

By the Committee on Rules, Ethics & Elections and
Representative Goodlette

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,
8 550.6305, 550.904, 550.912, 553.381, 553.507,
9 553.902, 569.11, 570.21, 576.045, 589.065,
10 597.003, 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, 627.357, 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23 repealed or superseded; replacing incorrect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:

31

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.

31

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 calender 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
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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. Paragraph (a) of subsection (9) of section
20 550.6305, Florida Statutes, is amended to read:

21 550.6305 Intertrack wagering; guest track payments;
22 accounting rules.--

23 (9) A host track that has contracted with an
24 out-of-state horse track to broadcast live races conducted at
25 such out-of-state horse track pursuant to s. 550.3551(5) may
26 broadcast such out-of-state races to any guest track and
27 accept wagers thereon in the same manner as is provided in s.
28 550.3551.

29 (a) For purposes of this section, "net proceeds" means
30 the amount of takeout remaining after the payment of state
31 taxes, purses required pursuant to s. 550.0951(3)(c)1., the

1 cost to the permitholder required to be paid to the
2 out-of-state horse track, breeders' awards paid to the Florida
3 Thoroughbred Breeders' Association and the Florida
4 Standardbred Breeders and Owners Association, to be used as
5 set forth in s. 550.625(2)(a) and (b), and the deduction of
6 any amount retained pursuant to s. 550.615(11)~~550.615(12)~~.

7
8 Reviser's note.--Amended to conform to the
9 redesignation of s. 550.615(12) as s.
10 550.615(11) by the reviser incident to
11 compiling the Florida Statutes 2000.

12
13 Section 28. Section 550.904, Florida Statutes, is
14 amended to read:

15 550.904 Entry into force.--This compact shall come
16 into force when enacted by any four states. Thereafter, this
17 compact shall become effective in any other state upon that
18 state's enactment of this compact and upon the affirmative
19 vote of a majority of the officials on the compact committee
20 as provided in s. 550.909 ~~section 41~~.

21
22 Reviser's note.--Amended to correct an apparent
23 error and facilitate correct interpretation.
24 Section 41, ch. 2000-354, Laws of Florida, was
25 codified as s. 550.911 and relates to immunity
26 from liability for specified compact committee
27 personnel. Section 39, ch. 2000-354, codified
28 as s. 550.909, relates to voting requirements
29 for the compact committee.

1 Section 29. Paragraph (b) of subsection (1) of section
2 550.912, Florida Statutes, is amended to read:

3 550.912 Rights and responsibilities of each party
4 state.--

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

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

11
12 Reviser's note.--Amended to correct an apparent
13 error. Subsection (3) of s. 42, ch. 2000-354,
14 Laws of Florida, does not exist. Section 38,
15 ch. 2000-354, codified as s. 550.908, does
16 contain a subsection (3) relating to agreement
17 not to treat notification to an applicant by
18 the compact committee as denial of a license.

19
20 Section 30. Effective July 1, 2001, subsection (3) of
21 section 553.381, Florida Statutes, as amended by section 62 of
22 chapter 2000-141, Laws of Florida, is amended to read:

23 553.381 Manufacturer certification.--

24 (3) Certification of manufacturers under this section
25 shall be for a period of 3 years, subject to renewal by the
26 manufacturer. Upon application for renewal, the manufacturer
27 must submit the information described in subsection (1) ~~(2)~~ or
28 a sworn statement that there has been no change in the status
29 or content of that information since the manufacturer's last
30 submittal. Fees for renewal of manufacturers' certification
31 shall be established by the commission by rule.

1 Reviser's note.--Amended to correct an apparent
2 error. Subsection (1) describes information to
3 be submitted. Subsection (2) relates to
4 revocation of certification.

5
6 Section 31. Section 553.507, Florida Statutes, is
7 amended to read:

8 553.507 Exemptions.--Sections 553.501-553.513 and s.
9 553.5041(4)~~316.1955(4)~~do not apply to any of the following:

10 (1) Buildings, structures, or facilities that were
11 either under construction or under contract for construction
12 on October 1, 1997.

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

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

18 (b) The proposed alteration or renovation of the
19 building, structure, or facility will affect usability or
20 accessibility to a degree that invokes the requirements of s.
21 303(a) of the Americans with Disabilities Act of 1990; or

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

25
26 Reviser's note.--Amended to conform to the
27 repeal of former s. 316.1955(4) by s. 16, ch.
28 2000-141, Laws of Florida, and the enactment of
29 s. 553.5041(4), containing identical
30 provisions, by s. 66, ch. 2000-141.

