

1                   A bill to be entitled  
2           An act relating to the Department of Financial  
3           Services; amending s. 17.575, F.S.; replacing, within  
4           the Division of Treasury, the Treasury Investment  
5           Committee with the Treasury Investment Council;  
6           specifying the composition and term length of members;  
7           specifying duties of the council; providing that  
8           members shall serve without additional compensation or  
9           honorarium but may receive per diem and travel expense  
10          reimbursement; amending s. 215.422, F.S.; providing  
11          applicability of certain requirements relating to  
12          payments, warrants, and invoices to payments made in  
13          relation to certain agreements funded with federal or  
14          state assistance; reordering and amending s. 554.1021,  
15          F.S.; defining and redefining terms; amending s.  
16          554.103, F.S.; requiring, rather than authorizing, the  
17          Department of Financial Services to adopt amendments  
18          and interpretations of a specified code into the State  
19          Boiler Code; revising requirements that installers,  
20          rather than owners, must comply with before installing  
21          a boiler; authorizing the department to adopt rules;  
22          conforming provisions to changes made by the act;  
23          amending s. 554.104, F.S.; deleting a provision  
24          relating to boilers of special design which is  
25          recreated in s. 554.103, F.S.; requiring certification

26 | of boiler inspectors; requiring an application for a  
27 | certification examination; specifying qualifications  
28 | and requirements for the certification examination;  
29 | requiring the department to adopt a specified training  
30 | course; providing authorized methods and requirements  
31 | for the training course; requiring the chief boiler  
32 | inspector to issue a certificate of competency to a  
33 | person meeting certain requirements; providing  
34 | procedures for renewing a certificate; authorizing the  
35 | department to adopt rules; amending s. 554.105, F.S.;  
36 | renaming the chief inspector as the chief boiler  
37 | inspector; revising requirements for the department  
38 | through the state boiler inspection program; amending  
39 | s. 554.106, F.S.; renaming deputy inspectors as deputy  
40 | boiler inspectors; specifying required and authorized  
41 | duties of deputy boiler inspectors; amending s.  
42 | 554.107, F.S.; renaming special inspectors as special  
43 | boiler inspectors; revising entities that may employ  
44 | special boiler inspectors; specifying required  
45 | inspection intervals for special boiler inspectors;  
46 | amending s. 554.108, F.S.; providing an exemption,  
47 | under certain conditions, from inspection  
48 | requirements; specifying duties of an owner or an  
49 | owner's designee to allow an inspector to conduct  
50 | inspections; specifying requirements for boiler

51 inspections and inspection reports; providing a  
52 penalty against an insurance carrier if certain  
53 followup inspections are not conducted; revising  
54 conditions that require a boiler to be shut down;  
55 revising requirements and procedures for a boiler that  
56 must be shut down; providing construction; authorizing  
57 the department to adopt rules; creating s. 554.1081,  
58 F.S.; revising requirements for boiler inspections by  
59 insurance companies and local governmental agencies;  
60 amending s. 554.109, F.S.; conforming provisions to  
61 changes made by the act; revising boilers that are  
62 exempt from regulation under the chapter; revising  
63 requirements for certain exempt boilers and water  
64 heaters; amending s. 554.1101, F.S.; conforming  
65 provisions to changes made by the act; requiring a  
66 boiler insurance company to notify, within a specified  
67 timeframe, the chief boiler inspector under certain  
68 circumstances; requiring a certificateholder to submit  
69 a certain certificate of insurance to the chief boiler  
70 inspector under certain circumstances; amending s.  
71 554.111, F.S.; requiring an application for a boiler  
72 permit to include a specified fee; requiring the chief  
73 boiler inspector to deposit fines into a specified  
74 trust fund; conforming provisions to changes made by  
75 the act; repealing ss. 554.112 and 554.113, F.S.,

76 relating to examinations, and certification of  
77 inspectors and renewals, respectively; amending s.  
78 554.114, F.S.; revising prohibited acts; providing  
79 penalties for a boiler insurance company or authorized  
80 inspection agency that fails to conduct certain  
81 inspections; conforming provisions to changes made by  
82 the act; amending s. 554.115, F.S.; adding authorized  
83 disciplinary actions for the department; adding  
84 specified grounds for disciplinary action against an  
85 owner of a boiler; revising grounds for disciplinary  
86 action against a boiler inspector; deleting a  
87 provision requiring a chief inspector to report  
88 certain persons to the state attorney; deleting a  
89 provision authorizing certain administrative action by  
90 the chief inspector; deleting a provision relating to  
91 the duration of a suspended certificate of compliance;  
92 creating s. 554.1151, F.S.; authorizing the department  
93 to impose specified administrative fines in lieu of or  
94 in addition to certain disciplinary actions;  
95 authorizing procedures for payment of fines by a  
96 certificateholder; requiring a certificate to be  
97 revoked under certain circumstances; amending s.  
98 624.307, F.S.; authorizing the department to expend  
99 funds for professional development of its employees;  
100 amending s. 626.015, F.S.; defining terms; conforming

101 a cross-reference; amending s. 626.207, F.S.; defining  
102 the term "applicant"; revising a list of felonies  
103 subject to a permanent bar from licensure; revising a  
104 condition for when certain disqualifying periods  
105 begin; conforming cross-references; providing an  
106 exception from a permanent bar on or disqualifying  
107 periods for cases of executive clemency; providing  
108 construction; amending s. 626.9954, F.S.; revising a  
109 list of felonies subject to a permanent bar from  
110 licensure; revising conditions for when certain  
111 disqualifying periods begin; conforming cross-  
112 references; providing an exception from a permanent  
113 bar on or disqualifying periods for cases of executive  
114 clemency; providing construction; amending s.  
115 626.2815, F.S.; authorizing the department to approve  
116 a certain number of elective continuing education  
117 credits for certain insurance licensees; providing an  
118 exception from a certain continuing education  
119 requirement for such licensees; amending s. 626.611,  
120 F.S.; deleting a condition for the involvement of  
121 moral turpitude in felonies or certain crimes in  
122 relation to compulsory disciplinary actions by the  
123 department against certain entities' licenses or  
124 appointments; conforming a cross-reference; amending  
125 s. 626.621, F.S.; revising grounds for the

126 department's discretionary refusal, suspension, or  
127 revocation of the license or appointment of certain  
128 persons; amending s. 626.7845, F.S.; revising an  
129 exception to the prohibition against the unlicensed  
130 transaction of life insurance; conforming a cross-  
131 reference; amending s. 626.8305, F.S.; revising an  
132 exception to the prohibition against the unlicensed  
133 transaction of health insurance; conforming a cross-  
134 reference; amending s. 626.861, F.S.; authorizing  
135 certain insurer employees to adjust specified claim  
136 losses or damage; amending s. 626.9543, F.S.; removing  
137 the scheduled expiration of a requirement for insurers  
138 to permit claims from a Holocaust victim or certain  
139 related persons irrespective of certain conditions;  
140 removing the scheduled expiration of an exception from  
141 statutes of limitations or laches for certain actions  
142 brought by Holocaust victims or certain related  
143 persons; amending s. 633.516, F.S.; authorizing the  
144 Division of State Fire Marshal within the division to  
145 contract for studies of, rather than to make a  
146 continuous study of, occupational diseases of  
147 firefighters; adding persons in other fire-related  
148 fields to such studies; authorizing the division to  
149 release confidential information of an individual  
150 firefighter or a person in another fire-related field

151 to certain parties under certain circumstances;  
 152 amending s. 768.28, F.S.; providing exceptions in tort  
 153 claims against a county from requirements that a  
 154 claimant present the written claim to the department  
 155 within a specified timeframe and serve process upon  
 156 the department; amending ss. 288.706, 626.7315, and  
 157 627.351, F.S.; conforming cross-references; providing  
 158 an effective date.

159

160 Be It Enacted by the Legislature of the State of Florida:

161

162 Section 1. Section 17.575, Florida Statutes, is amended to  
 163 read:

164 17.575 Administration of funds; Treasury Investment  
 165 Council ~~Committee~~.-

166 (1) There is created a Treasury Investment Council  
 167 ~~Committee~~ within the Division of Treasury consisting of at least  
 168 five members, at least three of whom are professionals from the  
 169 private sector, who must possess special knowledge, experience,  
 170 and familiarity in finance, investments, or accounting. The  
 171 members of the council must ~~committee shall~~ be appointed by and  
 172 serve at the pleasure of the Chief Financial Officer. Each  
 173 member shall serve a term of 4 years from the date of  
 174 appointment. The council ~~committee~~ shall annually elect a chair  
 175 and vice chair from among its members ~~membership~~.

176           (2) The council shall review the investments required by  
177 s. 17.57; meet with staff of the Division of Treasury at least  
178 biannually; and provide recommendations to the Division of  
179 Treasury and the Chief Financial Officer regarding investment  
180 policy, strategy, and procedures ~~The committee shall administer~~  
181 ~~the Treasury Investment Program consistent with policies~~  
182 ~~approved by the Chief Financial Officer for deposits and~~  
183 ~~investments of public funds. The committee shall also make~~  
184 ~~recommendations regarding investment policy to the Chief~~  
185 ~~Financial Officer.~~

186           (3) Members of the council shall serve without additional  
187 compensation or honorarium, but may receive per diem and  
188 reimbursement for travel expenses as provided in s. 112.061 ~~The~~  
189 ~~committee shall submit an annual report outlining its activities~~  
190 ~~and recommendations to the Chief Financial Officer and the Joint~~  
191 ~~Legislative Auditing Committee. The report shall be submitted on~~  
192 ~~August 15, 2009, and annually thereafter.~~

193           Section 2. Present subsections (14) through (16) of  
194 section 215.422, Florida Statutes, are redesignated as  
195 subsections (15) through (17), respectively, and a new  
196 subsection (14) is added to that section, to read:

197           215.422 Payments, warrants, and invoices; processing time  
198 limits; dispute resolution; agency or judicial branch  
199 compliance.—

200           (14) All requirements set forth in this section apply to

201 payments made in accordance with s. 215.971.

202 Section 3. Section 554.1021, Florida Statutes, is  
203 reordered and amended to read:

204 554.1021 Definitions.—As used in this chapter, the term  
205 ~~ss. 554.1011–554.115:~~

206 (3)~~(1)~~ "Boiler" means a closed vessel in which water or  
207 other liquid is heated, steam or vapor is generated, steam is  
208 superheated, or any combination of these functions is  
209 accomplished, under pressure or vacuum, for use external to  
210 itself, by the direct application of energy from the combustion  
211 of fuels or from electricity or solar energy. The term "boiler"  
212 includes fired units for heating or vaporizing liquids other  
213 than water where these units are separate from processing  
214 systems and are complete within themselves. The varieties of  
215 boilers are as follows:

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

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

221 (a)~~(e)~~ "Heating boiler" means a steam or vapor boiler  
222 operating at pressures not exceeding 15 psig, or a hot water  
223 boiler operating at pressures not exceeding 160 psig or  
224 temperatures not exceeding 250 °F.

225 (c)~~(d)~~ "Hot water supply boiler" means a boiler or a lined

226 storage water heater supplying heated water for use external to  
227 itself operating at a pressure not exceeding 160 psig or  
228 temperature not exceeding 250 °F.

229 (g)~~(e)~~ "Secondhand boiler" means a boiler that has changed  
230 ownership and location subsequent to its original installation  
231 and use.

232 (d) "Inservice boiler" means a boiler placed in use after  
233 test firing and required inspections have been satisfactorily  
234 completed.

235 (e) "Operating boiler" means a boiler connected and ready  
236 for use.

