



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. 626.221,
115 F.S.; revising qualifications for exemption from
116 examinations for applicants for a license as an all-
117 lines adjuster; amending s. 626.2815, F.S.;
118 authorizing the department to approve a certain number
119 of elective continuing education credits for certain
120 insurance licensees; providing exceptions from a
121 certain continuing education requirement for such
122 licensees; amending s. 626.8734, F.S.; providing an
123 exemption from the nonresident examination requirement
124 for certain all-lines adjusters; amending s. 626.611,
125 F.S.; deleting a condition for the involvement of



126 moral turpitude in felonies or certain crimes in
127 relation to compulsory disciplinary actions by the
128 department against certain entities' licenses or
129 appointments; conforming a cross-reference; amending
130 s. 626.621, F.S.; revising grounds for the
131 department's discretionary refusal, suspension, or
132 revocation of the license or appointment of certain
133 persons; amending s. 626.7845, F.S.; revising an
134 exception to the prohibition against the unlicensed
135 transaction of life insurance; conforming a cross-
136 reference; amending s. 626.8305, F.S.; revising an
137 exception to the prohibition against the unlicensed
138 transaction of health insurance; conforming a cross-
139 reference; amending s. 626.861, F.S.; authorizing
140 certain insurer employees to adjust specified claim
141 losses or damage; amending s. 626.9543, F.S.; removing
142 the scheduled expiration of a requirement for insurers
143 to permit claims from a Holocaust victim or certain
144 related persons irrespective of certain conditions;
145 removing the scheduled expiration of an exception from
146 statutes of limitations or laches for certain actions
147 brought by Holocaust victims or certain related
148 persons; amending s. 633.516, F.S.; authorizing the
149 Division of State Fire Marshal within the division to
150 contract for studies of, rather than to make a



151 continuous study of, occupational diseases of
152 firefighters; adding persons in other fire-related
153 fields to such studies; authorizing the division to
154 release confidential information of an individual
155 firefighter or a person in another fire-related field
156 to certain parties under certain circumstances;
157 amending s. 658.21, F.S.; revising requirements
158 relating to the financial institution experience of
159 certain proposed directors and officers of a proposed
160 bank or trust company; amending s. 658.33, F.S.;
161 revising the residency requirement for certain
162 directors of a bank or trust company; revising
163 requirements relating to the financial institution
164 experience of certain officers of a bank or trust
165 company; amending s. 768.28, F.S.; providing
166 exceptions in tort claims against a county from
167 requirements that a claimant present the written claim
168 to the department within a specified timeframe and
169 serve process upon the department; amending ss.
170 288.706, 626.7315, and 627.351, F.S.; conforming
171 cross-references; repealing s. 43.19, F.S., relating
172 to the disposition of certain money paid into a court
173 which is unclaimed; amending s. 45.031, F.S.; revising
174 the time periods within which certain persons must
175 file claims for certain unclaimed surplus funds;



176 | amending s. 45.032, F.S.; deleting provisions defining
177 | and specifying the powers of a "surplus trustee";
178 | authorizing specified entities to claim surplus funds
179 | that remain after a judicial sale; specifying
180 | procedures for those entities to receive such funds;
181 | specifying procedures for the clerk to use in handling
182 | surpluses that remain unclaimed; specifying the
183 | entities eligible for the surplus once the funds have
184 | been remitted to the department; conforming provisions
185 | to changes made by the act; amending s. 45.033, F.S.;
186 | conforming a provision to changes made by the act;
187 | repealing s. 45.034, F.S., relating to qualifications
188 | and appointment of a surplus trustee in foreclosure
189 | actions; amending s. 45.035, F.S.; revising service
190 | charges that a clerk may receive and deduct from
191 | surplus amounts; amending s. 717.113, F.S.; exempting
192 | certain funds remaining after a judicial sale and held
193 | in a court registry from becoming payable or
194 | distributable and subject to certain reporting
195 | requirements; amending ss. 717.124, 717.138, and
196 | 717.1401, F.S.; conforming cross-references; providing
197 | an effective date.