31

1 Section 32. Paragraph (d) of subsection (1) of section
2 553.902, Florida Statutes, is 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 Reviser's note.--Amended to conform to the
9 redesignation of s. 267.021(6) as s. 267.021(3)
10 by s. 43, ch. 86-163, Laws of Florida.

11
12 Section 33. Effective July 1, 2001, paragraph (d) of
13 subsection (1) of section 553.902, Florida Statutes, as
14 amended by section 94 of chapter 2000-141, Laws of Florida, is
15 amended to read:

16 553.902 Definitions.--For the purposes of this part:

17 (1) "Exempted building" means:

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

19 267.021(3)~~267.021(6)~~.

20
21 The Florida Building Commission may recommend to the
22 Legislature additional types of buildings which should be
23 exempted from compliance with the Florida Energy Efficiency
24 Code for Building Construction.

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

29
30 Section 34. Subsection (6) of section 569.11, Florida
31 Statutes, is amended to read:

1 569.11 Possession, misrepresenting age or military
2 service to purchase, and purchase of tobacco products by
3 persons under 18 years of age prohibited; penalties;
4 jurisdiction; disposition of fines.--

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

13
14 Reviser's note.--Amended to conform to the
15 repeal of s. 233.067 by s. 38, ch. 97-190, Laws
16 of Florida.

17
18 Section 35. Paragraph (h) of subsection (1) of section
19 570.21, Florida Statutes, is amended to read:

20 570.21 Publication of department's bulletins,
21 publications, and reports.--

22 (1) The Divisions of Administration and Marketing and
23 Development may publish bulletins or other publications and
24 reports containing data and statistics and information
25 relating to:

26 (h) Any other matter of an agricultural nature which
27 the department deems proper and that is not within the
28 jurisdiction of the agricultural experiment station or the
29 ~~agricultural extension service, or the Division of Economic~~
30 ~~Development of the Department of Commerce.~~

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

5
6 Section 36. Subsection (8) of section 576.045, Florida
7 Statutes, is amended to read:

8 576.045 Nitrate; findings and intent; fees; purpose;
9 best-management practices; waiver of liability; compliance;
10 rules; report; exclusions; expiration.--

11 (8) EXPIRATION OF PROVISIONS.--Subsections (1), (2),
12 (3), (4), and (6), ~~and (7)~~ expire on December 31, 2003.
13 Subsections (5) and (7) ~~(8)~~ expire on December 31, 2008.

14
15 Reviser's note.--Amended to conform to the
16 repeal of former subsection (7) by s. 77, ch.
17 2000-158, Laws of Florida, and to conform to
18 the redesignation of subsection (8) as
19 subsection (7) necessitated by that repeal.

20
21 Section 37. Subsection (1) of section 589.065, Florida
22 Statutes, is amended to read:

23 589.065 Florida Forever Program Trust Fund of the
24 Department of Agriculture and Consumer Services.--

25 (1) There is created a Florida Forever Program Trust
26 Fund within the Department of Agriculture and Consumer
27 Services to carry out the duties of the department under the
28 Florida Forever Act as specified in s. 259.105(3)(f)
29 ~~259.105(3)(e)~~. The trust fund shall receive funds pursuant to
30 s. 259.105(3)(f) ~~259.105(3)(e)~~.

31

1 Reviser's note.--Amended to conform to the
2 redesignation of s. 259.105(3)(e) as s.
3 259.105(3)(f) by s. 11, ch. 2000-170, Laws of
4 Florida.

5
6 Section 38. Paragraph (k) of subsection (1) of section
7 597.003, Florida Statutes, is amended to read:

8 597.003 Powers and duties of Department of Agriculture
9 and Consumer Services.--

10 (1) The department is hereby designated as the lead
11 agency in encouraging the development of aquaculture in the
12 state and shall have and exercise the following functions,
13 powers, and duties with regard to aquaculture:

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

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

29 2. The department shall identify and evaluate specific
30 tracts of sovereignty submerged lands and water columns in
31 various areas of the state to determine where such lands and

1 waters are suitable for leasing for aquaculture purposes.
2 Nothing in this subparagraph or subparagraph 1. shall preclude
3 the applicant from applying for sites identified by the
4 applicant.

5 3. The department shall provide assistance in
6 developing technologies applicable to aquaculture activities,
7 evaluate practicable production alternatives, and provide
8 agreements to develop innovative culture practices.

9
10 Reviser's note.--Amended to improve clarity and
11 facilitate correct interpretation.

