

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, 527.01, 527.02, 538.11,  
8           550.904, 550.912, 553.381, 553.507, 553.902,  
9           569.11, 570.21, 576.045, 589.065, 597.003,  
10          597.0041, 607.1901, 617.1622, 620.8101,  
11          620.9901, 626.112, 626.621, 626.6215, 626.797,  
12          626.844, 626.8734, 626.909, 626.9911,  
13          626.99275, 627.031, 627.062, 627.357, 627.481,  
14          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23          repealed or superseded; replacing incorrect  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 (9) of section 527.01, Florida  
30 Statutes, is amended to read:

31 527.01 Definitions.--As used in this chapter:

1           (9) "Category IV liquefied petroleum gas dispenser and  
2 recreational vehicle servicer" means any person engaging in  
3 the business of operating a liquefied petroleum gas dispensing  
4 unit for the purpose of serving liquid product to the ultimate  
5 consumer for industrial, commercial, or domestic use, and  
6 selling or offering to sell, or leasing or offering to lease,  
7 apparatus, appliances, and equipment for the use of liquefied  
8 petroleum gas, and whose services include the installation,  
9 service, or repair of recreational vehicle liquefied petroleum  
10 gas appliances and equipment.

11  
12           Reviser's note.--Amended to improve clarity.

13  
14           Section 24. Paragraph (b) of subsection (2) of section  
15 527.02, Florida Statutes, is amended to read:

16           527.02 License; penalty; fees.--

17           (2) In addition to the requirements of subsection (1),  
18 any person applying for a license to engage in the activities  
19 of a pipeline system operator, category I liquefied petroleum  
20 gas dealer, category II liquefied petroleum gas dispenser,  
21 category IV liquefied petroleum gas dispenser and recreational  
22 vehicle servicer, LP gas installer, specialty installer,  
23 requalification of cylinders, or fabricator, repairer, and  
24 tester of vehicles and cargo tanks, must prove competency by  
25 passing a written examination administered by the department  
26 or its agent with a grade of 75 percent or above. Each  
27 applicant for examination shall submit a \$20 nonrefundable  
28 fee. The department shall by rule specify the general areas of  
29 competency to be covered by each examination and the relative  
30 weight to be assigned in grading each area tested.

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

27  
28  
29  
30  
31

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

1           Section 25. Section 538.11, Florida Statutes, is  
2 amended to read:

3           538.11 Powers and duties of department; rules.--The  
4 same duties and privileges imposed by chapter 212 upon dealers  
5 of tangible personal property respecting the keeping of books  
6 and records and accounts and compliance with rules of the  
7 department shall apply to and be binding upon all persons who  
8 are subject to the provisions of this chapter. The department  
9 shall administer, collect, and enforce the registration  
10 authorized under this chapter pursuant to the same procedures  
11 used in the administration, collection, and enforcement of the  
12 general state sales tax imposed under chapter 212, except as  
13 provided in this section. The provisions of chapter 212  
14 regarding the keeping of records and books shall apply. The  
15 department, ~~under the applicable rules of the Career Service~~  
16 ~~Commission,~~ is authorized to employ persons and incur other  
17 expenses for which funds are appropriated by the Legislature.  
18 The department is empowered to adopt such rules, and shall  
19 prescribe and publish such forms, as may be necessary to  
20 effectuate the purposes of this chapter. The Legislature  
21 hereby finds that the failure to promptly implement the  
22 provisions of this chapter would present an immediate threat  
23 to the welfare of the state. Therefore, the executive director  
24 of the department is hereby authorized to adopt emergency  
25 rules pursuant to s. 120.54(4), for purposes of implementing  
26 this chapter. Notwithstanding any other provision of law, such  
27 emergency rules shall remain effective for 6 months from the  
28 date of adoption. Other rules of the department related to and  
29 in furtherance of the orderly implementation of the chapter  
30 shall not be subject to a rule challenge under s. 120.56(2) or  
31 a drawout proceeding under s. 120.54(3)(c)2. but, once

1 adopted, shall be subject to an invalidity challenge under s.  
2 120.56(3). Such rules shall be adopted by the Governor and  
3 Cabinet and shall become effective upon filing with the  
4 Department of State, notwithstanding the provisions of s.  
5 120.54(3)(e)6.

6  
7 Reviser's note.--Amended to delete language  
8 that has served its purpose. The Career Service  
9 Commission was repealed by s. 87, ch. 86-163,  
10 Laws of Florida.

11  
12 Section 26. Subsections (3) and (4) of section  
13 550.2633, Florida Statutes, are repealed.

14  
15 Reviser's note.--The cited subsections relate  
16 to payment of moneys that escheated to the  
17 state during specified time periods in 1992.