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

238 1. Physically disconnected from the system, including  
239 disconnection from fuel, water, steam, electricity, and stack;  
240 or

241 2. Locked out and tagged out in accordance with the  
242 Occupational Safety and Health Administration's standard  
243 relating to the control of hazardous energy and lockout or  
244 tagout in 29 C.F.R. s. 1910.147, as adopted by rule of the  
245 department.

246 (9)~~(2)~~ "Public assembly locations" includes ~~include~~  
247 schools, day care centers, community centers, churches,  
248 theaters, hospitals, nursing and convalescent homes, stadiums,  
249 amusement parks, and other locations open to the general public.

250 (5)~~(3)~~ "Certificate inspection" means an inspection whose

251 ~~the report of which~~ is used by the chief boiler inspector to  
 252 determine whether or not a certificate of operation may be  
 253 issued.

254 ~~(7)-(4)~~ "Certificate of operation compliance" means a  
 255 document issued to the owner of a boiler which authorizes the  
 256 owner to operate the boiler, subject to any restrictions  
 257 endorsed thereon.

258 ~~(6)-(5)~~ "Certificate of competency" means a document issued  
 259 to a person who has satisfied the minimum competency  
 260 requirements for boiler inspectors under this chapter ~~ss.~~  
 261 ~~554.1011-554.115.~~

262 ~~(8)-(6)~~ "Department" means the Department of Financial  
 263 Services.

264 ~~(1)-(7)~~ "A.S.M.E." means the American Society of Mechanical  
 265 Engineers.

266 (2) "Authorized inspection agency" means:

267 (a) Any county, municipality, town, or other governmental  
 268 subdivision that has adopted into law the Boiler and Pressure  
 269 Vessel Code of the A.S.M.E. and the National Board Inspection  
 270 Code for the construction, installation, inspection,  
 271 maintenance, and repair of boilers to regulate boilers in public  
 272 assembly locations, and whose boiler inspectors hold valid  
 273 certificates of competency in accordance with s. 554.104;

274 (b) An insurer authorized by a subsisting certificate of  
 275 authority, issued by the Office of Insurance Regulation, to

276 transact boiler and machinery insurance in this state, and whose  
277 boiler inspectors hold valid certificates of competency in  
278 accordance with s. 554.104; or

279 (c) An inspecting agency accredited in accordance with The  
280 National Board of Boiler and Pressure Vessel Inspector's program  
281 entitled "Accreditation of Authorized Inspection Agencies (AIA)  
282 Performing Inservice or Repair/Alteration Inspection  
283 Activities," document number NB-369, and whose boiler inspectors  
284 hold valid certificates of competency in accordance with s.  
285 554.104. The department shall, by rule, require such authorized  
286 inspection agencies to maintain financial security adequate to  
287 indemnify the owner of the boiler if such agency's negligence or  
288 failure to inspect an uninsured boiler results in a loss. Such  
289 inspection agency may inspect uninsured boilers or, at the  
290 direction of an insurance company, may inspect a boiler insured  
291 by that insurance company.

292 (4) "Boiler insurance company" means a company authorized  
293 by a subsisting certificate of authority, issued by the Office  
294 of Insurance Regulation, to transact boiler and machinery  
295 insurance in this state.

296 Section 4. Section 554.103, Florida Statutes, is amended  
297 to read:

298 554.103 Boiler code.—The department shall adopt by rule a  
299 State Boiler Code for the safe construction, installation,  
300 inspection, maintenance, and repair of boilers in this state.

301 The rules adopted shall be based upon and shall at all times  
302 follow generally accepted nationwide engineering standards,  
303 formulas, and practices pertaining to boiler construction and  
304 safety.

305 (1) The department shall adopt an existing code for new  
306 construction and installation known as the Boiler and Pressure  
307 Vessel Code of the American Society of Mechanical Engineers,  
308 including all amendments and interpretations ~~approved thereto by~~  
309 ~~the Council on Codes and Standards of A.S.M.E. The department~~  
310 ~~may adopt amendments and interpretations~~ to the A.S.M.E. Boiler  
311 and Pressure Vessel Code approved by the A.S.M.E. Council on  
312 Codes and Standards subsequent to the adoption of the State  
313 Boiler Code, and when so adopted by the department, such  
314 amendments and interpretations ~~shall~~ become a part of the State  
315 Boiler Code.

316 (2) The installer ~~owner~~ of any boiler placed in use in  
317 this state after January 1, 2018, must, before installing the  
318 boiler, apply on a form adopted by rule of the department for a  
319 permit to install the boiler from the chief boiler inspector.  
320 The application must include the boiler's A.S.M.E.  
321 manufacturer's data report and other documents required by the  
322 State Boiler Code before the boiler is placed in service. The  
323 installer must contact the chief boiler inspector to schedule an  
324 inspection for each boiler no later than 7 days before the  
325 boiler is placed in service ~~after October 1, 1987, shall submit~~

326 ~~the A.S.M.E. manufacturer's data report on such boiler to the~~  
327 ~~chief inspector not more than 90 days following the inservice~~  
328 ~~date of the boiler.~~

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

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

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

345 The department, at its discretion, may authorize the  
346 construction, installation, and operation of boilers of special  
347 design or construction which do not meet the specific  
348 requirements of the State Boiler Code, but which are consistent  
349 with the intent of the safety objectives of the code.

350 (7) The department may adopt rules pursuant to ss.

351 120.536(1) and 120.54 to administer this chapter. Such rules may  
352 include specifying the procedures and forms to be used to obtain  
353 an installation permit, an initial certificate, or a renewal  
354 certificate, and the submission of reports and notices required  
355 under this chapter.

356 Section 5. Section 554.104, Florida Statutes, is amended  
357 to read:

358 554.104 Certification of boiler inspectors required;  
359 application; qualifications; renewal ~~Boilers of special design.-~~  
360 ~~The department, at its discretion, may authorize the~~  
361 ~~construction, installation, and operation of boilers of special~~  
362 ~~design or construction that do not meet the specific~~  
363 ~~requirements of the State Boiler Code but are not inconsistent~~  
364 ~~with the intent of the safety objectives of such code.~~

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

370 (2) APPLICATION.-A person who desires to be certified to  
371 inspect boilers that are subject to regulation by this chapter  
372 must apply in writing to the department to take the  
373 certification examination.

374 (3) QUALIFICATIONS.-A person is qualified to take the  
375 certification examination if the person:

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

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

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

384 (d) Has:

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

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

392 (4) TRAINING COURSE.—The department shall adopt by rule a  
393 2-hour training course on the requirements of this chapter and  
394 any related rules adopted by the department. The department  
395 shall make the training course available online and may make the  
396 course available in a classroom setting. A boiler insurance  
397 company may include the department's course as part of its in-  
398 house training of a boiler inspector student, in lieu of the  
399 student taking the online training course. A boiler insurance  
400 company that includes the department's course in its in-house

401 training of a boiler inspector student must indicate that the  
402 student completed the training on an application filed with the  
403 department for certification of competency.

404 (5) EXAMINATION.—A person applying for a certificate of  
405 competency must have successfully passed the examination  
406 administered by the National Board of Boiler and Pressure Vessel  
407 Inspectors and be eligible to obtain a National Board  
408 commission.

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

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

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

420 Section 6. Section 554.105, Florida Statutes, is amended  
421 to read:

422 554.105 Chief boiler inspector.—

423 (1) The Chief Financial Officer shall appoint a chief  
424 boiler inspector, who must have at least ~~shall have not less~~  
425 ~~than~~ 5 years' experience in the construction, installation,

426 inspection, operation, maintenance, or repair of high pressure,  
 427 high temperature water boilers and who must ~~shall~~ hold a  
 428 commission from the National Board of Boiler and Pressure Vessel  
 429 Inspectors or a certificate of competency from the department.

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

432 (a) Take all action necessary to enforce the State Boiler  
 433 Code and the rules adopted pursuant to this chapter ~~ss.~~  
 434 ~~554.1011-554.115.~~

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

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

443 ~~(d)~~ Expend funds necessary to meet the expenses authorized  
 444 by this chapter ~~ss. 554.1011-554.115~~, including the necessary  
 445 travel expenses of the chief boiler inspector and deputy boiler  
 446 inspectors, and the expenses incident to the maintenance of this  
 447 ~~his or her~~ office.

448 Section 7. Section 554.106, Florida Statutes, is amended  
 449 to read:

450 554.106 Deputy boiler inspectors.—

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

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

460           Section 8. Section 554.107, Florida Statutes, is amended  
 461 to read:

462           554.107 Special boiler inspectors.—

463           (1) Upon application by any authorized inspection agency  
 464 ~~company licensed to insure boilers in this state~~, the chief  
 465 boiler inspector shall issue a certificate of competency as a  
 466 special boiler inspector to any inspector employed by the  
 467 authorized inspection agency company, if provided that such  
 468 boiler inspector satisfies the competency requirements for  
 469 inspectors as provided in s. 554.104 s. 554.113. Special boiler  
 470 inspectors shall perform inspections of insured boilers in  
 471 accordance with the inspection frequency set forth in s.  
 472 554.108.

473           (2) The certificate of competency of a special boiler  
 474 inspector remains ~~shall remain~~ in effect only so long as the  
 475 special boiler inspector is employed by an authorized inspection

476 ~~agency a company licensed to insure boilers in this state.~~ Upon  
477 termination of employment with such company, such company a  
478 ~~special inspector~~ shall, in writing, notify the chief boiler  
479 inspector of such special boiler inspector's termination. Such  
480 notice must ~~shall~~ be given within 15 days following the date of  
481 termination.

482 Section 9. Subsections (1), (2), (4), and (5) of section  
483 554.108, Florida Statutes, are amended, and subsection (6) is  
484 added to that section, to read:

485 554.108 Inspection.—

486 (1) The inspection requirements of this chapter apply only  
487 to boilers located in public assembly locations. A potable hot  
488 water supply boiler with a heat input of 200,000 British thermal  
489 units (Btu) per hour and above, up to a heat input not exceeding  
490 400,000 Btu per hour, is exempt from inspection, but must be  
491 stamped with the A.S.M.E. code symbol "HLW" and the boiler's  
492 A.S.M.E data report must be filed as required under s.  
493 554.103(2) The only boilers required to be inspected under the  
494 provisions of ss. 554.1011-554.115 are boilers located in public  
495 assembly locations.

496 (2) Each inspection of a boiler conducted pursuant to this  
497 chapter must ~~ss. 554.1011-554.115 shall~~ be made by the chief  
498 boiler inspector, a deputy boiler inspector, or a special boiler  
499 inspector. An owner or the owner's designee shall perform all  
500 operation, testing, manipulation of boiler controls and safety

501 devices, removal of lagging, and disassembly of boiler  
502 components to allow the chief boiler inspector, deputy boiler  
503 inspector, or special boiler inspector to conduct inspections as  
504 required by this section.

505 (4) Each boiler subject to inspection must be inspected  
506 within 30 days after expiration of the boiler's certificate of  
507 operation. However, an inspection report must be received by the  
508 chief boiler inspector no later than 30 days after the projected  
509 expiration date of the certificate of operation. If, upon  
510 inspection, the chief boiler inspector, deputy boiler inspector,  
511 or special boiler inspector finds that a boiler is in violation  
512 of any provision of the State Boiler Code, the inspector must  
513 promptly notify the owner or user and state what repairs or  
514 other corrective measures are needed. Deputy boiler inspectors  
515 and special boiler inspectors shall file a written report, on a  
516 form adopted by rule of the department, on each certificate  
517 inspection with the chief boiler inspector within 15 days after  
518 the following such inspection. A certificate inspection report  
519 must list all violations of the State Boiler Code and any  
520 conditions that may adversely affect the operation of the  
521 boiler. The filing of reports of inspections, other than  
522 statutorily required ~~certificate~~ inspections, ~~is~~ ~~are~~ not  
523 required unless such inspections disclose that a boiler is in an  
524 unsafe condition or if the boiler has failed the inspection and  
525 requires major repair or replacement. The inspection report must

526 list the extent of damage to the boiler, the cause of the  
527 failure if known, and any other pertinent information. However,  
528 an inspection report must be filed for any inspection performed  
529 on a boiler with a previously identified code violation. The  
530 report must indicate whether the violation has been corrected.  
531 The agency responsible for conducting the inspection must  
532 perform followup inspections, not more than every 6 months, of a  
533 previously identified code violation until it is corrected.