12
13 Section 39. Paragraph (a) of subsection (2) of section
14 597.0041, Florida Statutes, is amended to read:

15 597.0041 Prohibited acts; penalties.--

16 (2)(a) Any person who violates any provision of this
17 chapter or any rule promulgated hereunder is subject to a
18 suspension or revocation of his or her certificate of
19 registration or license under this chapter. The department
20 may, in lieu of, or in addition to the suspension or ~~of~~
21 revocation, impose on the violator an administrative fine in
22 an amount not to exceed \$1,000 per violation per day.

23
24 Reviser's note.--Amended to improve clarity and
25 facilitate correct interpretation.

26
27 Section 40. Paragraph (g) of subsection (2) of section
28 607.1901, Florida Statutes, is amended to read:

29 607.1901 Corporations Trust Fund creation; transfer of
30 funds.--

31 (2)

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

5
6 Reviser's note.--Amended to improve clarity and
7 facilitate correct interpretation. Section
8 267.0671 does not exist; s. 267.0617 relates to
9 the Historic Preservation Grant Program and the
10 Historical Resources Operating Trust Fund.

11
12 Section 41. Subsection (9) of section 617.1622,
13 Florida Statutes, is amended to read:

14 617.1622 Annual report for Department of State.--

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

19
20 Reviser's note.--Amended to correct an apparent
21 error. Chapter 617 is not divided into parts.

22
23 Section 42. Subsection (6) of section 620.8101,
24 Florida Statutes, is amended to read:

25 620.8101 Definitions.--As used in this act, the term:

26 (6) "Limited liability partnership" means a registered
27 limited liability partnership registered under former ss.
28 620.78-620.789 immediately prior to the effective date of this
29 act or a partnership that has filed a statement of
30 qualification under s. 620.9001 and has not filed a similar
31 statement in any other jurisdiction.

1 Reviser's note.--Amended to conform to the
2 repeal of ss. 620.78-620.789 by s. 36, ch.
3 99-285, Laws of Florida.

4
5 Section 43. Paragraph (a) of subsection (1) of section
6 620.9901, Florida Statutes, is amended to read:

7 620.9901 Applicability.--

8 (1) Beginning January 1, 1996, and ending January 1,
9 1998, the Revised Uniform Partnership Act of 1995 governs only
10 a partnership formed:

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

14
15 Reviser's note.--Amended to conform to the
16 repeal of s. 620.76 by s. 24, ch. 99-4, Laws of
17 Florida.

18
19 Section 44. Subparagraph 1. of paragraph (b) of
20 subsection (1) of section 624.408, Florida Statutes, is
21 repealed.

22
23 Reviser's note.--Repealed to delete a provision
24 that has served its purpose. The cited
25 subparagraph sets a required amount of surplus
26 for December 31, 1999, through December 30,
27 2000, for casualty insurers holding a
28 certificate of authority on December 1, 1993.

29
30 Section 45. Paragraph (b) of subsection (7) of section
31 626.112, Florida Statutes, is amended to read:

1 626.112 License and appointment required; agents,
2 customer representatives, solicitors, adjusters, insurance
3 agencies, service representatives, managing general agents.--

4 (7)

5 (b) An insurance agency shall, as a condition
6 precedent to continuing business, obtain an insurance agency
7 license if the department finds that, with respect to any
8 majority owner, partner, manager, director, officer, or other
9 person who manages or controls the agency, any person has,
10 subsequent to the effective date of this act:

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

16 2. Employed any individual in a managerial capacity or
17 in a capacity dealing with the public who is under an order of
18 revocation or suspension issued by the department. An
19 insurance agency may request, on forms prescribed by the
20 department, verification of any person's license status. If a
21 request is mailed within 5 working days after an employee is
22 hired, and the employee's license is currently suspended or
23 revoked, the agency shall not be required to obtain a license,
24 if the unlicensed person's employment is immediately
25 terminated.

26 3. Operated the agency or permitted the agency to be
27 operated in violation of s. 626.747.

28 4. With such frequency as to have made the operation
29 of the agency hazardous to the insurance-buying public or
30 other persons:

31

- 1 a. Solicited or handled controlled business. This
2 subparagraph shall not prohibit the licensing of any lending
3 or financing institution or creditor, with respect to
4 insurance only, under credit life or disability insurance
5 policies of borrowers from the institutions, which policies
6 are subject to part IX of chapter 627.
- 7 b. Misappropriated, converted, or unlawfully withheld
8 moneys belonging to insurers, insureds, beneficiaries, or
9 others and received in the conduct of business under the
10 license.
- 11 c. Unlawfully rebated, attempted to unlawfully rebate,
12 or unlawfully divided or offered to divide commissions with
13 another.
- 14 d. Misrepresented any insurance policy or annuity
15 contract, or used deception with regard to any policy or
16 contract, done either in person or by any form of
17 dissemination of information or advertising.
- 18 e. Violated any provision of this code or any other
19 law applicable to the business of insurance in the course of
20 dealing under the license.
- 21 f. Violated any lawful order or rule of the
22 department.
- 23 g. Failed or refused, upon demand, to pay over to any
24 insurer he or she represents or has represented any money
25 coming into his or her hands belonging to the insurer.
- 26 h. Violated the provision against twisting as defined
27 in s. 626.9541(1)(1).
- 28 i. In the conduct of business, engaged in unfair
29 methods of competition or in unfair or deceptive acts or
30 practices, as prohibited under part IX * of this chapter.
- 31 j. Willfully overinsured any property insurance risk.

