

4 (b) The proposed alteration or renovation of the  
5 building, structure, or facility will affect usability or  
6 accessibility to a degree that invokes the requirements of s.  
7 303(a) of the Americans with Disabilities Act of 1990; or

8 (c) The original construction or any former alteration  
9 or renovation of the building, structure, or facility was  
10 carried out in violation of applicable permitting law.

11  
12 Reviser's note.--Amended to conform to the  
13 repeal of former s. 316.1955(4) by s. 16, ch.  
14 2000-141, Laws of Florida, and the enactment of  
15 s. 553.5041(4), containing identical  
16 provisions, by s. 66, ch. 2000-141.

17  
18 Section 33. Paragraph (d) of subsection (1) of section  
19 553.902, Florida Statutes, is amended to read:

20 553.902 Definitions.--For the purposes of this part:

21 (1) "Exempted building" means:

22 (d) Any historical building as described in s.  
23 267.021(3)~~267.021(6)~~.

24  
25 Reviser's note.--Amended to conform to the  
26 redesignation of s. 267.021(6) as s. 267.021(3)  
27 by s. 43, ch. 86-163, Laws of Florida.

28  
29 Section 34. Effective July 1, 2001, paragraph (d) of  
30 subsection (1) of section 553.902, Florida Statutes, as

31

1 amended by section 94 of chapter 2000-141, Laws of Florida, is  
2 amended to read:

3 553.902 Definitions.--For the purposes of this part:

4 (1) "Exempted building" means:

5 (d) Any historical building as described in s.

6 267.021(3)~~267.021(6)~~.

7

8 The Florida Building Commission may recommend to the  
9 Legislature additional types of buildings which should be  
10 exempted from compliance with the Florida Energy Efficiency  
11 Code for Building Construction.

12

13 Reviser's note.--Amended to conform to the  
14 redesignation of s. 267.021(6) as s. 267.021(3)  
15 by s. 43, ch. 86-163, Laws of Florida.

16

17 Section 35. Subsection (6) of section 569.11, Florida  
18 Statutes, is amended to read:

19 569.11 Possession, misrepresenting age or military  
20 service to purchase, and purchase of tobacco products by  
21 persons under 18 years of age prohibited; penalties;  
22 jurisdiction; disposition of fines.--

23 (6) Eighty percent of all civil penalties received by  
24 a county court pursuant to this section shall be transferred  
25 to the Department of Education to provide for teacher training  
26 and for research and evaluation to reduce and prevent the use  
27 of tobacco products by children, ~~pursuant to s. 233.067(4)~~.

28 The remaining 20 percent of civil penalties received by a  
29 county court pursuant to this section shall remain with the  
30 clerk of the county court to cover administrative costs.

31

1 Reviser's note.--Amended to conform to the  
2 repeal of s. 233.067 by s. 38, ch. 97-190, Laws  
3 of Florida.

4  
5 Section 36. Paragraph (h) of subsection (1) of section  
6 570.21, Florida Statutes, is amended to read:

7 570.21 Publication of department's bulletins,  
8 publications, and reports.--

9 (1) The Divisions of Administration and Marketing and  
10 Development may publish bulletins or other publications and  
11 reports containing data and statistics and information  
12 relating to:

13 (h) Any other matter of an agricultural nature which  
14 the department deems proper and that is not within the  
15 jurisdiction of the agricultural experiment station or the  
16 agricultural extension service, ~~or the Division of Economic~~  
17 ~~Development of the Department of Commerce.~~

18  
19 Reviser's note.--Amended to delete obsolete  
20 language relating to the Department of Commerce  
21 as created by s. 20.17. Section 20.17 was  
22 repealed by s. 3, ch. 96-320, Laws of Florida.

23  
24 Section 37. Subsection (8) of section 576.045, Florida  
25 Statutes, is amended to read:

26 576.045 Nitrate; findings and intent; fees; purpose;  
27 best-management practices; waiver of liability; compliance;  
28 rules; report; exclusions; expiration.--

29 (8) EXPIRATION OF PROVISIONS.--Subsections (1), (2),  
30 (3), (4), and (6), ~~and (7)~~ expire on December 31, 2003.  
31 Subsections (5) and (7) ~~(8)~~ expire on December 31, 2008.

1 Reviser's note.--Amended to conform to the  
2 repeal of former subsection (7) by s. 77, ch.  
3 2000-158, Laws of Florida, and to conform to  
4 the redesignation of subsection (8) as  
5 subsection (7) necessitated by that repeal.

6  
7 Section 38. Subsection (1) of section 589.065, Florida  
8 Statutes, is amended to read:

9 589.065 Florida Forever Program Trust Fund of the  
10 Department of Agriculture and Consumer Services.--

11 (1) There is created a Florida Forever Program Trust  
12 Fund within the Department of Agriculture and Consumer  
13 Services to carry out the duties of the department under the  
14 Florida Forever Act as specified in s. 259.105(3)(f)  
15 ~~259.105(3)(e)~~. The trust fund shall receive funds pursuant to  
16 s. 259.105(3)(f)~~259.105(3)(e)~~.

17  
18 Reviser's note.--Amended to conform to the  
19 redesignation of s. 259.105(3)(e) as s.  
20 259.105(3)(f) by s. 11, ch. 2000-170, Laws of  
21 Florida.

22  
23 Section 39. Paragraph (k) of subsection (1) of section  
24 597.003, Florida Statutes, is amended to read:

25 597.003 Powers and duties of Department of Agriculture  
26 and Consumer Services.--

27 (1) The department is hereby designated as the lead  
28 agency in encouraging the development of aquaculture in the  
29 state and shall have and exercise the following functions,  
30 powers, and duties with regard to aquaculture:

31



1           (k) Make available state lands and the water column  
2 for the purpose of producing aquaculture products when the  
3 aquaculture activity is compatible with state resource  
4 management goals, environmental protection, and proprietary  
5 ~~propriety~~ interest and when such state lands and waters are  
6 determined to be suitable for aquaculture development by the  
7 Board of Trustees of the Internal Improvement Trust Fund  
8 pursuant to s. 253.68; and be responsible for all saltwater  
9 aquaculture activities located on sovereignty submerged land  
10 or in the water column above such land and adjacent facilities  
11 directly related to the aquaculture activity.