534 (5) Upon a determination by the chief boiler inspector  
535 determining that a boiler cannot be safely operated, is in an  
536 unsafe condition and poses an imminent danger to the public  
537 health, safety, and welfare, the chief inspector, a deputy  
538 inspector, or a special inspector may immediately order the  
539 boiler must immediately to be shut down. The chief boiler  
540 inspector or a deputy boiler inspector shall attach a tag to the  
541 boiler indicating that the boiler has been shut down due to an  
542 unsafe condition. The boiler must shall remain shut down until a  
543 reinspection by the chief boiler inspector or a deputy boiler a  
544 certified inspector determines that all violations have been  
545 corrected, that the boiler may be operated safely, and that a  
546 certificate of compliance has been issued. A boiler that cannot  
547 be safely operated, as determined by the chief boiler inspector,  
548 is deemed to constitute an imminent danger to the public health,  
549 safety, and welfare.

550 (6) The department may adopt rules necessary to administer

551 this section.

552 Section 10. Section 554.1081, Florida Statutes, is created  
553 to read:

554 554.1081 Boiler inspections by insurance companies and  
555 local governmental agencies.—

556 (1) An insurance company insuring a boiler located in a  
557 public assembly location in this state shall inspect, or shall  
558 contract with an authorized inspection agency to inspect, the  
559 insured boiler. A boiler insurance company shall annually report  
560 to the department the name of any authorized inspection agency  
561 performing any required boiler inspections on its behalf and  
562 shall actively monitor insured boilers to ensure that  
563 inspections are conducted as required by this chapter.

564 (2) A county, municipality, town, or other governmental  
565 subdivision that has adopted into law the Boiler and Pressure  
566 Vessel Code of the A.S.M.E. and the National Board Inspection  
567 Code for the construction, installation, inspection,  
568 maintenance, and repair of boilers to regulate boilers in public  
569 assembly locations may inspect such boilers. All boiler  
570 inspections must be conducted by special boiler inspectors in  
571 accordance with this chapter.

572 Section 11. Section 554.109, Florida Statutes, is amended  
573 to read:

574 554.109 Exemptions.—

575 ~~(1) Any insurance company insuring a boiler located in a~~

576 ~~public assembly location in this state shall inspect such boiler~~  
577 ~~so insured, and any county, city, town, or other governmental~~  
578 ~~subdivision which has adopted into law the Boiler and Pressure~~  
579 ~~Vessel Code of the American Society of Mechanical Engineers and~~  
580 ~~the National Board Inspection Code for the construction,~~  
581 ~~installation, inspection, maintenance, and repair of boilers,~~  
582 ~~regulating such boilers in public assembly locations, shall~~  
583 ~~inspect such boilers so regulated; provided that such inspection~~  
584 ~~shall be conducted by a special inspector licensed pursuant to~~  
585 ~~ss. 554.1011-554.115. Upon filing of a report of satisfactory~~  
586 ~~inspection with the department, such boiler is exempt from~~  
587 ~~inspection by the department.~~

588 ~~(2) The provisions of This chapter does shall not apply to~~  
589 ~~potable hot water supply boilers or lined storage water heaters~~  
590 ~~that which are directly fired with oil, gas, electricity, or~~  
591 ~~solar energy, provided that none of the following limitations~~  
592 ~~are exceeded:~~

593 ~~(1) (a) Heat input of 400,000 Btu per hour.~~

594 ~~(2) (b) Water temperature of 210 degrees Fahrenheit.~~

595 ~~(3) (c) Nominal water-containing capacity of 120 gallons.~~

596

597 ~~These exempt hot water supply boilers and lined storage water~~  
598 ~~heaters shall be equipped with safety relief valves conforming~~  
599 ~~to the requirements of the Boiler and Pressure Vessel Code of~~  
600 ~~the American Society of Mechanical Engineers and of the National~~

601 ~~Board Inspection Code.~~

602 Section 12. Section 554.1101, Florida Statutes, is amended  
603 to read:

604 554.1101 Certificate of operation compliance.—

605 (1) If an inspection report filed pursuant to s. 554.108  
606 shows a boiler to be in compliance with all applicable  
607 provisions of the State Boiler Code, the chief boiler inspector  
608 must shall, upon receipt of the inspection fee, issue a  
609 certificate of operation compliance to the owner. Such  
610 certificate must shall bear the date of the inspection and  
611 specify the maximum pressure at which the boiler may be  
612 operated.

613 (2) The certificate for a power boiler or a high pressure,  
614 high temperature water boiler is valid for a period of 12 months  
615 from the date of the certificate inspection. The certificate for  
616 a heating boiler or a hot water supply boiler is valid for a  
617 period of 24 months from the date of the certificate inspection.  
618 The certificate must shall be posted under glass, or be  
619 similarly protected, in the room containing the boiler.

620 (3) A boiler insurance company shall notify the chief  
621 boiler inspector within 30 days after the issuance of a new or  
622 renewal boiler and machinery insurance policy, or the  
623 cancellation or nonrenewal of a boiler and machinery insurance  
624 policy, covering places of public assembly in this state.

625 (4) If the chief boiler inspector has knowledge that a

626 | boiler regulated under this chapter was covered by a boiler and  
 627 | machinery insurance policy after its most recent certification  
 628 | inspection, the certificateholder must, upon the request of the  
 629 | chief boiler inspector, submit its certificate of boiler and  
 630 | machinery insurance for the boiler if the department has not  
 631 | received the special boiler inspector's annual inspection report  
 632 | within 30 days after its due date.

633 | Section 13. Section 554.111, Florida Statutes, is amended  
 634 | to read:

635 | 554.111 Fees.—

636 | (1) The department shall charge the following fees:

637 | (a) For an applicant for a certificate of competency, the  
 638 | initial application fee shall be \$50, and the annual renewal fee  
 639 | shall be \$30. The fee for examination shall be \$50.

640 | (b) For certificate inspections conducted by the  
 641 | department:

642 | 1. For power boilers and high pressure, high temperature  
 643 | water boilers of:

- 644 | 4,000 square feet or less heating surface.....\$60
- 645 | More than 4,000 square feet heating surface and less than 10,000
- 646 | square feet of heating surface.....\$70
- 647 | 10,000 square feet or more heating surface.....\$90

648 | 2. For heating boilers:

- 649 | Without a manhole.....\$40
- 650 | With a manhole.....\$70

651           3. For hot water supply boilers.....\$40  
 652           (c) For issuance of a ~~compliance~~ certificate of operation  
 653 without a department inspection.....\$30  
 654           (d) Duplicate certificates or address  
 655 changes.....\$5  
 656           (e) An application for a boiler permit must include the  
 657 applicable certificate inspection fee provided in paragraph (b).  
 658           (2) Not more than an amount equal to one certificate  
 659 inspection fee may ~~shall~~ be charged or collected for any and all  
 660 boiler inspections in any inspection period, except as otherwise  
 661 provided in this chapter ~~ss. 554.1011-554.115~~.  
 662           (a) When it is necessary to make a special trip to observe  
 663 the application of a hydrostatic test, an additional fee equal  
 664 to the fee for a certificate inspection of the boiler must ~~shall~~  
 665 be charged.  
 666           (b) All other inspections, including shop inspections,  
 667 surveys, and inspections of secondhand boilers made by the chief  
 668 boiler inspector or a deputy boiler inspector, must ~~shall~~ be  
 669 charged at the rate of not less than \$270 for one-half day of 4  
 670 hours, and \$500 for 1 full day of 8 hours, plus travel, hotel,  
 671 and incidental expenses in accordance with chapter 112.  
 672           (3) The chief boiler inspector shall deposit all fees or  
 673 fines received pursuant to this chapter ~~ss. 554.1011-554.115~~  
 674 into the Insurance Regulatory Trust Fund.  
 675           Section 14. Sections 554.112 and 554.113, Florida

676 Statutes, are repealed.

677 Section 15. Section 554.114, Florida Statutes, is amended  
678 to read:

679 554.114 Prohibitions; penalties.—

680 (1) A person may not:

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

683 ~~(b) Give false or forged information to the department or~~  
684 ~~an inspector for the purpose of obtaining a certificate of~~  
685 ~~compliance;~~

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

688 (c) ~~(d)~~ Operate a boiler for which the certificate of  
689 operation ~~compliance~~ has been suspended, revoked, or not  
690 renewed;

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

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

696 (2) A boiler insurance company that fails to inspect or to  
697 have inspected, in accordance with this chapter, any boiler  
698 insured by the company and regulated under this chapter is  
699 subject to the penalties provided in subsection (4), unless the  
700 failure to inspect was the result of an owner or operator's

701 failure to provide reasonable access to the boiler ~~Any person~~  
 702 ~~who violates this section is guilty of a misdemeanor of the~~  
 703 ~~second degree, punishable by fine as provided in s. 775.083.~~

704 (3) An authorized inspection agency that is under contract  
 705 with a boiler insurance company and that fails to inspect, in  
 706 accordance with this chapter, any boiler insured by the company  
 707 and regulated under this chapter is subject to the penalties  
 708 provided in subsection (4), unless the failure to inspect was  
 709 the result of an owner or operator's failure to provide  
 710 reasonable access to the boiler.

711 (4) A boiler insurance company, authorized inspection  
 712 agency, or other person in violation of this section for more  
 713 than 30 days shall pay a fine of \$10 per day for the first 10  
 714 days of noncompliance, \$50 per day for the subsequent 20 days of  
 715 noncompliance, and \$100 per day for each subsequent day over 20  
 716 days of noncompliance.

717 Section 16. Section 554.115, Florida Statutes, is amended  
 718 to read:

719 554.115 Disciplinary proceedings.—

720 (1) The department may deny, refuse to renew, suspend, or  
 721 revoke a certificate of operation ~~compliance~~ upon proof that:

722 (a) The certificate has been obtained by fraud or  
 723 misrepresentation;

724 (b) The boiler for which the certificate was issued cannot  
 725 be operated safely; ~~or~~

726 (c) The person who received the certificate willfully or  
727 deliberately violated the State Boiler Code, this chapter, ~~or~~  
728 ~~ss. 554.1011-554.115~~ or any other rule adopted pursuant to this  
729 chapter; or ss. 554.1011-554.115.

730 (d) The owner of a boiler:

731 1. Operated a boiler at a public assembly location without  
732 a valid certificate of operation for that boiler;

733 2. Used a certificate of operation for a boiler other than  
734 the boiler for which the certificate of operation was issued;

735 3. Gave false or forged information to the department, to  
736 an authorized inspection agency, or to another boiler inspector  
737 for the purpose of obtaining a certificate of operation;

738 4. Operated a boiler after the certificate of operation  
739 for the boiler expired, was not renewed, or was suspended or  
740 revoked;

741 5. Operated a boiler that is in an unsafe condition; or

742 6. Operated a boiler in a manner that is contrary to the  
743 requirements of this chapter or any rule adopted under this  
744 chapter.