18  
19 Section 27. Section 550.904, Florida Statutes, is  
20 amended to read:

21 550.904 Entry into force.--This compact shall come  
22 into force when enacted by any four states. Thereafter, this  
23 compact shall become effective in any other state upon that  
24 state's enactment of this compact and upon the affirmative  
25 vote of a majority of the officials on the compact committee  
26 as provided in s. 550.909 ~~section 41~~.

27  
28 Reviser's note.--Amended to correct an apparent  
29 error and facilitate correct interpretation.  
30 Section 41, ch. 2000-354, Laws of Florida, was  
31 codified as s. 550.911 and relates to immunity

1 from liability for specified compact committee  
2 personnel. Section 39, ch. 2000-354, codified  
3 as s. 550.909, relates to voting requirements  
4 for the compact committee.

5  
6 Section 28. Paragraph (b) of subsection (1) of section  
7 550.912, Florida Statutes, is amended to read:

8 550.912 Rights and responsibilities of each party  
9 state.--

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

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

16  
17 Reviser's note.--Amended to correct an apparent  
18 error. Subsection (3) of s. 42, ch. 2000-354,  
19 Laws of Florida, does not exist. Section 38,  
20 ch. 2000-354, codified as s. 550.908, does  
21 contain a subsection (3) relating to agreement  
22 not to treat notification to an applicant by  
23 the compact committee as denial of a license.

24  
25 Section 29. Effective July 1, 2001, subsection (3) of  
26 section 553.381, Florida Statutes, as amended by section 62 of  
27 chapter 2000-141, Laws of Florida, is amended to read:

28 553.381 Manufacturer certification.--

29 (3) Certification of manufacturers under this section  
30 shall be for a period of 3 years, subject to renewal by the  
31 manufacturer. Upon application for renewal, the manufacturer

1 must submit the information described in subsection (1)~~(2)~~ or  
2 a sworn statement that there has been no change in the status  
3 or content of that information since the manufacturer's last  
4 submittal. Fees for renewal of manufacturers' certification  
5 shall be established by the commission by rule.

6  
7 Reviser's note.--Amended to correct an apparent  
8 error. Subsection (1) describes information to  
9 be submitted. Subsection (2) relates to  
10 revocation of certification.

11  
12 Section 30. Section 553.507, Florida Statutes, is  
13 amended to read:

14 553.507 Exemptions.--Sections 553.501-553.513 and s.  
15 553.5041(4)~~316.1955(4)~~ do not apply to any of the following:

16 (1) Buildings, structures, or facilities that were  
17 either under construction or under contract for construction  
18 on October 1, 1997.

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

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

24 (b) The proposed alteration or renovation of the  
25 building, structure, or facility will affect usability or  
26 accessibility to a degree that invokes the requirements of s.  
27 303(a) of the Americans with Disabilities Act of 1990; or

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

31

1 Reviser's note.--Amended to conform to the  
2 repeal of former s. 316.1955(4) by s. 16, ch.  
3 2000-141, Laws of Florida, and the enactment of  
4 s. 553.5041(4), containing identical  
5 provisions, by s. 66, ch. 2000-141.  
6

7 Section 31. Paragraph (d) of subsection (1) of section  
8 553.902, Florida Statutes, is amended to read:

9 553.902 Definitions.--For the purposes of this part:

10 (1) "Exempted building" means:

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

12 267.021(3)~~267.021(6)~~.

13

14 Reviser's note.--Amended to conform to the  
15 redesignation of s. 267.021(6) as s. 267.021(3)  
16 by s. 43, ch. 86-163, Laws of Florida.  
17

18 Section 32. Effective July 1, 2001, paragraph (d) of  
19 subsection (1) of section 553.902, Florida Statutes, as  
20 amended by section 94 of chapter 2000-141, Laws of Florida, is  
21 amended to read:

22 553.902 Definitions.--For the purposes of this part:

23 (1) "Exempted building" means:

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

25 267.021(3)~~267.021(6)~~.

26

27 The Florida Building Commission may recommend to the  
28 Legislature additional types of buildings which should be  
29 exempted from compliance with the Florida Energy Efficiency  
30 Code for Building Construction.  
31

1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 267.021(6) as s. 267.021(3)  
3 by s. 43, ch. 86-163, Laws of Florida.  
4

5 Section 33. Subsection (6) of section 569.11, Florida  
6 Statutes, is amended to read:

7 569.11 Possession, misrepresenting age or military  
8 service to purchase, and purchase of tobacco products by  
9 persons under 18 years of age prohibited; penalties;  
10 jurisdiction; disposition of fines.--

11 (6) Eighty percent of all civil penalties received by  
12 a county court pursuant to this section shall be transferred  
13 to the Department of Education to provide for teacher training  
14 and for research and evaluation to reduce and prevent the use  
15 of tobacco products by children, ~~pursuant to s. 233.067(4)~~.  
16 The remaining 20 percent of civil penalties received by a  
17 county court pursuant to this section shall remain with the  
18 clerk of the county court to cover administrative costs.  
19