12           1. The department shall act in cooperation with other  
13 state and local agencies and programs to identify and  
14 designate sovereignty lands and waters that would be suitable  
15 for aquaculture development.

16           2. The department shall identify and evaluate specific  
17 tracts of sovereignty submerged lands and water columns in  
18 various areas of the state to determine where such lands and  
19 waters are suitable for leasing for aquaculture purposes.  
20 Nothing in this subparagraph or subparagraph 1. shall preclude  
21 the applicant from applying for sites identified by the  
22 applicant.

23           3. The department shall provide assistance in  
24 developing technologies applicable to aquaculture activities,  
25 evaluate practicable production alternatives, and provide  
26 agreements to develop innovative culture practices.

27

28           Reviser's note.--Amended to improve clarity and  
29 facilitate correct interpretation.

30

31

1           Section 40. Paragraph (a) of subsection (2) of section  
2 597.0041, Florida Statutes, is amended to read:

3           597.0041 Prohibited acts; penalties.--

4           (2)(a) Any person who violates any provision of this  
5 chapter or any rule promulgated hereunder is subject to a  
6 suspension or revocation of his or her certificate of  
7 registration or license under this chapter. The department  
8 may, in lieu of, or in addition to the suspension or ~~of~~  
9 revocation, impose on the violator an administrative fine in  
10 an amount not to exceed \$1,000 per violation per day.

11  
12           Reviser's note.--Amended to improve clarity and  
13 facilitate correct interpretation.

14  
15           Section 41. Paragraph (g) of subsection (2) of section  
16 607.1901, Florida Statutes, is amended to read:

17           607.1901 Corporations Trust Fund creation; transfer of  
18 funds.--

19           (2)

20           (g) The division shall transfer from the trust fund to  
21 the Historical Resources Operating Trust Fund, quarterly,  
22 prorations transferring \$2 million each fiscal year, to be  
23 used as provided in s. 267.0617 ~~267.0671~~.

24  
25           Reviser's note.--Amended to improve clarity and  
26 facilitate correct interpretation. Section  
27 267.0671 does not exist; s. 267.0617 relates to  
28 the Historic Preservation Grant Program and the  
29 Historical Resources Operating Trust Fund.

1 Section 42. Subsection (9) of section 617.1622,  
2 Florida Statutes, is amended to read:

3 617.1622 Annual report for Department of State.--

4 (9) The department shall prescribe the forms on which  
5 to make the annual report called for in this section and may  
6 substitute the uniform business report, pursuant to s. 606.06,  
7 as a means of satisfying the requirement of this section ~~part~~.

8  
9 Reviser's note.--Amended to correct an apparent  
10 error. Chapter 617 is not divided into parts.

11  
12 Section 43. Subsection (6) of section 620.8101,  
13 Florida Statutes, is amended to read:

14 620.8101 Definitions.--As used in this act, the term:

15 (6) "Limited liability partnership" means a registered  
16 limited liability partnership registered under former ss.  
17 620.78-620.789 immediately prior to the effective date of this  
18 act or a partnership that has filed a statement of  
19 qualification under s. 620.9001 and has not filed a similar  
20 statement in any other jurisdiction.

21  
22 Reviser's note.--Amended to conform to the  
23 repeal of ss. 620.78-620.789 by s. 36, ch.  
24 99-285, Laws of Florida.

25  
26 Section 44. Paragraph (a) of subsection (1) of section  
27 620.9901, Florida Statutes, is amended to read:

28 620.9901 Applicability.--

29 (1) Beginning January 1, 1996, and ending January 1,  
30 1998, the Revised Uniform Partnership Act of 1995 governs only  
31 a partnership formed:

1 (a) On or after January 1, 1996, unless such  
2 partnership is continuing the business of a dissolved  
3 partnership under former s. 620.76; and

4  
5 Reviser's note.--Amended to conform to the  
6 repeal of s. 620.76 by s. 24, ch. 99-4, Laws of  
7 Florida.

8  
9 Section 45. Subparagraph 1. of paragraph (b) of  
10 subsection (1) of section 624.408, Florida Statutes, is  
11 repealed.

12  
13 Reviser's note.--Repealed to delete a provision  
14 that has served its purpose. The cited  
15 subparagraph sets a required amount of surplus  
16 for December 31, 1999, through December 30,  
17 2000, for casualty insurers holding a  
18 certificate of authority on December 1, 1993.

19  
20 Section 46. Paragraph (b) of subsection (7) of section  
21 626.112, Florida Statutes, is amended to read:

22 626.112 License and appointment required; agents,  
23 customer representatives, solicitors, adjusters, insurance  
24 agencies, service representatives, managing general agents.--

25 (7)

26 (b) An insurance agency shall, as a condition  
27 precedent to continuing business, obtain an insurance agency  
28 license if the department finds that, with respect to any  
29 majority owner, partner, manager, director, officer, or other  
30 person who manages or controls the agency, any person has,  
31 subsequent to the effective date of this act:

1           1. Been found guilty of, or has pleaded guilty or nolo  
2           contendere to, a felony in this state or any other state  
3           relating to the business of insurance or to an insurance  
4           agency, without regard to whether a judgment of conviction has  
5           been entered by the court having jurisdiction of the cases.

6           2. Employed any individual in a managerial capacity or  
7           in a capacity dealing with the public who is under an order of  
8           revocation or suspension issued by the department. An  
9           insurance agency may request, on forms prescribed by the  
10          department, verification of any person's license status. If a  
11          request is mailed within 5 working days after an employee is  
12          hired, and the employee's license is currently suspended or  
13          revoked, the agency shall not be required to obtain a license,  
14          if the unlicensed person's employment is immediately  
15          terminated.

16          3. Operated the agency or permitted the agency to be  
17          operated in violation of s. 626.747.

18          4. With such frequency as to have made the operation  
19          of the agency hazardous to the insurance-buying public or  
20          other persons:

21           a. Solicited or handled controlled business. This  
22           subparagraph shall not prohibit the licensing of any lending  
23           or financing institution or creditor, with respect to  
24           insurance only, under credit life or disability insurance  
25           policies of borrowers from the institutions, which policies  
26           are subject to part IX of chapter 627.