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

747 (a) The certificate was obtained by fraud or  
748 misrepresentation;

749 (b) The inspector to whom the certificate was issued is no  
750 longer qualified under this chapter ~~ss. 554.1011-554.115~~ to

751 inspect boilers; or

752 (c) The boiler inspector:

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

755 2. Gave false or forged information to the department, an  
756 authorized inspection agency, or to another boiler inspector for  
757 the purpose of obtaining a certificate of operation; or  
758 ~~compliance;~~

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

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

763 ~~2.5.~~ Inspected any boiler regulated under this chapter ~~ss.~~  
764 ~~554.1011-554.115~~ without having obtained a valid certificate of  
765 competency.~~†~~

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

767 7. ~~Operated a boiler in a manner that is contrary to the~~  
768 ~~requirements of this chapter or any rule adopted under this~~  
769 ~~chapter.~~

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

775 (4) ~~A person in violation of this section who does not~~

776 | ~~have a valid certificate of competency shall be reported by the~~  
777 | ~~chief inspector to the appropriate state attorney.~~

778 | ~~(5) A person in violation of this section who has a valid~~  
779 | ~~certificate of competency is subject to administrative action by~~  
780 | ~~the chief inspector.~~

781 | (4) ~~(6)~~ A revocation of a certificate of competency is  
782 | permanent, and a revoked certificate of competency may not be  
783 | reinstated or a new certificate of competency issued to the same  
784 | person. A suspension of a certificate of competency continues in  
785 | effect until all violations have been corrected. ~~A suspension of~~  
786 | ~~a certificate of compliance for any boiler safety violation~~  
787 | ~~continues in effect until the boiler has been inspected by an~~  
788 | ~~authorized inspector and shown to be in safe working condition.~~

789 | Section 17. Section 554.1151, Florida Statutes, is created  
790 | to read:

791 | 554.1151 Administrative fine in lieu of or in addition to  
792 | suspension, revocation, or refusal to renew a certificate of  
793 | operation or competency.-

794 | (1) If the department finds that one or more grounds exist  
795 | for the suspension, revocation, or refusal to renew any  
796 | certificate of operation or certificate of competency issued  
797 | under this chapter, the department may, at its discretion, in  
798 | lieu of or in addition to suspension or revocation or in lieu of  
799 | refusal to renew, impose upon the certificateholder an  
800 | administrative penalty in an amount up to \$500, or, if the

801 department has found willful misconduct or willful violation on  
802 the part of the certificateholder, in an amount up to \$3,500.

803 (2) The department may allow the certificateholder a  
804 reasonable period, no more than 30 days, within which to pay to  
805 the department the amount of the penalty so imposed. If the  
806 certificateholder fails to pay the penalty in its entirety to  
807 the department within such period, the certificate of that  
808 person must be suspended until the penalty is paid. If the  
809 certificateholder fails to pay the penalty in its entirety to  
810 the department within 90 days after such period, the certificate  
811 of that person must be revoked.

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

814 624.307 General powers; duties.—

815 (7) The department and office, within existing resources,  
816 may expend funds for the professional development of its  
817 employees, including, but not limited to, professional dues for  
818 employees who are required to be members of professional  
819 organizations; examinations leading to professional designations  
820 required for employment with the office; training courses and  
821 examinations provided through, and to ensure compliance with,  
822 the National Association of Insurance Commissioners; or other  
823 training courses related to the regulation of insurance.

824 Section 19. Present subsections (1), (2), and (3) and (4)  
825 through (19) of section 626.015, Florida Statutes, are

826 redesignated as subsections (2), (3), and (4) and (6) through  
827 (21), respectively, present subsection (8) is amended, and new  
828 subsections (1) and (5) are added to that section, to read:

829 626.015 Definitions.—As used in this part:

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

834 (5) "Association" includes the Florida Association of  
835 Insurance Agents (FAIA), the National Association of Insurance  
836 and Financial Advisors (NAIFA), the Florida Association of  
837 Health Underwriters (FAHU), the Latin American Association of  
838 Insurance Agencies (LAAIA), the Florida Association of Public  
839 Insurance Adjusters (FAPIA), the Florida Bail Agents Association  
840 (FBAA), or the Professional Bail Agents of the United States  
841 (PBUS).

842 (10)~~(8)~~ "Insurance agency" means a business location at  
843 which an individual, firm, partnership, corporation,  
844 association, or other entity, other than an employee of the  
845 individual, firm, partnership, corporation, association, or  
846 other entity and other than an insurer as defined by s. 624.03  
847 or an adjuster as defined by subsection (2) ~~(1)~~, engages in any  
848 activity or employs individuals to engage in any activity which  
849 by law may be performed only by a licensed insurance agent.

850 Section 20. Section 626.207, Florida Statutes, is amended

851 to read:

852 626.207 Disqualification of applicants and licensees;  
 853 penalties against licensees; rulemaking authority.—

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

855 (a) "Applicant" means an individual applying for licensure  
 856 or relicensure under this chapter, and an officer, director,  
 857 majority owner, partner, manager, or other person who manages or  
 858 controls an entity applying for licensure or relicensure under  
 859 this chapter.

860 (c) "Financial services business" means any financial  
 861 activity regulated by the Department of Financial Services, the  
 862 Office of Insurance Regulation, or the Office of Financial  
 863 Regulation.

864 ~~(b)(2) For purposes of this section, the terms "Felony of~~  
 865 ~~the first degree" and "capital felony" include all felonies~~  
 866 ~~designated as such by the Florida Statutes, as well as any~~  
 867 ~~felony so designated in the jurisdiction in which the plea is~~  
 868 ~~entered or judgment is rendered.~~

869 ~~(2)(3) An applicant who has been found guilty of or has~~  
 870 ~~pleaded guilty or nolo contendere to any of the following~~  
 871 ~~crimes, regardless of adjudication, is permanently barred from~~  
 872 ~~licensure under this chapter: ~~commits~~~~

873 (a) A felony of the first degree;

874 (b) A capital felony;

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

876        (d) A felony embezzlement; or

877        (e) A felony directly related to the financial services  
878 business ~~is permanently barred from applying for a license under~~  
879 ~~this part. This bar applies to convictions, guilty pleas, or~~  
880 ~~nolo contendere pleas, regardless of adjudication, by any~~  
881 ~~applicant, officer, director, majority owner, partner, manager,~~  
882 ~~or other person who manages or controls any applicant.~~

883        (3)-(4) An applicant who has been found guilty of or has  
884 pleaded guilty or nolo contendere to a crime ~~For all other~~  
885 ~~crimes~~ not included in subsection (2), regardless of  
886 adjudication, is subject to (3), ~~the department shall adopt~~  
887 ~~rules establishing the process and application of disqualifying~~  
888 ~~periods that include:~~

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

892            (b) A 7-year disqualifying period for all felonies to  
893 which neither the permanent bar in subsection (2) ~~(3)~~ nor the  
894 15-year disqualifying period in paragraph (a) applies.

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

897        (4)-(5) The department shall adopt rules to administer this  
898 section. The rules must provide ~~providing~~ for additional  
899 disqualifying periods due to the commitment of multiple crimes  
900 and may include other factors reasonably related to the

901 applicant's criminal history. The rules shall provide for  
902 mitigating and aggravating factors. However, mitigation may not  
903 result in a period of disqualification of less than 7 years and  
904 may not mitigate the disqualifying periods in paragraphs (3) (b)  
905 and (c) ~~(4) (b) and (c)~~.

906 (5) ~~(6)~~ For purposes of this section, the disqualifying  
907 periods begin upon the applicant's final release from  
908 supervision or upon completion of the applicant's criminal  
909 sentence, ~~including payment of fines, restitution, and court~~  
910 ~~costs for the crime for which the disqualifying period applies.~~  
911 The department may not issue a license to an applicant unless  
912 all related fines, court costs and fees, and court-ordered  
913 restitution have been paid.

914 (6) ~~(7)~~ After the disqualifying period has expired ~~been~~  
915 ~~met~~, the burden is on the applicant to demonstrate that the  
916 applicant has been rehabilitated, does not pose a risk to the  
917 insurance-buying public, is fit and trustworthy to engage in the  
918 business of insurance pursuant to s. 626.611(1)(g), and is  
919 otherwise qualified for licensure.

920 (7) Notwithstanding subsections (2) and (3), upon a grant  
921 of a pardon or the restoration of civil rights pursuant to  
922 chapter 940 and s. 8, Art. IV of the State Constitution with  
923 respect to a finding of guilt or a plea under subsection (2) or  
924 subsection (3), such finding or plea no longer bars or  
925 disqualifies the applicant from licensure under this chapter

926 | unless the clemency specifically excludes licensure in the  
 927 | financial services business; however, a pardon or restoration of  
 928 | civil rights does not require the department to award such  
 929 | license.

930 |         (8) The department shall adopt rules establishing specific  
 931 | penalties against licensees in accordance with ss. 626.641 and  
 932 | 626.651 for violations of s. 626.611, s. 626.621, s. 626.8437,  
 933 | s. 626.844, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s.  
 934 | 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The  
 935 | purpose of the revocation or suspension is to provide a  
 936 | sufficient penalty to deter future violations of the Florida  
 937 | Insurance Code. The imposition of a revocation or the length of  
 938 | suspension shall be based on the type of conduct and the  
 939 | probability that the propensity to commit further illegal  
 940 | conduct has been overcome at the time of eligibility for  
 941 | relicensure. The length of suspension may be adjusted based on  
 942 | aggravating or mitigating factors, established by rule and  
 943 | consistent with this purpose.

944 |         (9) Section 112.011 does not apply to any applicants for  
 945 | licensure under the Florida Insurance Code, including, but not  
 946 | limited to, agents, agencies, adjusters, adjusting firms,  
 947 | customer representatives, or managing general agents.

948 |         Section 21. Section 626.9954, Florida Statutes, is amended  
 949 | to read:

950 |             626.9954 Disqualification from registration.—

951 (1) As used in this section, the terms "felony of the  
952 first degree" and "capital felony" include all felonies so  
953 designated by the laws of this state, as well as any felony so  
954 designated in the jurisdiction in which the plea is entered or  
955 judgment is rendered.

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

960 (a) A felony of the first degree;

961 (b) A capital felony;

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

963 (d) A felony embezzlement; or

964 (e) A felony directly related to the financial services  
965 business ~~is permanently barred from applying for registration~~  
966 ~~under this part. This bar applies to convictions, guilty pleas,~~  
967 ~~or nolo contendere pleas, regardless of adjudication, by an~~  
968 ~~applicant.~~

969 (3) An applicant who has been found guilty of or has  
970 pleaded guilty or nolo contendere to a crime ~~For all other~~  
971 ~~crimes~~ not described in subsection (2), regardless of  
972 adjudication, is subject to the department may adopt rules  
973 ~~establishing the process and application of disqualifying~~  
974 ~~periods including:~~

975 (a) A 15-year disqualifying period for all felonies

976 involving moral turpitude which are not specifically included in  
977 subsection (2).

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

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

982 (4) The department may adopt rules to administer this  
983 section. The rules must provide for ~~providing~~ additional  
984 disqualifying periods due to the commitment of multiple crimes  
985 and may include other factors reasonably related to the  
986 applicant's criminal history. The rules must provide for  
987 mitigating and aggravating factors. However, mitigation may not  
988 result in a disqualifying period of less than 7 years and may  
989 not mitigate the disqualifying periods in paragraph (3) (b) or  
990 paragraph (3) (c).

991 (5) For purposes of this section, the disqualifying  
992 periods begin upon the applicant's final release from  
993 supervision or upon completion of the applicant's criminal  
994 sentence, ~~including the payment of fines, restitution, and court~~  
995 ~~costs for the crime for which the disqualifying period applies.~~  
996 The department may not issue a registration to an applicant  
997 unless all related fines, court costs and fees, and court-  
998 ordered restitution have been paid.