20 Reviser's note.--Amended to conform to the  
21 repeal of s. 233.067 by s. 38, ch. 97-190, Laws  
22 of Florida.  
23

24 Section 34. Paragraph (h) of subsection (1) of section  
25 570.21, Florida Statutes, is amended to read:

26 570.21 Publication of department's bulletins,  
27 publications, and reports.--

28 (1) The Divisions of Administration and Marketing and  
29 Development may publish bulletins or other publications and  
30 reports containing data and statistics and information  
31 relating to:

1 (h) Any other matter of an agricultural nature which  
2 the department deems proper and that is not within the  
3 jurisdiction of the agricultural experiment station or the,  
4 agricultural extension service, ~~or the Division of Economic~~  
5 ~~Development of the Department of Commerce.~~

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

11  
12 Section 35. Subsection (8) of section 576.045, Florida  
13 Statutes, is amended to read:

14 576.045 Nitrate; findings and intent; fees; purpose;  
15 best-management practices; waiver of liability; compliance;  
16 rules; report; exclusions; expiration.--

17 (8) EXPIRATION OF PROVISIONS.--Subsections (1), (2),  
18 (3), (4), and (6), ~~and (7)~~ expire on December 31, 2003.  
19 Subsections (5) and (7) ~~(8)~~ expire on December 31, 2008.

20  
21 Reviser's note.--Amended to conform to the  
22 repeal of former subsection (7) by s. 77, ch.  
23 2000-158, Laws of Florida, and to conform to  
24 the redesignation of subsection (8) as  
25 subsection (7) necessitated by that repeal.

26  
27 Section 36. Subsection (1) of section 589.065, Florida  
28 Statutes, is amended to read:

29 589.065 Florida Forever Program Trust Fund of the  
30 Department of Agriculture and Consumer Services.--

31

1           (1) There is created a Florida Forever Program Trust  
 2 Fund within the Department of Agriculture and Consumer  
 3 Services to carry out the duties of the department under the  
 4 Florida Forever Act as specified in s. 259.105(3)(f)  
 5 ~~259.105(3)(e)~~. The trust fund shall receive funds pursuant to  
 6 s. 259.105(3)(f)~~259.105(3)(e)~~.

7  
 8           Reviser's note.--Amended to conform to the  
 9 redesignation of s. 259.105(3)(e) as s.  
 10 259.105(3)(f) by s. 11, ch. 2000-170, Laws of  
 11 Florida.

12  
 13           Section 37. Paragraph (k) of subsection (1) of section  
 14 597.003, Florida Statutes, is amended to read:

15           597.003 Powers and duties of Department of Agriculture  
 16 and Consumer Services.--

17           (1) The department is hereby designated as the lead  
 18 agency in encouraging the development of aquaculture in the  
 19 state and shall have and exercise the following functions,  
 20 powers, and duties with regard to aquaculture:

21           (k) Make available state lands and the water column  
 22 for the purpose of producing aquaculture products when the  
 23 aquaculture activity is compatible with state resource  
 24 management goals, environmental protection, and proprietary  
 25 ~~propriety~~ interest and when such state lands and waters are  
 26 determined to be suitable for aquaculture development by the  
 27 Board of Trustees of the Internal Improvement Trust Fund  
 28 pursuant to s. 253.68; and be responsible for all saltwater  
 29 aquaculture activities located on sovereignty submerged land  
 30 or in the water column above such land and adjacent facilities  
 31 directly related to the aquaculture activity.

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

5           2. The department shall identify and evaluate specific  
6 tracts of sovereignty submerged lands and water columns in  
7 various areas of the state to determine where such lands and  
8 waters are suitable for leasing for aquaculture purposes.  
9 Nothing in this subparagraph or subparagraph 1. shall preclude  
10 the applicant from applying for sites identified by the  
11 applicant.

12           3. The department shall provide assistance in  
13 developing technologies applicable to aquaculture activities,  
14 evaluate practicable production alternatives, and provide  
15 agreements to develop innovative culture practices.

16  
17           Reviser's note.--Amended to improve clarity and  
18 facilitate correct interpretation.

19  
20           Section 38. Paragraph (a) of subsection (2) of section  
21 597.0041, Florida Statutes, is amended to read:

22           597.0041 Prohibited acts; penalties.--

23           (2)(a) Any person who violates any provision of this  
24 chapter or any rule promulgated hereunder is subject to a  
25 suspension or revocation of his or her certificate of  
26 registration or license under this chapter. The department  
27 may, in lieu of, or in addition to the suspension or of  
28 revocation, impose on the violator an administrative fine in  
29 an amount not to exceed \$1,000 per violation per day.