27           b. Misappropriated, converted, or unlawfully withheld  
28           moneys belonging to insurers, insureds, beneficiaries, or  
29           others and received in the conduct of business under the  
30           license.

31

1           c. Unlawfully rebated, attempted to unlawfully rebate,  
2 or unlawfully divided or offered to divide commissions with  
3 another.

4           d. Misrepresented any insurance policy or annuity  
5 contract, or used deception with regard to any policy or  
6 contract, done either in person or by any form of  
7 dissemination of information or advertising.

8           e. Violated any provision of this code or any other  
9 law applicable to the business of insurance in the course of  
10 dealing under the license.

11          f. Violated any lawful order or rule of the  
12 department.

13          g. Failed or refused, upon demand, to pay over to any  
14 insurer he or she represents or has represented any money  
15 coming into his or her hands belonging to the insurer.

16          h. Violated the provision against twisting as defined  
17 in s. 626.9541(1)(1).

18          i. In the conduct of business, engaged in unfair  
19 methods of competition or in unfair or deceptive acts or  
20 practices, as prohibited under part IX \* of this chapter.

21          j. Willfully overinsured any property insurance risk.

22          k. Engaged in fraudulent or dishonest practices in the  
23 conduct of business arising out of activities related to  
24 insurance or the insurance agency.

25          l. Demonstrated lack of fitness or trustworthiness to  
26 engage in the business of insurance arising out of activities  
27 related to insurance or the insurance agency.

28          m. Authorized or knowingly allowed individuals to  
29 transact insurance who were not then licensed as required by  
30 this code.

31

1           5. Knowingly employed any person who within the  
2 preceding 3 years has had his or her relationship with an  
3 agency terminated in accordance with paragraph (d).

4           6. Willfully circumvented the requirements or  
5 prohibitions of this code.

6  
7           Reviser's note.--Amended to conform to the  
8 redesignation of part X of chapter 626 as part  
9 IX necessitated by the transfer of ss.  
10 626.941-626.945, comprising former part IX, by  
11 ch. 98-89, Laws of Florida.

12  
13           Section 47. Subsection (6) of section 626.621, Florida  
14 Statutes, is amended to read:

15           626.621 Grounds for discretionary refusal, suspension,  
16 or revocation of agent's, solicitor's, adjuster's, customer  
17 representative's, service representative's, or managing  
18 general agent's license or appointment.--The department may,  
19 in its discretion, deny an application for, suspend, revoke,  
20 or refuse to renew or continue the license or appointment of  
21 any applicant, agent, solicitor, adjuster, customer  
22 representative, service representative, or managing general  
23 agent, and it may suspend or revoke the eligibility to hold a  
24 license or appointment of any such person, if it finds that as  
25 to the applicant, licensee, or appointee any one or more of  
26 the following applicable grounds exist under circumstances for  
27 which such denial, suspension, revocation, or refusal is not  
28 mandatory under s. 626.611:

29           (6) In the conduct of business under the license or  
30 appointment, engaging in unfair methods of competition or in  
31 unfair or deceptive acts or practices, as prohibited under

1 part IX ~~§~~ of this chapter, or having otherwise shown himself  
2 or herself to be a source of injury or loss to the public or  
3 detrimental to the public interest.

4  
5 Reviser's note.--Amended to conform to the  
6 redesignation of part X of chapter 626 as part  
7 IX necessitated by the transfer of ss.  
8 626.941-626.945, comprising former part IX, by  
9 ch. 98-89, Laws of Florida.

10  
11 Section 48. Paragraph (h) of subsection (5) of section  
12 626.6215, Florida Statutes, is amended to read:

13 626.6215 Grounds for discretionary refusal,  
14 suspension, or revocation of insurance agency license.--The  
15 department may, in its discretion, deny, suspend, revoke, or  
16 refuse to continue the license of any insurance agency if it  
17 finds, as to any insurance agency or as to any majority owner,  
18 partner, manager, director, officer, or other person who  
19 manages or controls such insurance agency, that any one or  
20 more of the following applicable grounds exist:

21 (5) Committing any of the following acts with such  
22 frequency as to have made the operation of the agency  
23 hazardous to the insurance-buying public or other persons:

24 (h) In the conduct of business under the license,  
25 engaging in unfair methods of competition or in unfair or  
26 deceptive acts or practices as prohibited under part IX ~~§~~ of  
27 this chapter.

28  
29 Reviser's note.--Amended to conform to the  
30 redesignation of part X of chapter 626 as part  
31 IX necessitated by the transfer of ss.



1           626.941-626.945, comprising former part IX, by  
2           ch. 98-89, Laws of Florida.

3  
4           Section 49. Subsection (2) of section 626.797, Florida  
5 Statutes, is amended to read:

6           626.797 Code of ethics.--

7           (2) The code of ethics shall apply standards of  
8 conduct designed to avoid the commission of acts or the  
9 existence of circumstances which would constitute grounds for  
10 suspension, revocation, or refusal of license under ss.  
11 626.611 and 626.621 and to avoid the use of unfair trade  
12 practices and unfair methods of competition which would be in  
13 violation of any provision of part IX \*.

14  
15           Reviser's note.--Amended to conform to the  
16 redesignation of part X of chapter 626 as part  
17 IX necessitated by the transfer of ss.  
18 626.941-626.945, comprising former part IX, by  
19 ch. 98-89, Laws of Florida.

20  
21           Section 50. Subsection (5) of section 626.844, Florida  
22 Statutes, is amended to read:

23           626.844 Grounds for discretionary refusal, suspension,  
24 or revocation of license or appointment.--The department may,  
25 in its discretion, deny, suspend, revoke, or refuse to renew  
26 or continue the license or appointment of any title insurance  
27 agent or agency, and it may suspend or revoke the eligibility  
28 to hold a license or appointment of any such title insurance  
29 agent or agency if it finds that as to the applicant or  
30 licensee or appointee, or any principal thereof, any one or  
31 more of the following grounds exist under circumstances for

1 which such denial, suspension, revocation, or refusal is not  
2 mandatory under s. 626.8437:

3 (5) Engaging in unfair methods of competition or in  
4 unfair or deceptive acts or practices in the conduct of  
5 business, as prohibited under part IX ~~X~~ of this chapter, or  
6 having otherwise shown himself or herself to be a source of  
7 injury or loss to the public or to be detrimental to the  
8 public interest.