999 (6) After the disqualifying period has expired ~~been met~~,  
1000 the burden is on the applicant to demonstrate to the

1001 satisfaction of the department that he or she has been  
1002 rehabilitated and does not pose a risk to the insurance-buying  
1003 public and is otherwise qualified for registration.

1004 (7) Notwithstanding subsections (2) and (3), upon a grant  
1005 of a pardon or the restoration of civil rights pursuant to  
1006 chapter 940 and s. 8, Art. IV of the State Constitution with  
1007 respect to a finding of guilt or a plea under subsection (2) or  
1008 subsection (3), such finding or plea no longer bars or  
1009 disqualifies the applicant from applying for registration under  
1010 this part unless the clemency specifically excludes licensure or  
1011 specifically excludes registration in the financial services  
1012 business; however, a pardon or restoration of civil rights does  
1013 not require the department to award such registration.

1014 (8)~~(7)~~ Section 112.011 does not apply to an applicant for  
1015 registration as a navigator.

1016 Section 22. Paragraph (a) of subsection (3) of section  
1017 626.2815, Florida Statutes, is amended, and paragraph (j) is  
1018 added to that subsection, to read:

1019 626.2815 Continuing education requirements.—

1020 (3) Each licensee except a title insurance agent must  
1021 complete a 5-hour update course every 2 years which is specific  
1022 to the license held by the licensee. The course must be  
1023 developed and offered by providers and approved by the  
1024 department. The content of the course must address all lines of  
1025 insurance for which examination and licensure are required and

1026 include the following subject areas: insurance law updates,  
1027 ethics for insurance professionals, disciplinary trends and case  
1028 studies, industry trends, premium discounts, determining  
1029 suitability of products and services, and other similar  
1030 insurance-related topics the department determines are relevant  
1031 to legally and ethically carrying out the responsibilities of  
1032 the license granted. A licensee who holds multiple insurance  
1033 licenses must complete an update course that is specific to at  
1034 least one of the licenses held. Except as otherwise specified,  
1035 any remaining required hours of continuing education are  
1036 elective and may consist of any continuing education course  
1037 approved by the department under this section.

1038 (a) Except as provided in paragraphs (b), (c), (d), (e),  
1039 ~~and~~ (i), and (j), each licensee must also complete 19 hours of  
1040 elective continuing education courses every 2 years.

1041 (j) For a licensee who is an active participant in an  
1042 association, 2 hours of elective continuing education credit per  
1043 calendar year may be approved by the department, if properly  
1044 reported by the association.

1045 Section 23. Paragraph (n) of subsection (1) and subsection  
1046 (2) of section 626.611, Florida Statutes, are amended to read:

1047 626.611 Grounds for compulsory refusal, suspension, or  
1048 revocation of agent's, title agency's, adjuster's, customer  
1049 representative's, service representative's, or managing general  
1050 agent's license or appointment.—

1051 (1) The department shall deny an application for, suspend,  
1052 revoke, or refuse to renew or continue the license or  
1053 appointment of any applicant, agent, title agency, adjuster,  
1054 customer representative, service representative, or managing  
1055 general agent, and it shall suspend or revoke the eligibility to  
1056 hold a license or appointment of any such person, if it finds  
1057 that as to the applicant, licensee, or appointee any one or more  
1058 of the following applicable grounds exist:

1059 (n) Having been found guilty of or having pleaded guilty  
1060 or nolo contendere to a felony or a crime punishable by  
1061 imprisonment of 1 year or more under the law of the United  
1062 States of America or of any state thereof or under the law of  
1063 any other country ~~which involves moral turpitude~~, without regard  
1064 to whether a judgment of conviction has been entered by the  
1065 court having jurisdiction of such cases.

1066 (2) The department shall, upon receipt of information or  
1067 an indictment, immediately temporarily suspend a license or  
1068 appointment issued under this chapter when the licensee is  
1069 charged with a felony enumerated in s. 626.207(2) ~~s. 626.207(3)~~.  
1070 Such suspension shall continue if the licensee is found guilty  
1071 of, or pleads guilty or nolo contendere to, the crime,  
1072 regardless of whether a judgment or conviction is entered,  
1073 during a pending appeal. A person may not transact insurance  
1074 business after suspension of his or her license or appointment.

1075 Section 24. Subsection (8) of section 626.621, Florida

1076 Statutes, is amended, and a new subsection (15) is added to that  
 1077 section, to read:

1078       626.621 Grounds for discretionary refusal, suspension, or  
 1079 revocation of agent's, adjuster's, customer representative's,  
 1080 service representative's, or managing general agent's license or  
 1081 appointment.—The department may, in its discretion, deny an  
 1082 application for, suspend, revoke, or refuse to renew or continue  
 1083 the license or appointment of any applicant, agent, adjuster,  
 1084 customer representative, service representative, or managing  
 1085 general agent, and it may suspend or revoke the eligibility to  
 1086 hold a license or appointment of any such person, if it finds  
 1087 that as to the applicant, licensee, or appointee any one or more  
 1088 of the following applicable grounds exist under circumstances  
 1089 for which such denial, suspension, revocation, or refusal is not  
 1090 mandatory under s. 626.611:

1091       ~~(8) Having been found guilty of or having pleaded guilty~~  
 1092 ~~or nolo contendere to a felony or a crime punishable by~~  
 1093 ~~imprisonment of 1 year or more under the law of the United~~  
 1094 ~~States of America or of any state thereof or under the law of~~  
 1095 ~~any other country, without regard to whether a judgment of~~  
 1096 ~~conviction has been entered by the court having jurisdiction of~~  
 1097 ~~such cases.~~

1098       (15) Denial, suspension, or revocation of, or any other  
 1099 adverse administrative action against, a license to practice or  
 1100 conduct any regulated profession, business, or vocation by this

1101 state, any other state, any nation, any possession or district  
 1102 of the United States, any court, or any lawful agency thereof.

1103 Section 25. Subsection (2) of section 626.7845, Florida  
 1104 Statutes, is amended to read:

1105 626.7845 Prohibition against unlicensed transaction of  
 1106 life insurance.—

1107 (2) Except as provided in s. 626.112(6), with respect to  
 1108 any line of authority specified in s. 626.015(12) ~~s.~~

1109 ~~626.015(10)~~, an ~~no~~ individual may not ~~shall~~, unless licensed as  
 1110 a life agent:

1111 (a) Solicit insurance or annuities or procure  
 1112 applications;

1113 (b) In this state, engage or hold himself or herself out  
 1114 as engaging in the business of analyzing or abstracting  
 1115 insurance policies or of counseling or advising or giving  
 1116 opinions to persons relative to insurance or insurance  
 1117 contracts, unless the individual is ~~other than~~:

1118 1. ~~As~~ A consulting actuary advising insurers ~~an insurer~~;  
 1119 or

1120 2. An employee ~~As to the counseling and advising of a~~  
 1121 labor union, association, employer, or other business entity  
 1122 ~~labor unions, associations, trustees, employers, or other~~  
 1123 ~~business entities, or~~ the subsidiaries and affiliates of each,  
 1124 who counsels and advises such entity or entities relative to  
 1125 their interests and those of their members or employees under

1126 | insurance benefit plans; or

1127 |       3. A trustee advising a settlor, a beneficiary, or a  
 1128 | person regarding his or her interests in a trust, relative to  
 1129 | insurance benefit plans; or

1130 |       (c) In this state, from this state, or with a resident of  
 1131 | this state, offer or attempt to negotiate on behalf of another  
 1132 | person a viatical settlement contract as defined in s. 626.9911.

1133 |       Section 26. Section 626.8305, Florida Statutes, is amended  
 1134 | to read:

1135 |       626.8305 Prohibition against the unlicensed transaction of  
 1136 | health insurance.—Except as provided in s. 626.112(6), with  
 1137 | respect to any line of authority specified in s. 626.015(8) ~~s.~~  
 1138 | ~~626.015(6)~~, an ~~no~~ individual may not shall, unless licensed as a  
 1139 | health agent:

1140 |       (1) Solicit insurance or procure applications; or

1141 |       (2) In this state, engage or hold himself or herself out  
 1142 | as engaging in the business of analyzing or abstracting  
 1143 | insurance policies or of counseling or advising or giving  
 1144 | opinions to persons relative to insurance contracts, unless the  
 1145 | individual is ~~other than~~:

1146 |       (a) ~~As~~ A consulting actuary advising insurers; ~~or~~

1147 |       (b) An employee ~~As to the counseling and advising of a~~  
 1148 | labor union, association, employer, or other business entity  
 1149 | ~~labor unions, associations, trustees, employers, or other~~  
 1150 | ~~business entities~~, or the subsidiaries and affiliates of each,

1151 who counsels and advises such entity or entities relative to  
1152 their interests and those of their members or employees under  
1153 insurance benefit plans; ~~or-~~

1154 (c) A trustee advising a settlor, a beneficiary, or a  
1155 person regarding his or her interests in a trust, relative to  
1156 insurance benefit plans.

1157 Section 27. Subsection (1) of section 626.861, Florida  
1158 Statutes, is amended to read:

1159 626.861 Insurer's officers, insurer's employees,  
1160 reciprocal insurer's representatives; adjustments by.-

1161 (1) This part may not ~~Nothing in this part shall~~ be  
1162 construed to prevent an executive officer of any insurer, ~~or~~ a  
1163 regularly salaried employee of an insurer handling claims with  
1164 respect to health insurance, a regular employee of an insurer  
1165 handling claims with respect to residential property when the  
1166 sublimit coverage does not exceed \$500, or the duly designated  
1167 attorney or agent authorized and acting for subscribers to  
1168 reciprocal insurers, from adjusting any claim loss or damage  
1169 under any insurance contract of such insurer.

1170 Section 28. Paragraph (c) of subsection (5) and subsection  
1171 (6) of section 626.9543, Florida Statutes, are amended to read:

1172 626.9543 Holocaust victims.-

1173 (5) PROOF OF A CLAIM.-Any insurer doing business in this  
1174 state, in receipt of a claim from a Holocaust victim or from a  
1175 beneficiary, descendant, or heir of a Holocaust victim, shall:

1176 (c) Permit claims irrespective of any statute of  
 1177 limitations or notice requirements imposed by any insurance  
 1178 policy issued, ~~provided the claim is submitted on or before July~~  
 1179 ~~1, 2018.~~

1180 (6) STATUTE OF LIMITATIONS.—Notwithstanding any law or  
 1181 agreement among the parties to an insurance policy to the  
 1182 contrary, any action brought by Holocaust victims or by a  
 1183 beneficiary, heir, or a descendant of a Holocaust victim seeking  
 1184 proceeds of an insurance policy issued or in effect between 1920  
 1185 and 1945, inclusive, may ~~shall~~ not be dismissed for failure to  
 1186 comply with the applicable statute of limitations or laches  
 1187 ~~provided the action is commenced on or before July 1, 2018.~~

1188 Section 29. Section 633.516, Florida Statutes, is amended  
 1189 to read:

1190 633.516 Studies of Division to make study of firefighter  
 1191 ~~employee~~ occupational diseases of firefighters or persons in  
 1192 other fire-related fields.—The division may contract for  
 1193 studies, subject to the availability of funding, of ~~shall make a~~  
 1194 ~~continuous study of firefighter employee~~ occupational diseases  
 1195 of firefighters or persons in other fire-related fields and the  
 1196 ways and means for the ~~their~~ control and prevention of such  
 1197 occupational diseases. When such a study or another study that  
 1198 is wholly or partly funded under an agreement, including a  
 1199 contract or grant, with the department tracks a disease of an  
 1200 individual firefighter or a person in another fire-related

1201 field, the division may, with associated security measures,  
1202 release the confidential information, including a social  
1203 security number, of that individual to a party who has entered  
1204 into an agreement with the department ~~and shall adopt rules~~  
1205 ~~necessary for such control and prevention. For this purpose, the~~  
1206 ~~division is authorized to cooperate with firefighter employers,~~  
1207 ~~firefighter employees, and insurers and with the Department of~~  
1208 ~~Health.~~

1209 Section 30. Paragraph (a) of subsection (6) and subsection  
1210 (7) of section 768.28, Florida Statutes, are amended to read:

1211 768.28 Waiver of sovereign immunity in tort actions;  
1212 recovery limits; limitation on attorney fees; statute of  
1213 limitations; exclusions; indemnification; risk management  
1214 programs.—

1215 (6) (a) An action may not be instituted on a claim against  
1216 the state or one of its agencies or subdivisions unless the  
1217 claimant presents the claim in writing to the appropriate  
1218 agency, and also, except as to any claim against a municipality,  
1219 ~~or~~ the Florida Space Authority, or county, presents such claim  
1220 in writing to the Department of Financial Services, within 3  
1221 years after such claim accrues and the Department of Financial  
1222 Services or the appropriate agency denies the claim in writing;  
1223 except that, if:

1224 1. Such claim is for contribution pursuant to s. 768.31,  
1225 it must be so presented within 6 months after the judgment

1226 | against the tortfeasor seeking contribution has become final by  
 1227 | lapse of time for appeal or after appellate review or, if there  
 1228 | is no such judgment, within 6 months after the tortfeasor  
 1229 | seeking contribution has either discharged the common liability  
 1230 | by payment or agreed, while the action is pending against her or  
 1231 | him, to discharge the common liability; or

1232 |         2. Such action is for wrongful death, the claimant must  
 1233 | present the claim in writing to the Department of Financial  
 1234 | Services within 2 years after the claim accrues.