30  
31

1 Reviser's note.--Amended to improve clarity and  
2 facilitate correct interpretation.

3  
4 Section 39. Paragraph (g) of subsection (2) of section  
5 607.1901, Florida Statutes, is amended to read:

6 607.1901 Corporations Trust Fund creation; transfer of  
7 funds.--

8 (2)

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

13  
14 Reviser's note.--Amended to improve clarity and  
15 facilitate correct interpretation. Section  
16 267.0671 does not exist; s. 267.0617 relates to  
17 the Historic Preservation Grant Program and the  
18 Historical Resources Operating Trust Fund.

19  
20 Section 40. Subsection (9) of section 617.1622,  
21 Florida Statutes, is amended to read:

22 617.1622 Annual report for Department of State.--

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

27  
28 Reviser's note.--Amended to correct an apparent  
29 error. Chapter 617 is not divided into parts.

30  
31

1 Section 41. Subsection (6) of section 620.8101,  
2 Florida Statutes, is amended to read:

3 620.8101 Definitions.--As used in this act, the term:

4 (6) "Limited liability partnership" means a registered  
5 limited liability partnership registered under former ss.  
6 620.78-620.789 immediately prior to the effective date of this  
7 act or a partnership that has filed a statement of  
8 qualification under s. 620.9001 and has not filed a similar  
9 statement in any other jurisdiction.

10  
11 Reviser's note.--Amended to conform to the  
12 repeal of ss. 620.78-620.789 by s. 36, ch.  
13 99-285, Laws of Florida.

14  
15 Section 42. Paragraph (a) of subsection (1) of section  
16 620.9901, Florida Statutes, is amended to read:

17 620.9901 Applicability.--

18 (1) Beginning January 1, 1996, and ending January 1,  
19 1998, the Revised Uniform Partnership Act of 1995 governs only  
20 a partnership formed:

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

24  
25 Reviser's note.--Amended to conform to the  
26 repeal of s. 620.76 by s. 24, ch. 99-4, Laws of  
27 Florida.

28  
29 Section 43. Subparagraph 1. of paragraph (b) of  
30 subsection (1) of section 624.408, Florida Statutes, is  
31 repealed.

1 Reviser's note.--Repealed to delete a provision  
2 that has served its purpose. The cited  
3 subparagraph sets a required amount of surplus  
4 for December 31, 1999, through December 30,  
5 2000, for casualty insurers holding a  
6 certificate of authority on December 1, 1993.

7  
8 Section 44. Paragraph (b) of subsection (7) of section  
9 626.112, Florida Statutes, is amended to read:

10 626.112 License and appointment required; agents,  
11 customer representatives, solicitors, adjusters, insurance  
12 agencies, service representatives, managing general agents.--

13 (7)

14 (b) An insurance agency shall, as a condition  
15 precedent to continuing business, obtain an insurance agency  
16 license if the department finds that, with respect to any  
17 majority owner, partner, manager, director, officer, or other  
18 person who manages or controls the agency, any person has,  
19 subsequent to the effective date of this act:

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

25 2. Employed any individual in a managerial capacity or  
26 in a capacity dealing with the public who is under an order of  
27 revocation or suspension issued by the department. An  
28 insurance agency may request, on forms prescribed by the  
29 department, verification of any person's license status. If a  
30 request is mailed within 5 working days after an employee is  
31 hired, and the employee's license is currently suspended or

1 revoked, the agency shall not be required to obtain a license,  
2 if the unlicensed person's employment is immediately  
3 terminated.

4 3. Operated the agency or permitted the agency to be  
5 operated in violation of s. 626.747.

6 4. With such frequency as to have made the operation  
7 of the agency hazardous to the insurance-buying public or  
8 other persons:

9 a. Solicited or handled controlled business. This  
10 subparagraph shall not prohibit the licensing of any lending  
11 or financing institution or creditor, with respect to  
12 insurance only, under credit life or disability insurance  
13 policies of borrowers from the institutions, which policies  
14 are subject to part IX of chapter 627.

15 b. Misappropriated, converted, or unlawfully withheld  
16 moneys belonging to insurers, insureds, beneficiaries, or  
17 others and received in the conduct of business under the  
18 license.

19 c. Unlawfully rebated, attempted to unlawfully rebate,  
20 or unlawfully divided or offered to divide commissions with  
21 another.

22 d. Misrepresented any insurance policy or annuity  
23 contract, or used deception with regard to any policy or  
24 contract, done either in person or by any form of  
25 dissemination of information or advertising.

26 e. Violated any provision of this code or any other  
27 law applicable to the business of insurance in the course of  
28 dealing under the license.

29 f. Violated any lawful order or rule of the  
30 department.

31

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

4 h. Violated the provision against twisting as defined  
5 in s. 626.9541(1)(1).

6 i. In the conduct of business, engaged in unfair  
7 methods of competition or in unfair or deceptive acts or  
8 practices, as prohibited under part IX ~~X~~ of this chapter.