9  
10 Reviser's note.--Amended to conform to the  
11 redesignation of part X of chapter 626 as part  
12 IX necessitated by the transfer of ss.  
13 626.941-626.945, comprising former part IX, by  
14 ch. 98-89, Laws of Florida.

15  
16 Section 51. Paragraph (b) of subsection (1) of section  
17 626.8734, Florida Statutes, is amended to read:

18 626.8734 Nonresident independent adjuster's  
19 qualifications.--

20 (1) The department shall, upon application therefor,  
21 issue a license to an applicant for a nonresident independent  
22 adjuster's license upon determining that the applicant has  
23 paid the applicable license fees required under s. 624.501  
24 and:

25 (b) Has passed to the satisfaction of the department a  
26 written Florida independent adjuster's examination of the  
27 scope prescribed in s. 626.241(6) ~~626.214(6)~~; however, the  
28 requirement for the examination does not apply to any of the  
29 following:

30 1. An applicant who is licensed as a resident  
31 independent adjuster in his or her state of residence when

1 that state requires the passing of a written examination in  
2 order to obtain the license and a reciprocal agreement with  
3 the appropriate official of that state has been entered into  
4 by the department; or

5         2. An applicant who is licensed as a nonresident  
6 independent adjuster in a state other than his or her state of  
7 residence when the state of licensure requires the passing of  
8 a written examination in order to obtain the license and a  
9 reciprocal agreement with the appropriate official of the  
10 state of licensure has been entered into by the department.

11  
12         Reviser's note.--Amended to facilitate correct  
13 interpretation. Section 626.214 does not exist;  
14 s. 626.241(6) provides for the scope of the  
15 examination.

16  
17         Section 52. Subsection (2) of section 626.909, Florida  
18 Statutes, is amended to read:

19         626.909 Jurisdiction of department; service of process  
20 on Secretary of State.--

21         (2) In addition to the procedure for service of  
22 process on unauthorized insurers or persons representing or  
23 aiding such insurers contained in ss. 626.906 and 626.907, the  
24 department shall have the right to bring any action, suit, or  
25 proceeding in the name of the state or conduct any proceeding,  
26 examination, or hearing provided for in this code against any  
27 unauthorized insurer or person representing or aiding such  
28 insurer for violation of any lawful order of the department or  
29 any provision of this code, specifically including but not  
30 limited to the regulation of trade practices provided for in  
31 part IX ~~✕~~ of this chapter, if the insurer or person

1 representing or aiding such insurer transacts insurance in  
2 this state as defined in ss. 624.10 and 626.906 and the  
3 insurer does not transact such business under a subsisting  
4 certificate of authority as required by s. 624.401. In the  
5 event the transaction of business is done by mail, the venue  
6 of the act is at the point where the matter transmitted by  
7 mail is delivered and takes effect.

8  
9 Reviser's note.--Amended to conform to the  
10 redesignation of part X of chapter 626 as part  
11 IX necessitated by the transfer of ss.  
12 626.941-626.945, comprising former part IX, by  
13 ch. 98-89, Laws of Florida.

14  
15 Section 53. Subsection (10) of section 626.9911,  
16 Florida Statutes, is amended to read:

17 626.9911 Definitions.--As used in this act, the term:

18 (10) "Viatical settlement purchaser" means a person,  
19 other than a licensee under this part, an accredited investor  
20 as defined in Rule 501, Regulation D of the Securities Act  
21 Rules, or a qualified institutional buyer as defined by Rule  
22 144(a) of the Federal Securities Act, or a special purpose  
23 entity who gives a sum of money as consideration for a life  
24 insurance policy or an equitable or legal interest in the  
25 death benefits of a life insurance policy which has been or  
26 will be the subject of a viatical settlement contract, for the  
27 purpose of deriving an economic benefit. The above references  
28 to Rule 501, Regulation D and Rule 144(a) of the Federal  
29 Securities Act are used strictly for defining purposes and  
30 shall not be interpreted in any other manner. Any person who  
31 claims to be an accredited investor shall sign an affidavit

1 stating that he or she is an accredited investor, the basis of  
2 that claim, and that he or she understands that as an  
3 accredited investor he or she will not be entitled to certain  
4 protections of the Viatical Settlement Act. This affidavit  
5 must be kept with other documents required to be maintained by  
6 this act.

7  
8 Reviser's note.--Amended to improve clarity.

9 The full title of material relating to viatical  
10 settlements in part X of chapter 626 is the  
11 "Viatical Settlement Act."

12  
13 Section 54. Subsection (2) of section 626.99275,  
14 Florida Statutes, is amended to read:

15 626.99275 Prohibited practices; penalties.--

16 (2) A person who violates any provision of this  
17 section commits:

18 (a) A felony of the third degree, punishable as  
19 provided in s. 775.082, s. 775.083 ~~774.083~~, or s. 775.084, if  
20 the insurance policy involved is valued at any amount less  
21 than \$20,000.

22 (b) A felony of the second degree, punishable as  
23 provided in s. 775.082, s. 775.083 ~~774.083~~, or s. 775.084, if  
24 the insurance policy involved is valued at \$20,000 or more,  
25 but less than \$100,000.

26 (c) A felony of the first degree, punishable as  
27 provided in s. 775.082, s. 775.083 ~~774.083~~, or s. 775.084, if  
28 the insurance policy involved is valued at \$100,000 or more.