1 k. Engaged in fraudulent or dishonest practices in the
2 conduct of business arising out of activities related to
3 insurance or the insurance agency.

4 l. Demonstrated lack of fitness or trustworthiness to
5 engage in the business of insurance arising out of activities
6 related to insurance or the insurance agency.

7 m. Authorized or knowingly allowed individuals to
8 transact insurance who were not then licensed as required by
9 this code.

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

13 6. Willfully circumvented the requirements or
14 prohibitions of this code.

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 46. Subsection (6) of section 626.621, Florida
23 Statutes, is amended to read:

24 626.621 Grounds for discretionary refusal, suspension,
25 or revocation of agent's, solicitor's, adjuster's, customer
26 representative's, service representative's, or managing
27 general agent's license or appointment.--The department may,
28 in its discretion, deny an application for, suspend, revoke,
29 or refuse to renew or continue the license or appointment of
30 any applicant, agent, solicitor, adjuster, customer
31 representative, service representative, or managing general

1 agent, and it may suspend or revoke the eligibility to hold a
2 license or appointment of any such person, if it finds that as
3 to the applicant, licensee, or appointee any one or more of
4 the following applicable grounds exist under circumstances for
5 which such denial, suspension, revocation, or refusal is not
6 mandatory under s. 626.611:

7 (6) In the conduct of business under the license or
8 appointment, engaging in unfair methods of competition or in
9 unfair or deceptive acts or practices, as prohibited under
10 part IX ~~X~~ of this chapter, or having otherwise shown himself
11 or herself to be a source of injury or loss to the public or
12 detrimental to the public interest.

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

19
20 Section 47. Paragraph (h) of subsection (5) of section
21 626.6215, Florida Statutes, is amended to read:

22 626.6215 Grounds for discretionary refusal,
23 suspension, or revocation of insurance agency license.--The
24 department may, in its discretion, deny, suspend, revoke, or
25 refuse to continue the license of any insurance agency if it
26 finds, as to any insurance agency or as to any majority owner,
27 partner, manager, director, officer, or other person who
28 manages or controls such insurance agency, that any one or
29 more of the following applicable grounds exist:

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

4 (h) In the conduct of business under the license,
5 engaging in unfair methods of competition or in unfair or
6 deceptive acts or practices as prohibited under part IX ✕ of
7 this chapter.

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 48. Subsection (2) of section 626.797, Florida
16 Statutes, is amended to read:

17 626.797 Code of ethics.--

18 (2) The code of ethics shall apply standards of
19 conduct designed to avoid the commission of acts or the
20 existence of circumstances which would constitute grounds for
21 suspension, revocation, or refusal of license under ss.
22 626.611 and 626.621 and to avoid the use of unfair trade
23 practices and unfair methods of competition which would be in
24 violation of any provision of part IX ✕.

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

3 626.844 Grounds for discretionary refusal, suspension,
4 or revocation of license or appointment.--The department may,
5 in its discretion, deny, suspend, revoke, or refuse to renew
6 or continue the license or appointment of any title insurance
7 agent or agency, and it may suspend or revoke the eligibility
8 to hold a license or appointment of any such title insurance
9 agent or agency if it finds that as to the applicant or
10 licensee or appointee, or any principal thereof, any one or
11 more of the following grounds exist under circumstances for
12 which such denial, suspension, revocation, or refusal is not
13 mandatory under s. 626.8437:

14 (5) Engaging in unfair methods of competition or in
15 unfair or deceptive acts or practices in the conduct of
16 business, as prohibited under part IX * of this chapter, or
17 having otherwise shown himself or herself to be a source of
18 injury or loss to the public or to be detrimental to the
19 public interest.

20
21 Reviser's note.--Amended to conform to the
22 redesignation of part X of chapter 626 as part
23 IX necessitated by the transfer of ss.
24 626.941-626.945, comprising former part IX, by
25 ch. 98-89, Laws of Florida.