9 j. Willfully overinsured any property insurance risk.

10 k. Engaged in fraudulent or dishonest practices in the  
11 conduct of business arising out of activities related to  
12 insurance or the insurance agency.

13 l. Demonstrated lack of fitness or trustworthiness to  
14 engage in the business of insurance arising out of activities  
15 related to insurance or the insurance agency.

16 m. Authorized or knowingly allowed individuals to  
17 transact insurance who were not then licensed as required by  
18 this code.

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

22 6. Willfully circumvented the requirements or  
23 prohibitions of this code.

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.

30

31

1           Section 45. Subsection (6) of section 626.621, Florida  
2 Statutes, is amended to read:

3           626.621 Grounds for discretionary refusal, suspension,  
4 or revocation of agent's, solicitor's, adjuster's, customer  
5 representative's, service representative's, or managing  
6 general agent's license or appointment.--The department may,  
7 in its discretion, deny an application for, suspend, revoke,  
8 or refuse to renew or continue the license or appointment of  
9 any applicant, agent, solicitor, adjuster, customer  
10 representative, service representative, or managing general  
11 agent, and it may suspend or revoke the eligibility to hold a  
12 license or appointment of any such person, if it finds that as  
13 to the applicant, licensee, or appointee any one or more of  
14 the following applicable grounds exist under circumstances for  
15 which such denial, suspension, revocation, or refusal is not  
16 mandatory under s. 626.611:

17           (6) In the conduct of business under the license or  
18 appointment, engaging in unfair methods of competition or in  
19 unfair or deceptive acts or practices, as prohibited under  
20 part IX ~~X~~ of this chapter, or having otherwise shown himself  
21 or herself to be a source of injury or loss to the public or  
22 detrimental to the public interest.

23  
24           Reviser's note.--Amended to conform to the  
25 redesignation of part X of chapter 626 as part  
26 IX necessitated by the transfer of ss.  
27 626.941-626.945, comprising former part IX, by  
28 ch. 98-89, Laws of Florida.

29  
30           Section 46. Paragraph (h) of subsection (5) of section  
31 626.6215, Florida Statutes, is amended to read:

1           626.6215 Grounds for discretionary refusal,  
 2 suspension, or revocation of insurance agency license.--The  
 3 department may, in its discretion, deny, suspend, revoke, or  
 4 refuse to continue the license of any insurance agency if it  
 5 finds, as to any insurance agency or as to any majority owner,  
 6 partner, manager, director, officer, or other person who  
 7 manages or controls such insurance agency, that any one or  
 8 more of the following applicable grounds exist:

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

12           (h) In the conduct of business under the license,  
 13 engaging in unfair methods of competition or in unfair or  
 14 deceptive acts or practices as prohibited under part IX ~~§~~ of  
 15 this chapter.

16  
 17           Reviser's note.--Amended to conform to the  
 18 redesignation of part X of chapter 626 as part  
 19 IX necessitated by the transfer of ss.  
 20 626.941-626.945, comprising former part IX, by  
 21 ch. 98-89, Laws of Florida.

22  
 23           Section 47. Subsection (2) of section 626.797, Florida  
 24 Statutes, is amended to read:

25           626.797 Code of ethics.--

26           (2) The code of ethics shall apply standards of  
 27 conduct designed to avoid the commission of acts or the  
 28 existence of circumstances which would constitute grounds for  
 29 suspension, revocation, or refusal of license under ss.  
 30 626.611 and 626.621 and to avoid the use of unfair trade

31

1 practices and unfair methods of competition which would be in  
2 violation of any provision of part IX ✕.

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 48. Subsection (5) of section 626.844, Florida  
11 Statutes, is amended to read:

12 626.844 Grounds for discretionary refusal, suspension,  
13 or revocation of license or appointment.--The department may,  
14 in its discretion, deny, suspend, revoke, or refuse to renew  
15 or continue the license or appointment of any title insurance  
16 agent or agency, and it may suspend or revoke the eligibility  
17 to hold a license or appointment of any such title insurance  
18 agent or agency if it finds that as to the applicant or  
19 licensee or appointee, or any principal thereof, any one or  
20 more of the following grounds exist under circumstances for  
21 which such denial, suspension, revocation, or refusal is not  
22 mandatory under s. 626.8437:

23 (5) Engaging in unfair methods of competition or in  
24 unfair or deceptive acts or practices in the conduct of  
25 business, as prohibited under part IX ✕ of this chapter, or  
26 having otherwise shown himself or herself to be a source of  
27 injury or loss to the public or to be detrimental to the  
28 public interest.