1 Reviser's note.--Amended to facilitate correct  
2 interpretation. Section 774.083 does not exist;  
3 s. 775.083 relates to fines for criminal acts.  
4

5 Section 55. Subsection (3) of section 627.031, Florida  
6 Statutes, is amended to read:

7 627.031 Purposes of this part; interpretation.--  
8 (3) Nothing in this part shall be construed to repeal  
9 or modify the provisions of part IX \* of chapter 626, relating  
10 to unfair trade practices.  
11

12 Reviser's note.--Amended to conform to the  
13 redesignation of part X of chapter 626 as part  
14 IX necessitated by the transfer of ss.  
15 626.941-626.945, comprising former part IX, by  
16 ch. 98-89, Laws of Florida.  
17

18 Section 56. Subsection (4) of section 627.062, Florida  
19 Statutes, is amended to read:

20 627.062 Rate standards.--  
21 (4) The establishment of any rate, rating  
22 classification, rating plan or schedule, or variation thereof  
23 in violation of part IX \* of chapter 626 is also in violation  
24 of this section.  
25

26 Reviser's note.--Amended to conform to the  
27 redesignation of part X of chapter 626 as part  
28 IX necessitated by the transfer of ss.  
29 626.941-626.945, comprising former part IX, by  
30 ch. 98-89, Laws of Florida.  
31

1           Section 57. Section 627.0661, Florida Statutes, is  
2 repealed.

3  
4           Reviser's note.--Repealed to delete obsolete  
5 language relating to insurers exempt from the  
6 excess profit requirements. Section  
7 624.509(10), describing these insurers, was  
8 repealed by s. 39, ch. 92-173, Laws of Florida.

9  
10           Section 58. Subparagraph 6. of paragraph (b) of  
11 subsection (2) and subparagraph 9. of paragraph (a) of  
12 subsection (5) of section 627.351, Florida Statutes, are  
13 amended to read:

14           627.351 Insurance risk apportionment plans.--

15           (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

16           (b) The department shall require all insurers holding  
17 a certificate of authority to transact property insurance on a  
18 direct basis in this state, other than joint underwriting  
19 associations and other entities formed pursuant to this  
20 section, to provide windstorm coverage to applicants from  
21 areas determined to be eligible pursuant to paragraph (c) who  
22 in good faith are entitled to, but are unable to procure, such  
23 coverage through ordinary means; or it shall adopt a  
24 reasonable plan or plans for the equitable apportionment or  
25 sharing among such insurers of windstorm coverage, which may  
26 include formation of an association for this purpose. As used  
27 in this subsection, the term "property insurance" means  
28 insurance on real or personal property, as defined in s.  
29 624.604, including insurance for fire, industrial fire, allied  
30 lines, farmowners multiperil, homeowners' multiperil,  
31 commercial multiperil, and mobile homes, and including

1 liability coverages on all such insurance, but excluding  
2 inland marine as defined in s. 624.607(3) and excluding  
3 vehicle insurance as defined in s. 624.605(1)(a) other than  
4 insurance on mobile homes used as permanent dwellings. The  
5 department shall adopt rules that provide a formula for the  
6 recovery and repayment of any deferred assessments.

7         6.a. The plan of operation may authorize the formation  
8 of a private nonprofit corporation, a private nonprofit  
9 unincorporated association, a partnership, a trust, a limited  
10 liability company, or a nonprofit mutual company which may be  
11 empowered, among other things, to borrow money by issuing  
12 bonds or by incurring other indebtedness and to accumulate  
13 reserves or funds to be used for the payment of insured  
14 catastrophe losses. The plan may authorize all actions  
15 necessary to facilitate the issuance of bonds, including the  
16 pledging of assessments or other revenues.

17         b. Any entity created under this subsection, or any  
18 entity formed for the purposes of this subsection, may sue and  
19 be sued, may borrow money; issue bonds, notes, or debt  
20 instruments; pledge or sell assessments, market equalization  
21 surcharges and other surcharges, rights, premiums, contractual  
22 rights, projected recoveries from the Florida Hurricane  
23 Catastrophe Fund, other reinsurance recoverables, and other  
24 assets as security for such bonds, notes, or debt instruments;  
25 enter into any contracts or agreements necessary or proper to  
26 accomplish such borrowings; and take other actions necessary  
27 to carry out the purposes of this subsection. The association  
28 may issue bonds or incur other indebtedness, or have bonds  
29 issued on its behalf by a unit of local government pursuant to  
30 subparagraph (6)(g)2.~~(g)2.~~, in the absence of a hurricane or  
31 other weather-related event, upon a determination by the



1 association subject to approval by the department that such  
2 action would enable it to efficiently meet the financial  
3 obligations of the association and that such financings are  
4 reasonably necessary to effectuate the requirements of this  
5 subsection. Any such entity may accumulate reserves and retain  
6 surpluses as of the end of any association year to provide for  
7 the payment of losses incurred by the association during that  
8 year or any future year. The association shall incorporate and  
9 continue the plan of operation and articles of agreement in  
10 effect on the effective date of chapter 76-96, Laws of  
11 Florida, to the extent that it is not inconsistent with  
12 chapter 76-96, and as subsequently modified consistent with  
13 chapter 76-96. The board of directors and officers currently  
14 serving shall continue to serve until their successors are  
15 duly qualified as provided under the plan. The assets and  
16 obligations of the plan in effect immediately prior to the  
17 effective date of chapter 76-96 shall be construed to be the  
18 assets and obligations of the successor plan created herein.

19 c. In recognition of s. 10, Art. I of the State  
20 Constitution, prohibiting the impairment of obligations of  
21 contracts, it is the intent of the Legislature that no action  
22 be taken whose purpose is to impair any bond indenture or  
23 financing agreement or any revenue source committed by  
24 contract to such bond or other indebtedness issued or incurred  
25 by the association or any other entity created under this  
26 subsection.

27 (5) PROPERTY AND CASUALTY INSURANCE RISK  
28 APPORTIONMENT.--The department shall adopt by rule a joint  
29 underwriting plan to equitably apportion among insurers  
30 authorized in this state to write property insurance as  
31 defined in s. 624.604 or casualty insurance as defined in s.

1 624.605, the underwriting of one or more classes of property  
2 insurance or casualty insurance, except for the types of  
3 insurance that are included within property insurance or  
4 casualty insurance for which an equitable apportionment plan,  
5 assigned risk plan, or joint underwriting plan is authorized  
6 under s. 627.311 or subsection (1), subsection (2), subsection  
7 (3), subsection (4), or subsection (6) and except for risks  
8 eligible for flood insurance written through the federal flood  
9 insurance program to persons with risks eligible under  
10 subparagraph (a)1. and who are in good faith entitled to, but  
11 are unable to, obtain such property or casualty insurance  
12 coverage, including excess coverage, through the voluntary  
13 market. For purposes of this subsection, an adequate level of  
14 coverage means that coverage which is required by state law or  
15 by responsible or prudent business practices. The Joint  
16 Underwriting Association shall not be required to provide  
17 coverage for any type of risk for which there are no insurers  
18 providing similar coverage in this state. The department may  
19 designate one or more participating insurers who agree to  
20 provide policyholder and claims service, including the  
21 issuance of policies, on behalf of the participating insurers.