1235 |         (7) In actions brought pursuant to this section, process  
 1236 | shall be served upon the head of the agency concerned and also,  
 1237 | except as to a defendant municipality, ~~or~~ the Florida Space  
 1238 | Authority, or county, upon the Department of Financial Services;  
 1239 | and the department or the agency concerned shall have 30 days  
 1240 | within which to plead thereto.

1241 |         Section 31. Subsections (3) and (4) and paragraph (e) of  
 1242 | subsection (5) of section 288.706, Florida Statutes, are amended  
 1243 | to read:

1244 |         288.706 Florida Minority Business Loan Mobilization  
 1245 | Program.—

1246 |         (3) Notwithstanding ss. 215.422(15) and 216.181(16) ~~ss.~~  
 1247 | ~~215.422(14) and 216.181(16)~~, and pursuant to s. 216.351, under  
 1248 | the Florida Minority Business Loan Mobilization Program, a state  
 1249 | agency may disburse up to 10 percent of the base contract award  
 1250 | amount to assist a minority business enterprise vendor that is

1251 awarded a state agency contract for goods or services in  
 1252 obtaining working capital financing as provided in subsection  
 1253 (5).

1254 (4) Notwithstanding ss. 215.422(15) and 216.181(16) ~~ss.~~  
 1255 ~~215.422(14) and 216.181(16)~~, and pursuant to s. 216.351, in lieu  
 1256 of applying for participation in the Florida Minority Business  
 1257 Loan Mobilization Program, a minority business enterprise vendor  
 1258 awarded a state agency contract for the performance of  
 1259 professional services may apply with that contracting state  
 1260 agency for up to 5 percent of the base contract award amount.  
 1261 The contracting state agency may award such advance in order to  
 1262 facilitate the performance of that contract.

1263 (5) The following Florida Minority Business Loan  
 1264 Mobilization Program procedures apply to minority business  
 1265 enterprise vendors for contracts awarded by a state agency for  
 1266 construction or professional services or for the provision of  
 1267 goods or services:

1268 (e) The following procedures shall apply when the minority  
 1269 business enterprise is the prime contract vendor to the  
 1270 contracting state agency:

1271 1. Pursuant to s. 216.351, ss. 215.422(15) and 216.181(16)  
 1272 ~~the provisions of ss. 215.422(14) and 216.181(16)~~ do not apply  
 1273 to this paragraph.

1274 2. For construction contracts, the designated loan  
 1275 mobilization payment shall be disbursed when:

1276 a. The minority business enterprise prime contract vendor  
 1277 requests disbursement in the first application for payment.

1278 b. The contracting state agency has issued a notice to  
 1279 proceed and has approved the first application for payment.

1280 3. For contracts other than construction contracts, the  
 1281 designated loan mobilization payment shall be disbursed when:

1282 a. The minority business enterprise prime contract vendor  
 1283 requests disbursement by letter delivered to the contracting  
 1284 state agency after the execution of the contract but prior to  
 1285 the commencement of work.

1286 b. The contracting state agency has approved the minority  
 1287 business enterprise prime contract vendor's letter of request.

1288 4. The designated loan mobilization payment may be paid by  
 1289 the contracting state agency prior to the commencement of work.

1290 In order to ensure that the contract time provisions do not  
 1291 commence until the minority business enterprise prime contract  
 1292 vendor has adequate working capital, the contract documents may  
 1293 provide that the contract shall commence at such time as the  
 1294 contracting state agency releases the designated loan  
 1295 mobilization payment to the minority business enterprise prime  
 1296 contract vendor and participating financial institution pursuant  
 1297 to the working capital agreement.

1298 Section 32. Section 626.7315, Florida Statutes, is amended  
 1299 to read:

1300 626.7315 Prohibition against the unlicensed transaction of

1301 general lines insurance.—With respect to any line of authority  
 1302 as defined in s. 626.015(7) ~~s. 626.015(5)~~, no individual shall,  
 1303 unless licensed as a general lines agent:

1304 (1) Solicit insurance or procure applications therefor;

1305 (2) In this state, receive or issue a receipt for any  
 1306 money on account of or for any insurer, or receive or issue a  
 1307 receipt for money from other persons to be transmitted to any  
 1308 insurer for a policy, contract, or certificate of insurance or  
 1309 any renewal thereof, even though the policy, certificate, or  
 1310 contract is not signed by him or her as agent or representative  
 1311 of the insurer, except as provided in s. 626.0428(1);

1312 (3) Directly or indirectly represent himself or herself to  
 1313 be an agent of any insurer or as an agent, to collect or forward  
 1314 any insurance premium, or to solicit, negotiate, effect,  
 1315 procure, receive, deliver, or forward, directly or indirectly,  
 1316 any insurance contract or renewal thereof or any endorsement  
 1317 relating to an insurance contract, or attempt to effect the  
 1318 same, of property or insurable business activities or interests,  
 1319 located in this state;

1320 (4) In this state, engage or hold himself or herself out  
 1321 as engaging in the business of analyzing or abstracting  
 1322 insurance policies or of counseling or advising or giving  
 1323 opinions, other than as a licensed attorney at law, relative to  
 1324 insurance or insurance contracts, for fee, commission, or other  
 1325 compensation, other than as a salaried bona fide full-time

1326 | employee so counseling and advising his or her employer relative  
 1327 | to the insurance interests of the employer and of the  
 1328 | subsidiaries or business affiliates of the employer;

1329 |       (5) In any way, directly or indirectly, make or cause to  
 1330 | be made, or attempt to make or cause to be made, any contract of  
 1331 | insurance for or on account of any insurer;

1332 |       (6) Solicit, negotiate, or in any way, directly or  
 1333 | indirectly, effect insurance contracts, if a member of a  
 1334 | partnership or association, or a stockholder, officer, or agent  
 1335 | of a corporation which holds an agency appointment from any  
 1336 | insurer; or

1337 |       (7) Receive or transmit applications for suretyship, or  
 1338 | receive for delivery bonds founded on applications forwarded  
 1339 | from this state, or otherwise procure suretyship to be effected  
 1340 | by a surety insurer upon the bonds of persons in this state or  
 1341 | upon bonds given to persons in this state.

1342 |       Section 33. Paragraph (c) of subsection (6) of section  
 1343 | 627.351, Florida Statutes, is amended to read:

1344 |       627.351 Insurance risk apportionment plans.—

1345 |       (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1346 |       (c) The corporation's plan of operation:

1347 |       1. Must provide for adoption of residential property and  
 1348 | casualty insurance policy forms and commercial residential and  
 1349 | nonresidential property insurance forms, which must be approved  
 1350 | by the office before use. The corporation shall adopt the

1351 following policy forms:

1352       a. Standard personal lines policy forms that are  
 1353 comprehensive multiperil policies providing full coverage of a  
 1354 residential property equivalent to the coverage provided in the  
 1355 private insurance market under an HO-3, HO-4, or HO-6 policy.

1356       b. Basic personal lines policy forms that are policies  
 1357 similar to an HO-8 policy or a dwelling fire policy that provide  
 1358 coverage meeting the requirements of the secondary mortgage  
 1359 market, but which is more limited than the coverage under a  
 1360 standard policy.

1361       c. Commercial lines residential and nonresidential policy  
 1362 forms that are generally similar to the basic perils of full  
 1363 coverage obtainable for commercial residential structures and  
 1364 commercial nonresidential structures in the admitted voluntary  
 1365 market.

1366       d. Personal lines and commercial lines residential  
 1367 property insurance forms that cover the peril of wind only. The  
 1368 forms are applicable only to residential properties located in  
 1369 areas eligible for coverage under the coastal account referred  
 1370 to in sub-subparagraph (b)2.a.

1371       e. Commercial lines nonresidential property insurance  
 1372 forms that cover the peril of wind only. The forms are  
 1373 applicable only to nonresidential properties located in areas  
 1374 eligible for coverage under the coastal account referred to in  
 1375 sub-subparagraph (b)2.a.

1376 f. The corporation may adopt variations of the policy  
1377 forms listed in sub-subparagraphs a.-e. which contain more  
1378 restrictive coverage.

1379 g. Effective January 1, 2013, the corporation shall offer  
1380 a basic personal lines policy similar to an HO-8 policy with  
1381 dwelling repair based on common construction materials and  
1382 methods.

1383 2. Must provide that the corporation adopt a program in  
1384 which the corporation and authorized insurers enter into quota  
1385 share primary insurance agreements for hurricane coverage, as  
1386 defined in s. 627.4025(2)(a), for eligible risks, and adopt  
1387 property insurance forms for eligible risks which cover the  
1388 peril of wind only.

1389 a. As used in this subsection, the term:

1390 (I) "Quota share primary insurance" means an arrangement  
1391 in which the primary hurricane coverage of an eligible risk is  
1392 provided in specified percentages by the corporation and an  
1393 authorized insurer. The corporation and authorized insurer are  
1394 each solely responsible for a specified percentage of hurricane  
1395 coverage of an eligible risk as set forth in a quota share  
1396 primary insurance agreement between the corporation and an  
1397 authorized insurer and the insurance contract. The  
1398 responsibility of the corporation or authorized insurer to pay  
1399 its specified percentage of hurricane losses of an eligible  
1400 risk, as set forth in the agreement, may not be altered by the

1401 inability of the other party to pay its specified percentage of  
1402 losses. Eligible risks that are provided hurricane coverage  
1403 through a quota share primary insurance arrangement must be  
1404 provided policy forms that set forth the obligations of the  
1405 corporation and authorized insurer under the arrangement,  
1406 clearly specify the percentages of quota share primary insurance  
1407 provided by the corporation and authorized insurer, and  
1408 conspicuously and clearly state that the authorized insurer and  
1409 the corporation may not be held responsible beyond their  
1410 specified percentage of coverage of hurricane losses.

1411 (II) "Eligible risks" means personal lines residential and  
1412 commercial lines residential risks that meet the underwriting  
1413 criteria of the corporation and are located in areas that were  
1414 eligible for coverage by the Florida Windstorm Underwriting  
1415 Association on January 1, 2002.