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

1 IX necessitated by the transfer of ss.  
2 626.941-626.945, comprising former part IX, by  
3 ch. 98-89, Laws of Florida.  
4

5 Section 49. Paragraph (b) of subsection (1) of section  
6 626.8734, Florida Statutes, is amended to read:

7 626.8734 Nonresident independent adjuster's  
8 qualifications.--

9 (1) The department shall, upon application therefor,  
10 issue a license to an applicant for a nonresident independent  
11 adjuster's license upon determining that the applicant has  
12 paid the applicable license fees required under s. 624.501  
13 and:

14 (b) Has passed to the satisfaction of the department a  
15 written Florida independent adjuster's examination of the  
16 scope prescribed in s. 626.241(6)~~626.214(6)~~; however, the  
17 requirement for the examination does not apply to any of the  
18 following:

19 1. An applicant who is licensed as a resident  
20 independent adjuster in his or her state of residence when  
21 that state requires the passing of a written examination in  
22 order to obtain the license and a reciprocal agreement with  
23 the appropriate official of that state has been entered into  
24 by the department; or

25 2. An applicant who is licensed as a nonresident  
26 independent adjuster in a state other than his or her state of  
27 residence when the state of licensure requires the passing of  
28 a written examination in order to obtain the license and a  
29 reciprocal agreement with the appropriate official of the  
30 state of licensure has been entered into by the department.  
31

1 Reviser's note.--Amended to facilitate correct  
2 interpretation. Section 626.214 does not exist;  
3 s. 626.241(6) provides for the scope of the  
4 examination.

5  
6 Section 50. Subsection (2) of section 626.909, Florida  
7 Statutes, is amended to read:

8 626.909 Jurisdiction of department; service of process  
9 on Secretary of State.--

10 (2) In addition to the procedure for service of  
11 process on unauthorized insurers or persons representing or  
12 aiding such insurers contained in ss. 626.906 and 626.907, the  
13 department shall have the right to bring any action, suit, or  
14 proceeding in the name of the state or conduct any proceeding,  
15 examination, or hearing provided for in this code against any  
16 unauthorized insurer or person representing or aiding such  
17 insurer for violation of any lawful order of the department or  
18 any provision of this code, specifically including but not  
19 limited to the regulation of trade practices provided for in  
20 part IX ~~X~~ of this chapter, if the insurer or person  
21 representing or aiding such insurer transacts insurance in  
22 this state as defined in ss. 624.10 and 626.906 and the  
23 insurer does not transact such business under a subsisting  
24 certificate of authority as required by s. 624.401. In the  
25 event the transaction of business is done by mail, the venue  
26 of the act is at the point where the matter transmitted by  
27 mail is delivered and takes effect.

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 51. Subsection (10) of section 626.9911,  
5 Florida Statutes, is amended to read:

6           626.9911 Definitions.--As used in this act, the term:  
7           (10) "Viatical settlement purchaser" means a person,  
8 other than a licensee under this part, an accredited investor  
9 as defined in Rule 501, Regulation D of the Securities Act  
10 Rules, or a qualified institutional buyer as defined by Rule  
11 144(a) of the Federal Securities Act, or a special purpose  
12 entity who gives a sum of money as consideration for a life  
13 insurance policy or an equitable or legal interest in the  
14 death benefits of a life insurance policy which has been or  
15 will be the subject of a viatical settlement contract, for the  
16 purpose of deriving an economic benefit. The above references  
17 to Rule 501, Regulation D and Rule 144(a) of the Federal  
18 Securities Act are used strictly for defining purposes and  
19 shall not be interpreted in any other manner. Any person who  
20 claims to be an accredited investor shall sign an affidavit  
21 stating that he or she is an accredited investor, the basis of  
22 that claim, and that he or she understands that as an  
23 accredited investor he or she will not be entitled to certain  
24 protections of the Viatical Settlement Act. This affidavit  
25 must be kept with other documents required to be maintained by  
26 this act.

27  
28           Reviser's note.--Amended to improve clarity.  
29           The full title of material relating to viatical  
30 settlements in part X of chapter 626 is the  
31           "Viatical Settlement Act."

1 Section 52. Subsection (2) of section 626.99275,  
2 Florida Statutes, is amended to read:

3 626.99275 Prohibited practices; penalties.--

4 (2) A person who violates any provision of this  
5 section commits:

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

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

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

17

18 Reviser's note.--Amended to facilitate correct  
19 interpretation. Section 774.083 does not exist;  
20 s. 775.083 relates to fines for criminal acts.

21

22 Section 53. Subsection (3) of section 627.031, Florida  
23 Statutes, is amended to read:

24 627.031 Purposes of this part; interpretation.--

25 (3) Nothing in this part shall be construed to repeal  
26 or modify the provisions of part IX ~~X~~ of chapter 626, relating  
27 to unfair trade practices.

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 54. Subsection (4) of section 627.062, Florida  
5 Statutes, is amended to read:

6           627.062 Rate standards.--

7           (4) The establishment of any rate, rating  
8 classification, rating plan or schedule, or variation thereof  
9 in violation of part IX \* of chapter 626 is also in violation  
10 of this section.