22 (a) The plan shall provide:

23 9. A means to remove risks from the plan once such  
24 risks no longer meet the eligibility requirements of this  
25 paragraph. For this purpose, the plan shall include the  
26 following requirements: At each 6-month interval after the  
27 activation of any class of insureds, the board of governors or  
28 its designated committee shall review the number of  
29 applications to the market assistance plan for that class. If,  
30 based on these latest numbers, at least 90 percent of such  
31 applications have been provided a quotation, the Joint

1 Underwriting Association shall cease underwriting new  
2 applications for such class within 30 days, and notification  
3 of this decision shall be sent to the Insurance Commissioner,  
4 the major agents' associations, and the board of directors of  
5 the market assistance plan. A quotation for the purpose of  
6 this subparagraph shall meet the same criteria for a quotation  
7 as provided in sub-subparagraph 1.e.d. All policies which  
8 were previously written for that class shall continue in force  
9 until their normal expiration date, at which time, subject to  
10 the required timely notification of nonrenewal by the Joint  
11 Underwriting Association, the insured may then elect to  
12 reapply to the Joint Underwriting Association according to the  
13 requirements of eligibility. If, upon reapplication, those  
14 previously insured Joint Underwriting Association risks meet  
15 the eligibility requirements, the Joint Underwriting  
16 Association shall provide the coverage requested.

17

18 Reviser's note.--Amended to conform to the  
19 correct citations to the referenced material.

20

21 Section 59. Subsection (4) of section 627.357, Florida  
22 Statutes, is amended to read:

23 627.357 Medical malpractice self-insurance.--

24 (4) The fund is subject to regulation and  
25 investigation by the department. The fund is subject to rules  
26 of the department and to part IX \* of chapter 626, relating to  
27 trade practices and frauds.

28

29 Reviser's note.--Amended to conform to the  
30 redesignation of part X of chapter 626 as part  
31 IX necessitated by the transfer of ss.

1           626.941-626.945, comprising former part IX, by  
2           ch. 98-89, Laws of Florida.

3  
4           Section 60. Subsection (10) of section 627.481,  
5 Florida Statutes, is amended to read:

6           627.481 Requirements for certain annuity agreements.--  
7           (10) The provisions of part IX ~~X~~ of chapter 626, apply  
8 to issuers of annuity agreements under this section.

9  
10           Reviser's note.--Amended to conform to the  
11 redesignation of part X of chapter 626 as part  
12 IX necessitated by the transfer of ss.  
13 626.941-626.945, comprising former part IX, by  
14 ch. 98-89, Laws of Florida.

15  
16           Section 61. Paragraph (b) of subsection (2) of section  
17 627.6487, Florida Statutes, is amended to read:

18           627.6487 Guaranteed availability of individual health  
19 insurance coverage to eligible individuals.--

20           (2) For the purposes of this section:

21           (b) "Individual health insurance" means health  
22 insurance, as defined in s. 627.6561(5)(a)2., which is offered  
23 to an individual, including certificates of coverage offered  
24 to individuals in this state as part of a group policy issued  
25 to an association outside this state, but the term does not  
26 include short-term limited duration insurance or excepted  
27 benefits specified in s. 627.6561(5)(b) ~~624.6561(5)(b)~~ or, if  
28 the benefits are provided under a separate policy,  
29 certificate, or contract, the term does not include excepted  
30 benefits specified in s. 627.6561(5)(c), (d), or (e).

31

1 Reviser's note.--Amended to facilitate correct  
2 interpretation. Section 624.6561(5)(b) does not  
3 exist; s. 627.6561(5)(b) relates to excepted  
4 benefits.

5  
6 Section 62. Paragraph (i) of subsection (11) and  
7 paragraph (e) of subsection (12) of section 627.6699, Florida  
8 Statutes, are amended to read:

9 627.6699 Employee Health Care Access Act.--

10 (11) SMALL EMPLOYER HEALTH REINSURANCE PROGRAM.--

11 (i) If a health benefit plan for a small employer  
12 issued in accordance with this subsection is entirely or  
13 partially reinsured with the program, the premium charged to  
14 the small employer for any rating period for the coverage  
15 issued must be consistent with the requirements relating to  
16 premium rates set forth in this section ~~s. 627.4106~~.

17 (12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT  
18 PLANS.--

19 (e) A small employer carrier may not use any policy,  
20 contract, form, or rate under this section, including  
21 applications, enrollment forms, policies, contracts,  
22 certificates, evidences of coverage, riders, amendments,  
23 endorsements, and disclosure forms, until the insurer has  
24 filed it with the department and the department has approved  
25 it under ss. 627.410, ~~627.4106~~, and 627.411 and this section.

26  
27 Reviser's note.--Amended to conform to the  
28 repeal of s. 627.4106 by s. 83, ch. 93-129,  
29 Laws of Florida. Material relating to small  
30 employer health benefit plan rates and filing  
31 was added to s. 627.6699 by s. 65, ch. 93-129.

1           Section 63. Section 627.6735, Florida Statutes, is  
2 amended to read:

3           627.6735 Order to discontinue certain advertising.--An  
4 insurer must file with the department all advertisements for  
5 Medicare supplement policies pursuant to rules adopted by the  
6 department. If, in the opinion of the department, any  
7 advertisement by a Medicare supplement policy insurer violates  
8 any of the provisions of part IX ~~X~~ of chapter 626 or any rule  
9 of the department, the department may enter an immediate order  
10 requiring that the use of the advertisement be discontinued.  
11 If requested by the insurer, the department shall conduct a  
12 hearing within 10 days of the entry of such order. If, after  
13 the hearing or by agreement with the insurer, a final  
14 determination is made that the advertising was in fact  
15 violative of any provision of part IX ~~X~~ of chapter 626 or of  
16 any rule of the department, the department may, in lieu of  
17 revocation of the certificate of authority, require the  
18 publication of a corrective advertisement; impose an  
19 administrative penalty of up to \$10,000; and, in the case of  
20 an initial solicitation, require that the insurer, prior to  
21 accepting any application received in response to the  
22 advertisement, provide an acceptable clarification of the  
23 advertisement to each individual applicant.