1416 b. The corporation may enter into quota share primary  
1417 insurance agreements with authorized insurers at corporation  
1418 coverage levels of 90 percent and 50 percent.

1419 c. If the corporation determines that additional coverage  
1420 levels are necessary to maximize participation in quota share  
1421 primary insurance agreements by authorized insurers, the  
1422 corporation may establish additional coverage levels. However,  
1423 the corporation's quota share primary insurance coverage level  
1424 may not exceed 90 percent.

1425 d. Any quota share primary insurance agreement entered

1426 into between an authorized insurer and the corporation must  
1427 provide for a uniform specified percentage of coverage of  
1428 hurricane losses, by county or territory as set forth by the  
1429 corporation board, for all eligible risks of the authorized  
1430 insurer covered under the agreement.

1431 e. Any quota share primary insurance agreement entered  
1432 into between an authorized insurer and the corporation is  
1433 subject to review and approval by the office. However, such  
1434 agreement shall be authorized only as to insurance contracts  
1435 entered into between an authorized insurer and an insured who is  
1436 already insured by the corporation for wind coverage.

1437 f. For all eligible risks covered under quota share  
1438 primary insurance agreements, the exposure and coverage levels  
1439 for both the corporation and authorized insurers shall be  
1440 reported by the corporation to the Florida Hurricane Catastrophe  
1441 Fund. For all policies of eligible risks covered under such  
1442 agreements, the corporation and the authorized insurer must  
1443 maintain complete and accurate records for the purpose of  
1444 exposure and loss reimbursement audits as required by fund  
1445 rules. The corporation and the authorized insurer shall each  
1446 maintain duplicate copies of policy declaration pages and  
1447 supporting claims documents.

1448 g. The corporation board shall establish in its plan of  
1449 operation standards for quota share agreements which ensure that  
1450 there is no discriminatory application among insurers as to the

1451 terms of the agreements, pricing of the agreements, incentive  
1452 provisions if any, and consideration paid for servicing policies  
1453 or adjusting claims.

1454 h. The quota share primary insurance agreement between the  
1455 corporation and an authorized insurer must set forth the  
1456 specific terms under which coverage is provided, including, but  
1457 not limited to, the sale and servicing of policies issued under  
1458 the agreement by the insurance agent of the authorized insurer  
1459 producing the business, the reporting of information concerning  
1460 eligible risks, the payment of premium to the corporation, and  
1461 arrangements for the adjustment and payment of hurricane claims  
1462 incurred on eligible risks by the claims adjuster and personnel  
1463 of the authorized insurer. Entering into a quota sharing  
1464 insurance agreement between the corporation and an authorized  
1465 insurer is voluntary and at the discretion of the authorized  
1466 insurer.

1467 3. May provide that the corporation may employ or  
1468 otherwise contract with individuals or other entities to provide  
1469 administrative or professional services that may be appropriate  
1470 to effectuate the plan. The corporation may borrow funds by  
1471 issuing bonds or by incurring other indebtedness, and shall have  
1472 other powers reasonably necessary to effectuate the requirements  
1473 of this subsection, including, without limitation, the power to  
1474 issue bonds and incur other indebtedness in order to refinance  
1475 outstanding bonds or other indebtedness. The corporation may

1476 seek judicial validation of its bonds or other indebtedness  
1477 under chapter 75. The corporation may issue bonds or incur other  
1478 indebtedness, or have bonds issued on its behalf by a unit of  
1479 local government pursuant to subparagraph (q)2. in the absence  
1480 of a hurricane or other weather-related event, upon a  
1481 determination by the corporation, subject to approval by the  
1482 office, that such action would enable it to efficiently meet the  
1483 financial obligations of the corporation and that such  
1484 financings are reasonably necessary to effectuate the  
1485 requirements of this subsection. The corporation may take all  
1486 actions needed to facilitate tax-free status for such bonds or  
1487 indebtedness, including formation of trusts or other affiliated  
1488 entities. The corporation may pledge assessments, projected  
1489 recoveries from the Florida Hurricane Catastrophe Fund, other  
1490 reinsurance recoverables, policyholder surcharges and other  
1491 surcharges, and other funds available to the corporation as  
1492 security for bonds or other indebtedness. In recognition of s.  
1493 10, Art. I of the State Constitution, prohibiting the impairment  
1494 of obligations of contracts, it is the intent of the Legislature  
1495 that no action be taken whose purpose is to impair any bond  
1496 indenture or financing agreement or any revenue source committed  
1497 by contract to such bond or other indebtedness.

1498 4. Must require that the corporation operate subject to  
1499 the supervision and approval of a board of governors consisting  
1500 of nine individuals who are residents of this state and who are

1501 from different geographical areas of the state, one of whom is  
1502 appointed by the Governor and serves solely to advocate on  
1503 behalf of the consumer. The appointment of a consumer  
1504 representative by the Governor is deemed to be within the scope  
1505 of the exemption provided in s. 112.313(7) (b) and is in addition  
1506 to the appointments authorized under sub-subparagraph a.

1507 a. The Governor, the Chief Financial Officer, the  
1508 President of the Senate, and the Speaker of the House of  
1509 Representatives shall each appoint two members of the board. At  
1510 least one of the two members appointed by each appointing  
1511 officer must have demonstrated expertise in insurance and be  
1512 deemed to be within the scope of the exemption provided in s.  
1513 112.313(7) (b). The Chief Financial Officer shall designate one  
1514 of the appointees as chair. All board members serve at the  
1515 pleasure of the appointing officer. All members of the board are  
1516 subject to removal at will by the officers who appointed them.  
1517 All board members, including the chair, must be appointed to  
1518 serve for 3-year terms beginning annually on a date designated  
1519 by the plan. However, for the first term beginning on or after  
1520 July 1, 2009, each appointing officer shall appoint one member  
1521 of the board for a 2-year term and one member for a 3-year term.  
1522 A board vacancy shall be filled for the unexpired term by the  
1523 appointing officer. The Chief Financial Officer shall appoint a  
1524 technical advisory group to provide information and advice to  
1525 the board in connection with the board's duties under this

1526 subsection. The executive director and senior managers of the  
 1527 corporation shall be engaged by the board and serve at the  
 1528 pleasure of the board. Any executive director appointed on or  
 1529 after July 1, 2006, is subject to confirmation by the Senate.  
 1530 The executive director is responsible for employing other staff  
 1531 as the corporation may require, subject to review and  
 1532 concurrence by the board.

1533       b. The board shall create a Market Accountability Advisory  
 1534 Committee to assist the corporation in developing awareness of  
 1535 its rates and its customer and agent service levels in  
 1536 relationship to the voluntary market insurers writing similar  
 1537 coverage.

1538       (I) The members of the advisory committee consist of the  
 1539 following 11 persons, one of whom must be elected chair by the  
 1540 members of the committee: four representatives, one appointed by  
 1541 the Florida Association of Insurance Agents, one by the Florida  
 1542 Association of Insurance and Financial Advisors, one by the  
 1543 Professional Insurance Agents of Florida, and one by the Latin  
 1544 American Association of Insurance Agencies; three  
 1545 representatives appointed by the insurers with the three highest  
 1546 voluntary market share of residential property insurance  
 1547 business in the state; one representative from the Office of  
 1548 Insurance Regulation; one consumer appointed by the board who is  
 1549 insured by the corporation at the time of appointment to the  
 1550 committee; one representative appointed by the Florida

1551 Association of Realtors; and one representative appointed by the  
1552 Florida Bankers Association. All members shall be appointed to  
1553 3-year terms and may serve for consecutive terms.

1554 (II) The committee shall report to the corporation at each  
1555 board meeting on insurance market issues which may include rates  
1556 and rate competition with the voluntary market; service,  
1557 including policy issuance, claims processing, and general  
1558 responsiveness to policyholders, applicants, and agents; and  
1559 matters relating to depopulation.

1560 5. Must provide a procedure for determining the  
1561 eligibility of a risk for coverage, as follows:

1562 a. Subject to s. 627.3517, with respect to personal lines  
1563 residential risks, if the risk is offered coverage from an  
1564 authorized insurer at the insurer's approved rate under a  
1565 standard policy including wind coverage or, if consistent with  
1566 the insurer's underwriting rules as filed with the office, a  
1567 basic policy including wind coverage, for a new application to  
1568 the corporation for coverage, the risk is not eligible for any  
1569 policy issued by the corporation unless the premium for coverage  
1570 from the authorized insurer is more than 15 percent greater than  
1571 the premium for comparable coverage from the corporation.

1572 Whenever an offer of coverage for a personal lines residential  
1573 risk is received for a policyholder of the corporation at  
1574 renewal from an authorized insurer, if the offer is equal to or  
1575 less than the corporation's renewal premium for comparable

1576 coverage, the risk is not eligible for coverage with the  
1577 corporation. If the risk is not able to obtain such offer, the  
1578 risk is eligible for a standard policy including wind coverage  
1579 or a basic policy including wind coverage issued by the  
1580 corporation; however, if the risk could not be insured under a  
1581 standard policy including wind coverage regardless of market  
1582 conditions, the risk is eligible for a basic policy including  
1583 wind coverage unless rejected under subparagraph 8. However, a  
1584 policyholder removed from the corporation through an assumption  
1585 agreement remains eligible for coverage from the corporation  
1586 until the end of the assumption period. The corporation shall  
1587 determine the type of policy to be provided on the basis of  
1588 objective standards specified in the underwriting manual and  
1589 based on generally accepted underwriting practices.

1590 (I) If the risk accepts an offer of coverage through the  
1591 market assistance plan or through a mechanism established by the  
1592 corporation other than a plan established by s. 627.3518, before  
1593 a policy is issued to the risk by the corporation or during the  
1594 first 30 days of coverage by the corporation, and the producing  
1595 agent who submitted the application to the plan or to the  
1596 corporation is not currently appointed by the insurer, the  
1597 insurer shall:

1598 (A) Pay to the producing agent of record of the policy for  
1599 the first year, an amount that is the greater of the insurer's  
1600 usual and customary commission for the type of policy written or

1601 a fee equal to the usual and customary commission of the  
 1602 corporation; or

1603 (B) Offer to allow the producing agent of record of the  
 1604 policy to continue servicing the policy for at least 1 year and  
 1605 offer to pay the agent the greater of the insurer's or the  
 1606 corporation's usual and customary commission for the type of  
 1607 policy written.

1608  
 1609 If the producing agent is unwilling or unable to accept  
 1610 appointment, the new insurer shall pay the agent in accordance  
 1611 with sub-sub-sub-subparagraph (A).

1612 (II) If the corporation enters into a contractual  
 1613 agreement for a take-out plan, the producing agent of record of  
 1614 the corporation policy is entitled to retain any unearned  
 1615 commission on the policy, and the insurer shall:

1616 (A) Pay to the producing agent of record, for the first  
 1617 year, an amount that is the greater of the insurer's usual and  
 1618 customary commission for the type of policy written or a fee  
 1619 equal to the usual and customary commission of the corporation;  
 1620 or

1621 (B) Offer to allow the producing agent of record to  
 1622 continue servicing the policy for at least 1 year and offer to  
 1623 pay the agent the greater of the insurer's or the corporation's  
 1624 usual and customary commission for the type of policy written.

1625

1626 If the producing agent is unwilling or unable to accept  
1627 appointment, the new insurer shall pay the agent in accordance  
1628 with sub-sub-sub-subparagraph (A).