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 55. Section 627.0661, Florida Statutes, is  
19 repealed.

20  
21           Reviser's note.--Repealed to delete obsolete  
22 language relating to insurers exempt from the  
23 excess profit requirements. Section  
24 624.509(10), describing these insurers, was  
25 repealed by s. 39, ch. 92-173, Laws of Florida.

26  
27           Section 56. Subsection (4) of section 627.357, Florida  
28 Statutes, is amended to read:

29           627.357 Medical malpractice self-insurance.--

30           (4) The fund is subject to regulation and  
31 investigation by the department. The fund is subject to rules

1 of the department and to part IX ✕ of chapter 626, relating to  
2 trade practices and frauds.

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 57. Subsection (10) of section 627.481,  
11 Florida Statutes, is amended to read:

12 627.481 Requirements for certain annuity agreements.--

13 (10) The provisions of part IX ✕ of chapter 626, apply  
14 to issuers of annuity agreements under this section.

15

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

21

22 Section 58. Paragraph (b) of subsection (2) of section  
23 627.6487, Florida Statutes, is amended to read:

24 627.6487 Guaranteed availability of individual health  
25 insurance coverage to eligible individuals.--

26 (2) For the purposes of this section:

27 (b) "Individual health insurance" means health  
28 insurance, as defined in s. 627.6561(5)(a)2., which is offered  
29 to an individual, including certificates of coverage offered  
30 to individuals in this state as part of a group policy issued  
31 to an association outside this state, but the term does not

1 include short-term limited duration insurance or excepted  
 2 benefits specified in s. 627.6561(5)(b)~~624.6561(5)(b)~~ or, if  
 3 the benefits are provided under a separate policy,  
 4 certificate, or contract, the term does not include excepted  
 5 benefits specified in s. 627.6561(5)(c), (d), or (e).

6  
 7 Reviser's note.--Amended to facilitate correct  
 8 interpretation. Section 624.6561(5)(b) does not  
 9 exist; s. 627.6561(5)(b) relates to excepted  
 10 benefits.

11  
 12 Section 59. Paragraph (i) of subsection (11) and  
 13 paragraph (e) of subsection (12) of section 627.6699, Florida  
 14 Statutes, are amended to read:

15 627.6699 Employee Health Care Access Act.--

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

17 (i) If a health benefit plan for a small employer  
 18 issued in accordance with this subsection is entirely or  
 19 partially reinsured with the program, the premium charged to  
 20 the small employer for any rating period for the coverage  
 21 issued must be consistent with the requirements relating to  
 22 premium rates set forth in this section ~~s. 627.4106~~.

23 (12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT  
 24 PLANS.--

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

1 Reviser's note.--Amended to conform to the  
2 repeal of s. 627.4106 by s. 83, ch. 93-129,  
3 Laws of Florida. Material relating to small  
4 employer health benefit plan rates and filing  
5 was added to s. 627.6699 by s. 65, ch. 93-129.

6  
7 Section 60. Section 627.6735, Florida Statutes, is  
8 amended to read:

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

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 61. Subsection (1) of section 627.736, Florida  
8 Statutes, is amended to read:

9 627.736 Required personal injury protection benefits;  
10 exclusions; priority; claims.--

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

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

1           (b) Disability benefits.--Sixty percent of any loss of  
2 gross income and loss of earning capacity per individual from  
3 inability to work proximately caused by the injury sustained  
4 by the injured person, plus all expenses reasonably incurred  
5 in obtaining from others ordinary and necessary services in  
6 lieu of those that, but for the injury, the injured person  
7 would have performed without income for the benefit of his or  
8 her household. All disability benefits payable under this  
9 provision shall be paid not less than every 2 weeks.

10           (c) Death benefits.--Death benefits of \$5,000 per  
11 individual. The insurer may pay such benefits to the executor  
12 or administrator of the deceased, to any of the deceased's  
13 relatives by blood or legal adoption or connection by  
14 marriage, or to any person appearing to the insurer to be  
15 equitably entitled thereto.

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

1 an unfair method of competition or an unfair or deceptive act  
2 or practice involving the business of insurance; and any such  
3 insurer committing such violation shall be subject to the  
4 penalties afforded in such part, as well as those which may be  
5 afforded elsewhere in the insurance 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 62. Section 627.9403, Florida Statutes, is  
14 amended to read:

15 627.9403 Scope.--The provisions of this part shall  
16 apply to long-term care insurance policies delivered or issued  
17 for delivery in this state, and to policies delivered or  
18 issued for delivery outside this state to the extent provided  
19 in s. 627.9406, by an insurer, a fraternal benefit society as  
20 defined in s. 632.601, ~~a health care services plan as defined~~  
21 ~~in s. 641.01~~, a health maintenance organization as defined in  
22 s. 641.19, a prepaid health clinic as defined in s. 641.402,  
23 or a multiple-employer welfare arrangement as defined in s.  
24 624.437. A policy which is advertised, marketed, or offered as  
25 a long-term care policy and as a Medicare supplement policy  
26 shall meet the requirements of this part and the requirements  
27 of ss. 627.671-627.675 and, to the extent of a conflict, be  
28 subject to the requirement that is more favorable to the  
29 policyholder or certificateholder. The provisions of this  
30 part shall not apply to a continuing care contract issued  
31 pursuant to chapter 651 and shall not apply to guaranteed

1 renewable policies issued prior to October 1, 1988. Any  
2 limited benefit policy that limits coverage to care in a  
3 nursing home or to one or more lower levels of care required  
4 or authorized to be provided by this part or by department  
5 rule must meet all requirements of this part that apply to  
6 long-term care insurance policies, except ss. 627.9407(3)(c),  
7 (9), (10)(f), and (12) and 627.94073(2). If the limited  
8 benefit policy does not provide coverage for care in a nursing  
9 home, but does provide coverage for one or more lower levels  
10 of care, the policy shall also be exempt from the requirements  
11 of s. 627.9407(3)(d).

12

13 Reviser's note.--Amended to conform to the  
14 repeal of s. 641.01 by s. 185, ch. 91-108, Laws  
15 of Florida.

16

17 Section 63. Subsection (2) of section 627.9407,  
18 Florida Statutes, is amended to read:

19 627.9407 Disclosure, advertising, and performance  
20 standards for long-term care insurance.--

21 (2) ADVERTISING.--The department shall adopt rules  
22 setting forth standards for advertising, marketing, and sale  
23 of long-term care policies in order to protect applicants from  
24 unfair or deceptive sales or enrollment practices. An insurer  
25 shall file with the department any long-term care insurance  
26 advertising material intended for use in this state at least  
27 30 days before the date of use of the advertisement in this  
28 state. Within 30 days after the date of receipt of the  
29 advertising material, the department shall review the material  
30 and shall disapprove any advertisement if, in the opinion of  
31 the department, such advertisement violates any of the

1 provisions of this part or of part IX ~~X~~ of chapter 626 or any  
2 rule of the department. The department may disapprove an  
3 advertisement at any time and enter an immediate order  
4 requiring that the use of the advertisement be discontinued if  
5 it determines that the advertisement violates any of the  
6 provisions of this part or of part IX ~~X~~ of chapter 626 or any  
7 rule of the department.

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 64. Paragraph (h) of subsection (3) of section  
16 627.94072, Florida Statutes, is amended to read:

17 627.94072 Mandatory offers.--

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

21 (h) Premiums charged for a policy or certificate  
22 containing nonforfeiture benefits shall be subject to the loss  
23 ratio requirements of s. 627.9407(6)~~626.9407(6)~~ treating the  
24 policy as a whole.

25  
26 Reviser's note.--Amended to facilitate correct  
27 interpretation. Section 626.9407(6) does not  
28 exist; s. 627.9407(6) relates to loss ratio and  
29 reserve standards.

1           Section 65. Subsection (5) of section 627.944, Florida  
2 Statutes, is amended to read:

3           627.944 Risk retention groups not certificated in this  
4 state.--Risk retention groups certificated or licensed in  
5 states other than this state and seeking to do business as a  
6 risk retention group in this state must observe and abide by  
7 the laws of this state as follows:

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

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

21  
22           Section 66. Paragraph (c) of subsection (2) and  
23 paragraph (c) of subsection (3) of section 628.909, Florida  
24 Statutes, are amended to read:

25           628.909 Applicability of other laws.--

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

30           (c) Chapter 626, part IX ✕.

31

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

5           (c) Chapter 626, part IX ✕.

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 67. Subsection (8) of section 631.718, Florida  
14 Statutes, is amended to read:

15           631.718 Assessments.--

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

28  
29           Reviser's note.--Amended to facilitate correct  
30 interpretation. Section 631.720 does not exist;  
31 s. 631.72 relates to offset.

1           Section 68. Paragraph (a) of subsection (1) of section  
2 631.911, Florida Statutes, is amended to read:

3           631.911 Creation of the Florida Workers' Compensation  
4 Insurance Guaranty Association, Incorporated; merger; effect  
5 of merger.--

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

16  
17           Reviser's note.--Amended to improve clarity and  
18 facilitate correct interpretation. Sections  
19 comprising former part V of chapter 631, the  
20 Florida Self-Insurance Fund Guaranty Act, were  
21 repealed and transferred and a new part V, the  
22 Florida Workers' Compensation Insurance  
23 Guaranty Association Act, was created pursuant  
24 to ch. 97-262, Laws of Florida. Section  
25 631.55(2)(a) was repealed by s. 18, ch. 97-262.

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