24  
25           Reviser's note.--Amended to conform to the  
26 redesignation of part X of chapter 626 as part  
27 IX necessitated by the transfer of ss.  
28 626.941-626.945, comprising former part IX, by  
29 ch. 98-89, Laws of Florida.

1           Section 64. Subsection (1) of section 627.736, Florida  
2 Statutes, is amended to read:

3           627.736 Required personal injury protection benefits;  
4 exclusions; priority; claims.--

5           (1) REQUIRED BENEFITS.--Every insurance policy  
6 complying with the security requirements of s. 627.733 shall  
7 provide personal injury protection to the named insured,  
8 relatives residing in the same household, persons operating  
9 the insured motor vehicle, passengers in such motor vehicle,  
10 and other persons struck by such motor vehicle and suffering  
11 bodily injury while not an occupant of a self-propelled  
12 vehicle, subject to the provisions of subsection (2) and  
13 paragraph (4)(d), to a limit of \$10,000 for loss sustained by  
14 any such person as a result of bodily injury, sickness,  
15 disease, or death arising out of the ownership, maintenance,  
16 or use of a motor vehicle as follows:

17           (a) Medical benefits.--Eighty percent of all  
18 reasonable expenses for necessary medical, surgical, X-ray,  
19 dental, and rehabilitative services, including prosthetic  
20 devices, and necessary ambulance, hospital, and nursing  
21 services. Such benefits shall also include necessary remedial  
22 treatment and services recognized and permitted under the laws  
23 of the state for an injured person who relies upon spiritual  
24 means through prayer alone for healing, in accordance with his  
25 or her religious beliefs.

26           (b) Disability benefits.--Sixty percent of any loss of  
27 gross income and loss of earning capacity per individual from  
28 inability to work proximately caused by the injury sustained  
29 by the injured person, plus all expenses reasonably incurred  
30 in obtaining from others ordinary and necessary services in  
31 lieu of those that, but for the injury, the injured person

1 would have performed without income for the benefit of his or  
2 her household. All disability benefits payable under this  
3 provision shall be paid not less than every 2 weeks.

4 (c) Death benefits.--Death benefits of \$5,000 per  
5 individual. The insurer may pay such benefits to the executor  
6 or administrator of the deceased, to any of the deceased's  
7 relatives by blood or legal adoption or connection by  
8 marriage, or to any person appearing to the insurer to be  
9 equitably entitled thereto.

10

11 Only insurers writing motor vehicle liability insurance in  
12 this state may provide the required benefits of this section,  
13 and no such insurer shall require the purchase of any other  
14 motor vehicle coverage other than the purchase of property  
15 damage liability coverage as required by s. 627.7275 as a  
16 condition for providing such required benefits. Insurers may  
17 not require that property damage liability insurance in an  
18 amount greater than \$10,000 be purchased in conjunction with  
19 personal injury protection. Such insurers shall make benefits  
20 and required property damage liability insurance coverage  
21 available through normal marketing channels. Any insurer  
22 writing motor vehicle liability insurance in this state who  
23 fails to comply with such availability requirement as a  
24 general business practice shall be deemed to have violated  
25 part IX \* of chapter 626, and such violation shall constitute  
26 an unfair method of competition or an unfair or deceptive act  
27 or practice involving the business of insurance; and any such  
28 insurer committing such violation shall be subject to the  
29 penalties afforded in such part, as well as those which may be  
30 afforded elsewhere in the insurance code.

31



1 Reviser's note.--Amended to conform to the  
2 redesignation of part X of chapter 626 as part  
3 IX necessitated by the transfer of ss.  
4 626.941-626.945, comprising former part IX, by  
5 ch. 98-89, Laws of Florida.

6  
7 Section 65. Section 627.9403, Florida Statutes, is  
8 amended to read:

9 627.9403 Scope.--The provisions of this part shall  
10 apply to long-term care insurance policies delivered or issued  
11 for delivery in this state, and to policies delivered or  
12 issued for delivery outside this state to the extent provided  
13 in s. 627.9406, by an insurer, a fraternal benefit society as  
14 defined in s. 632.601, ~~a health care services plan as defined~~  
15 ~~in s. 641.01~~, a health maintenance organization as defined in  
16 s. 641.19, a prepaid health clinic as defined in s. 641.402,  
17 or a multiple-employer welfare arrangement as defined in s.  
18 624.437. A policy which is advertised, marketed, or offered as  
19 a long-term care policy and as a Medicare supplement policy  
20 shall meet the requirements of this part and the requirements  
21 of ss. 627.671-627.675 and, to the extent of a conflict, be  
22 subject to the requirement that is more favorable to the  
23 policyholder or certificateholder. The provisions of this  
24 part shall not apply to a continuing care contract issued  
25 pursuant to chapter 651 and shall not apply to guaranteed  
26 renewable policies issued prior to October 1, 1988. Any  
27 limited benefit policy that limits coverage to care in a  
28 nursing home or to one or more lower levels of care required  
29 or authorized to be provided by this part or by department  
30 rule must meet all requirements of this part that apply to  
31 long-term care insurance policies, except ss. 627.9407(3)(c),

1 (9), (10)(f), and (12) and 627.94073(2). If the limited  
2 benefit policy does not provide coverage for care in a nursing  
3 home, but does provide coverage for one or more lower levels  
4 of care, the policy shall also be exempt from the requirements  
5 of s. 627.9407(3)(d).

6  
7 Reviser's note.--Amended to conform to the  
8 repeal of s. 641.01 by s. 185, ch. 91-108, Laws  
9 of Florida.