26
27 Section 50. Paragraph (b) of subsection (1) of section
28 626.8734, Florida Statutes, is amended to read:

29 626.8734 Nonresident independent adjuster's
30 qualifications.--

31

1 (1) The department shall, upon application therefor,
2 issue a license to an applicant for a nonresident independent
3 adjuster's license upon determining that the applicant has
4 paid the applicable license fees required under s. 624.501
5 and:

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

11 1. An applicant who is licensed as a resident
12 independent adjuster in his or her state of residence when
13 that state requires the passing of a written examination in
14 order to obtain the license and a reciprocal agreement with
15 the appropriate official of that state has been entered into
16 by the department; or

17 2. An applicant who is licensed as a nonresident
18 independent adjuster in a state other than his or her state of
19 residence when the state of licensure requires the passing of
20 a written examination in order to obtain the license and a
21 reciprocal agreement with the appropriate official of the
22 state of licensure has been entered into by the department.
23

24 Reviser's note.--Amended to facilitate correct
25 interpretation. Section 626.214 does not exist;
26 s. 626.241(6) provides for the scope of the
27 examination.
28

29 Section 51. Subsection (2) of section 626.909, Florida
30 Statutes, is amended to read:
31

1 626.909 Jurisdiction of department; service of process
2 on Secretary of State.--

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

21
22 Reviser's note.--Amended to conform to the
23 redesignation of part X of chapter 626 as part
24 IX necessitated by the transfer of ss.
25 626.941-626.945, comprising former part IX, by
26 ch. 98-89, Laws of Florida.

27
28 Section 52. Subsection (10) of section 626.9911,
29 Florida Statutes, is amended to read:

30 626.9911 Definitions.--As used in this act, the term:
31

1 (10) "Viatical settlement purchaser" means a person,
2 other than a licensee under this part, an accredited investor
3 as defined in Rule 501, Regulation D of the Securities Act
4 Rules, or a qualified institutional buyer as defined by Rule
5 144(a) of the Federal Securities Act, or a special purpose
6 entity who gives a sum of money as consideration for a life
7 insurance policy or an equitable or legal interest in the
8 death benefits of a life insurance policy which has been or
9 will be the subject of a viatical settlement contract, for the
10 purpose of deriving an economic benefit. The above references
11 to Rule 501, Regulation D and Rule 144(a) of the Federal
12 Securities Act are used strictly for defining purposes and
13 shall not be interpreted in any other manner. Any person who
14 claims to be an accredited investor shall sign an affidavit
15 stating that he or she is an accredited investor, the basis of
16 that claim, and that he or she understands that as an
17 accredited investor he or she will not be entitled to certain
18 protections of the Viatical Settlement Act. This affidavit
19 must be kept with other documents required to be maintained by
20 this act.

21
22 Reviser's note.--Amended to improve clarity.
23 The full title of material relating to viatical
24 settlements in part X of chapter 626 is the
25 "Viatical Settlement Act."
26

27 Section 53. Subsection (2) of section 626.99275,
28 Florida Statutes, is amended to read:

29 626.99275 Prohibited practices; penalties.--
30 (2) A person who violates any provision of this
31 section commits:

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

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

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

12
13 Reviser's note.--Amended to facilitate correct
14 interpretation. Section 774.083 does not exist;
15 s. 775.083 relates to fines for criminal acts.

16
17 Section 54. Subsection (3) of section 627.031, Florida
18 Statutes, is amended to read:

19 627.031 Purposes of this part; interpretation.--

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

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

1 627.062 Rate standards.--

2 (4) The establishment of any rate, rating
3 classification, rating plan or schedule, or variation thereof
4 in violation of part IX ✕ of chapter 626 is also in violation
5 of this section.

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 56. Section 627.0661, Florida Statutes, is
14 repealed.

15
16 Reviser's note.--Repealed to delete obsolete
17 language relating to insurers exempt from the
18 excess profit requirements. Section
19 624.509(10), describing these insurers, was
20 repealed by s. 39, ch. 92-173, Laws of Florida.

21
22 Section 57. Subsection (4) of section 627.357, Florida
23 Statutes, is amended to read:

24 627.357 Medical malpractice self-insurance.--

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

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

7 627.481 Requirements for certain annuity agreements.--
8 (10) The provisions of part IX ~~X~~ of chapter 626, apply
9 to issuers of annuity agreements under this section.
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 59. Paragraph (b) of subsection (2) of section
18 627.6487, Florida Statutes, is amended to read:

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

21 (2) For the purposes of this section:

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

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 60. 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 61. 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 62. 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 63. 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 64. 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 * 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 * 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 65. 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 66. 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 67. 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 68. 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 69. 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.

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