1629       b. With respect to commercial lines residential risks, for  
1630 a new application to the corporation for coverage, if the risk  
1631 is offered coverage under a policy including wind coverage from  
1632 an authorized insurer at its approved rate, the risk is not  
1633 eligible for a policy issued by the corporation unless the  
1634 premium for coverage from the authorized insurer is more than 15  
1635 percent greater than the premium for comparable coverage from  
1636 the corporation. Whenever an offer of coverage for a commercial  
1637 lines residential risk is received for a policyholder of the  
1638 corporation at renewal from an authorized insurer, if the offer  
1639 is equal to or less than the corporation's renewal premium for  
1640 comparable coverage, the risk is not eligible for coverage with  
1641 the corporation. If the risk is not able to obtain any such  
1642 offer, the risk is eligible for a policy including wind coverage  
1643 issued by the corporation. However, a policyholder removed from  
1644 the corporation through an assumption agreement remains eligible  
1645 for coverage from the corporation until the end of the  
1646 assumption period.

1647       (I) If the risk accepts an offer of coverage through the  
1648 market assistance plan or through a mechanism established by the  
1649 corporation other than a plan established by s. 627.3518, before  
1650 a policy is issued to the risk by the corporation or during the

1651 first 30 days of coverage by the corporation, and the producing  
 1652 agent who submitted the application to the plan or the  
 1653 corporation is not currently appointed by the insurer, the  
 1654 insurer shall:

1655 (A) Pay to the producing agent of record of the policy,  
 1656 for the first year, an amount that is the greater of the  
 1657 insurer's usual and customary commission for the type of policy  
 1658 written or a fee equal to the usual and customary commission of  
 1659 the corporation; or

1660 (B) Offer to allow the producing agent of record of the  
 1661 policy to continue servicing the policy for at least 1 year and  
 1662 offer to pay the agent the greater of the insurer's or the  
 1663 corporation's usual and customary commission for the type of  
 1664 policy written.

1665  
 1666 If the producing agent is unwilling or unable to accept  
 1667 appointment, the new insurer shall pay the agent in accordance  
 1668 with sub-sub-sub-subparagraph (A).

1669 (II) If the corporation enters into a contractual  
 1670 agreement for a take-out plan, the producing agent of record of  
 1671 the corporation policy is entitled to retain any unearned  
 1672 commission on the policy, and the insurer shall:

1673 (A) Pay to the producing agent of record, for the first  
 1674 year, an amount that is the greater of the insurer's usual and  
 1675 customary commission for the type of policy written or a fee

1676 equal to the usual and customary commission of the corporation;  
1677 or

1678 (B) Offer to allow the producing agent of record to  
1679 continue servicing the policy for at least 1 year and offer to  
1680 pay the agent the greater of the insurer's or the corporation's  
1681 usual and customary commission for the type of policy written.

1682  
1683 If the producing agent is unwilling or unable to accept  
1684 appointment, the new insurer shall pay the agent in accordance  
1685 with sub-sub-sub-paragraph (A).

1686 c. For purposes of determining comparable coverage under  
1687 sub-paragraphs a. and b., the comparison must be based on  
1688 those forms and coverages that are reasonably comparable. The  
1689 corporation may rely on a determination of comparable coverage  
1690 and premium made by the producing agent who submits the  
1691 application to the corporation, made in the agent's capacity as  
1692 the corporation's agent. A comparison may be made solely of the  
1693 premium with respect to the main building or structure only on  
1694 the following basis: the same coverage A or other building  
1695 limits; the same percentage hurricane deductible that applies on  
1696 an annual basis or that applies to each hurricane for commercial  
1697 residential property; the same percentage of ordinance and law  
1698 coverage, if the same limit is offered by both the corporation  
1699 and the authorized insurer; the same mitigation credits, to the  
1700 extent the same types of credits are offered both by the

1701 corporation and the authorized insurer; the same method for loss  
1702 payment, such as replacement cost or actual cash value, if the  
1703 same method is offered both by the corporation and the  
1704 authorized insurer in accordance with underwriting rules; and  
1705 any other form or coverage that is reasonably comparable as  
1706 determined by the board. If an application is submitted to the  
1707 corporation for wind-only coverage in the coastal account, the  
1708 premium for the corporation's wind-only policy plus the premium  
1709 for the ex-wind policy that is offered by an authorized insurer  
1710 to the applicant must be compared to the premium for multiperil  
1711 coverage offered by an authorized insurer, subject to the  
1712 standards for comparison specified in this subparagraph. If the  
1713 corporation or the applicant requests from the authorized  
1714 insurer a breakdown of the premium of the offer by types of  
1715 coverage so that a comparison may be made by the corporation or  
1716 its agent and the authorized insurer refuses or is unable to  
1717 provide such information, the corporation may treat the offer as  
1718 not being an offer of coverage from an authorized insurer at the  
1719 insurer's approved rate.

1720 6. Must include rules for classifications of risks and  
1721 rates.

1722 7. Must provide that if premium and investment income for  
1723 an account attributable to a particular calendar year are in  
1724 excess of projected losses and expenses for the account  
1725 attributable to that year, such excess shall be held in surplus

1726 in the account. Such surplus must be available to defray  
1727 deficits in that account as to future years and used for that  
1728 purpose before assessing assessable insurers and assessable  
1729 insureds as to any calendar year.

1730 8. Must provide objective criteria and procedures to be  
1731 uniformly applied to all applicants in determining whether an  
1732 individual risk is so hazardous as to be uninsurable. In making  
1733 this determination and in establishing the criteria and  
1734 procedures, the following must be considered:

1735 a. Whether the likelihood of a loss for the individual  
1736 risk is substantially higher than for other risks of the same  
1737 class; and

1738 b. Whether the uncertainty associated with the individual  
1739 risk is such that an appropriate premium cannot be determined.

1740  
1741 The acceptance or rejection of a risk by the corporation shall  
1742 be construed as the private placement of insurance, and the  
1743 provisions of chapter 120 do not apply.

1744 9. Must provide that the corporation make its best efforts  
1745 to procure catastrophe reinsurance at reasonable rates, to cover  
1746 its projected 100-year probable maximum loss as determined by  
1747 the board of governors.

1748 10. The policies issued by the corporation must provide  
1749 that if the corporation or the market assistance plan obtains an  
1750 offer from an authorized insurer to cover the risk at its

1751 approved rates, the risk is no longer eligible for renewal  
 1752 through the corporation, except as otherwise provided in this  
 1753 subsection.

1754 11. Corporation policies and applications must include a  
 1755 notice that the corporation policy could, under this section, be  
 1756 replaced with a policy issued by an authorized insurer which  
 1757 does not provide coverage identical to the coverage provided by  
 1758 the corporation. The notice must also specify that acceptance of  
 1759 corporation coverage creates a conclusive presumption that the  
 1760 applicant or policyholder is aware of this potential.

1761 12. May establish, subject to approval by the office,  
 1762 different eligibility requirements and operational procedures  
 1763 for any line or type of coverage for any specified county or  
 1764 area if the board determines that such changes are justified due  
 1765 to the voluntary market being sufficiently stable and  
 1766 competitive in such area or for such line or type of coverage  
 1767 and that consumers who, in good faith, are unable to obtain  
 1768 insurance through the voluntary market through ordinary methods  
 1769 continue to have access to coverage from the corporation. If  
 1770 coverage is sought in connection with a real property transfer,  
 1771 the requirements and procedures may not provide an effective  
 1772 date of coverage later than the date of the closing of the  
 1773 transfer as established by the transferor, the transferee, and,  
 1774 if applicable, the lender.

1775 13. Must provide that, with respect to the coastal

1776 account, any assessable insurer with a surplus as to  
1777 policyholders of \$25 million or less writing 25 percent or more  
1778 of its total countrywide property insurance premiums in this  
1779 state may petition the office, within the first 90 days of each  
1780 calendar year, to qualify as a limited apportionment company. A  
1781 regular assessment levied by the corporation on a limited  
1782 apportionment company for a deficit incurred by the corporation  
1783 for the coastal account may be paid to the corporation on a  
1784 monthly basis as the assessments are collected by the limited  
1785 apportionment company from its insureds, but a limited  
1786 apportionment company must begin collecting the regular  
1787 assessments not later than 90 days after the regular assessments  
1788 are levied by the corporation, and the regular assessments must  
1789 be paid in full within 15 months after being levied by the  
1790 corporation. A limited apportionment company shall collect from  
1791 its policyholders any emergency assessment imposed under sub-  
1792 subparagraph (b)3.d. The plan must provide that, if the office  
1793 determines that any regular assessment will result in an  
1794 impairment of the surplus of a limited apportionment company,  
1795 the office may direct that all or part of such assessment be  
1796 deferred as provided in subparagraph (q)4. However, an emergency  
1797 assessment to be collected from policyholders under sub-  
1798 subparagraph (b)3.d. may not be limited or deferred.

1799       14. Must provide that the corporation appoint as its  
1800 licensed agents only those agents who throughout such

1801 appointments also hold an appointment as defined in s. 626.015  
1802 ~~s. 626.015(3)~~ by an insurer who is authorized to write and is  
1803 actually writing or renewing personal lines residential property  
1804 coverage, commercial residential property coverage, or  
1805 commercial nonresidential property coverage within the state.

1806 15. Must provide a premium payment plan option to its  
1807 policyholders which, at a minimum, allows for quarterly and  
1808 semiannual payment of premiums. A monthly payment plan may, but  
1809 is not required to, be offered.

1810 16. Must limit coverage on mobile homes or manufactured  
1811 homes built before 1994 to actual cash value of the dwelling  
1812 rather than replacement costs of the dwelling.

1813 17. Must provide coverage for manufactured or mobile home  
1814 dwellings. Such coverage must also include the following  
1815 attached structures:

1816 a. Screened enclosures that are aluminum framed or  
1817 screened enclosures that are not covered by the same or  
1818 substantially the same materials as those of the primary  
1819 dwelling;

1820 b. Carports that are aluminum or carports that are not  
1821 covered by the same or substantially the same materials as those  
1822 of the primary dwelling; and

1823 c. Patios that have a roof covering that is constructed of  
1824 materials that are not the same or substantially the same  
1825 materials as those of the primary dwelling.

1826  
 1827 The corporation shall make available a policy for mobile homes  
 1828 or manufactured homes for a minimum insured value of at least  
 1829 \$3,000.

1830 18. May provide such limits of coverage as the board  
 1831 determines, consistent with the requirements of this subsection.

1832 19. May require commercial property to meet specified  
 1833 hurricane mitigation construction features as a condition of  
 1834 eligibility for coverage.

1835 20. Must provide that new or renewal policies issued by  
 1836 the corporation on or after January 1, 2012, which cover  
 1837 sinkhole loss do not include coverage for any loss to  
 1838 appurtenant structures, driveways, sidewalks, decks, or patios  
 1839 that are directly or indirectly caused by sinkhole activity. The  
 1840 corporation shall exclude such coverage using a notice of  
 1841 coverage change, which may be included with the policy renewal,  
 1842 and not by issuance of a notice of nonrenewal of the excluded  
 1843 coverage upon renewal of the current policy.

1844 21. As of January 1, 2012, must require that the agent  
 1845 obtain from an applicant for coverage from the corporation an  
 1846 acknowledgment signed by the applicant, which includes, at a  
 1847 minimum, the following statement:

1848  
 1849 ACKNOWLEDGMENT OF POTENTIAL SURCHARGE  
 1850 AND ASSESSMENT LIABILITY:

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

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

3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

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

a. The corporation shall maintain, in electronic format or

1876 otherwise, a copy of the applicant's signed acknowledgment and  
1877 provide a copy of the statement to the policyholder as part of  
1878 the first renewal after the effective date of this subparagraph.

1879       b. The signed acknowledgment form creates a conclusive  
1880 presumption that the policyholder understood and accepted his or  
1881 her potential surcharge and assessment liability as a  
1882 policyholder of the corporation.

1883       Section 34. This act shall take effect July 1, 2017.