10  
11 Section 66. Subsection (2) of section 627.9407,  
12 Florida Statutes, is amended to read:

13 627.9407 Disclosure, advertising, and performance  
14 standards for long-term care insurance.--

15 (2) ADVERTISING.--The department shall adopt rules  
16 setting forth standards for advertising, marketing, and sale  
17 of long-term care policies in order to protect applicants from  
18 unfair or deceptive sales or enrollment practices. An insurer  
19 shall file with the department any long-term care insurance  
20 advertising material intended for use in this state at least  
21 30 days before the date of use of the advertisement in this  
22 state. Within 30 days after the date of receipt of the  
23 advertising material, the department shall review the material  
24 and shall disapprove any advertisement if, in the opinion of  
25 the department, such advertisement violates any of the  
26 provisions of this part or of part IX ~~IX~~ of chapter 626 or any  
27 rule of the department. The department may disapprove an  
28 advertisement at any time and enter an immediate order  
29 requiring that the use of the advertisement be discontinued if  
30 it determines that the advertisement violates any of the

31

1 provisions of this part or of part IX ~~X~~ of chapter 626 or any  
2 rule of the department.

3  
4 Reviser's note.--Amended to conform to the  
5 redesignation of part X of chapter 626 as part  
6 IX necessitated by the transfer of ss.  
7 626.941-626.945, comprising former part IX, by  
8 ch. 98-89, Laws of Florida.

9  
10 Section 67. Paragraph (h) of subsection (3) of section  
11 627.94072, Florida Statutes, is amended to read:

12 627.94072 Mandatory offers.--

13 (3) For purposes of this section, the nonforfeiture  
14 protection provision providing a shortened benefit period  
15 shall, at a minimum, provide the following:

16 (h) Premiums charged for a policy or certificate  
17 containing nonforfeiture benefits shall be subject to the loss  
18 ratio requirements of s. 627.9407(6)~~626.9407(6)~~ treating the  
19 policy as a whole.

20  
21 Reviser's note.--Amended to facilitate correct  
22 interpretation. Section 626.9407(6) does not  
23 exist; s. 627.9407(6) relates to loss ratio and  
24 reserve standards.

25  
26 Section 68. Subsection (5) of section 627.944, Florida  
27 Statutes, is amended to read:

28 627.944 Risk retention groups not certificated in this  
29 state.--Risk retention groups certificated or licensed in  
30 states other than this state and seeking to do business as a  
31

1 risk retention group in this state must observe and abide by  
2 the laws of this state as follows:

3 (5) DECEPTIVE, FALSE, OR FRAUDULENT PRACTICES.--Any  
4 risk retention group shall comply with and be subject to the  
5 laws of this state regarding deceptive, false, or fraudulent  
6 acts or practices, including the provisions of part IX ✕ of  
7 chapter 626. If the department seeks an injunction regarding  
8 conduct in violation of these laws, the injunction may be  
9 obtained from any Florida court of competent jurisdiction.

10

11 Reviser's note.--Amended to conform to the  
12 redesignation of part X of chapter 626 as part  
13 IX necessitated by the transfer of ss.  
14 626.941-626.945, comprising former part IX, by  
15 ch. 98-89, Laws of Florida.

16

17 Section 69. Paragraph (c) of subsection (2) and  
18 paragraph (c) of subsection (3) of section 628.909, Florida  
19 Statutes, are amended to read:

20 628.909 Applicability of other laws.--

21 (2) The following provisions of the Florida Insurance  
22 Code shall apply to captive insurers who are not industrial  
23 insured captive insurers to the extent that such provisions  
24 are not inconsistent with this part:

25 (c) Chapter 626, part IX ✕.

26 (3) The following provisions of the Florida Insurance  
27 Code shall apply to industrial insured captive insurers to the  
28 extent that such provisions are not inconsistent with this  
29 part:

30 (c) Chapter 626, part IX ✕.

31

1 Reviser's note.--Amended to conform to the  
2 redesignation of part X of chapter 626 as part  
3 IX necessitated by the transfer of ss.  
4 626.941-626.945, comprising former part IX, by  
5 ch. 98-89, Laws of Florida.

6  
7 Section 70. Subsection (8) of section 631.718, Florida  
8 Statutes, is amended to read:

9 631.718 Assessments.--

10 (8) The association shall issue to each insurer paying  
11 an assessment under this part, other than a Class A  
12 assessment, a certificate of contribution, in a form  
13 prescribed by the department, for the amount of the assessment  
14 so paid. All outstanding certificates are of equal dignity  
15 and priority without reference to amounts or dates of issue.  
16 A certificate of contribution may be shown by the insurer in  
17 its financial statement as an asset in such form and for such  
18 amount, if any, and period of time as the department approves.  
19 However, any amount offset pursuant to s. 631.72 ~~631.720~~ may  
20 not be shown as an asset of the insurer on any of its  
21 financial statements.

22  
23 Reviser's note.--Amended to facilitate correct  
24 interpretation. Section 631.720 does not exist;  
25 s. 631.72 relates to offset.

26  
27 Section 71. Paragraph (a) of subsection (1) of section  
28 631.911, Florida Statutes, is amended to read:

29 631.911 Creation of the Florida Workers' Compensation  
30 Insurance Guaranty Association, Incorporated; merger; effect  
31 of merger.--

1           (1)(a) The Florida Self-Insurance Fund Guaranty  
2 Association established in former part V of chapter 631 and  
3 the workers' compensation insurance account, which includes  
4 excess workers' compensation insurance, established in former  
5 s. 631.55(2)(a) shall be merged, effective October 1, 1997, or  
6 as provided in paragraph (b), in accordance with the plan of  
7 operation adopted by the interim board of directors. The  
8 successor nonprofit corporation shall be known as the "Florida  
9 Workers' Compensation Insurance Guaranty Association,  
10 Incorporated."

11  
12           Reviser's note.--Amended to improve clarity and  
13 facilitate correct interpretation. Sections  
14 comprising former part V of chapter 631, the  
15 Florida Self-Insurance Fund Guaranty Act, were  
16 repealed and transferred and a new part V, the  
17 Florida Workers' Compensation Insurance  
18 Guaranty Association Act, was created pursuant  
19 to ch. 97-262, Laws of Florida. Section  
20 631.55(2)(a) was repealed by s. 18, ch. 97-262.