198 |
199 | Be It Enacted by the Legislature of the State of Florida:
200 |



201 Section 1. Section 17.575, Florida Statutes, is amended to
202 read:

203 17.575 Administration of funds; Treasury Investment
204 Council ~~Committee~~.—

205 (1) There is created a Treasury Investment Council
206 ~~Committee~~ within the Division of Treasury consisting of at least
207 five members, at least three of whom are professionals from the
208 private sector, who must possess special knowledge, experience,
209 and familiarity in finance, investments, or accounting. The
210 members of the council ~~must committee~~ shall be appointed by and
211 serve at the pleasure of the Chief Financial Officer. Each
212 member shall serve a term of 4 years from the date of
213 appointment. The council ~~committee~~ shall annually elect a chair
214 and vice chair from among its members ~~membership~~.

215 (2) The council shall review the investments required by
216 s. 17.57; meet with staff of the Division of Treasury at least
217 biannually; and provide recommendations to the Division of
218 Treasury and the Chief Financial Officer regarding investment
219 policy, strategy, and procedures ~~The committee shall administer~~
220 ~~the Treasury Investment Program consistent with policies~~
221 ~~approved by the Chief Financial Officer for deposits and~~
222 ~~investments of public funds. The committee shall also make~~
223 ~~recommendations regarding investment policy to the Chief~~
224 ~~Financial Officer.~~

225 (3) Members of the council shall serve without additional



226 compensation or honorarium, but may receive per diem and
227 reimbursement for travel expenses as provided in s. 112.061 The
228 ~~committee shall submit an annual report outlining its activities~~
229 ~~and recommendations to the Chief Financial Officer and the Joint~~
230 ~~Legislative Auditing Committee. The report shall be submitted on~~
231 ~~August 15, 2009, and annually thereafter.~~

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

236 215.422 Payments, warrants, and invoices; processing time
237 limits; dispute resolution; agency or judicial branch
238 compliance.—

239 (14) All requirements set forth in this section apply to
240 payments made in accordance with s. 215.971.

241 Section 3. Section 554.1021, Florida Statutes, is
242 reordered and amended to read:

243 554.1021 Definitions.—As used in this chapter, the term
244 ~~ss. 554.1011-554.115:~~

245 (3)(1) "Boiler" means a closed vessel in which water or
246 other liquid is heated, steam or vapor is generated, steam is
247 superheated, or any combination of these functions is
248 accomplished, under pressure or vacuum, for use external to
249 itself, by the direct application of energy from the combustion
250 of fuels or from electricity or solar energy. The term "boiler"



251 includes fired units for heating or vaporizing liquids other
252 than water where these units are separate from processing
253 systems and are complete within themselves. The varieties of
254 boilers are as follows:

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

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

260 (a)~~(e)~~ "Heating boiler" means a steam or vapor boiler
261 operating at pressures not exceeding 15 psig, or a hot water
262 boiler operating at pressures not exceeding 160 psig or
263 temperatures not exceeding 250 °F.

264 (c)~~(d)~~ "Hot water supply boiler" means a boiler or a lined
265 storage water heater supplying heated water for use external to
266 itself operating at a pressure not exceeding 160 psig or
267 temperature not exceeding 250 °F.

268 (g)~~(e)~~ "Secondhand boiler" means a boiler that has changed
269 ownership and location subsequent to its original installation
270 and use.

271 (d) "Inservice boiler" means a boiler placed in use after
272 test firing and required inspections have been satisfactorily
273 completed.

274 (e) "Operating boiler" means a boiler connected and ready
275 for use.



276 (h) "Secured boiler" means a boiler that has been:
277 1. Physically disconnected from the system, including
278 disconnection from fuel, water, steam, electricity, and stack;
279 or
280 2. Locked out and tagged out in accordance with the
281 Occupational Safety and Health Administration's standard
282 relating to the control of hazardous energy and lockout or
283 tagout in 29 C.F.R. s. 1910.147, as adopted by rule of the
284 department.

285 (9)(2) "Public assembly locations" includes include
286 schools, day care centers, community centers, churches,
287 theaters, hospitals, nursing and convalescent homes, stadiums,
288 amusement parks, and other locations open to the general public.

289 (5)(3) "Certificate inspection" means an inspection whose
290 the report of which is used by the chief boiler inspector to
291 determine whether or not a certificate of operation may be
292 issued.

293 (7)(4) "Certificate of operation compliance" means a
294 document issued to the owner of a boiler which authorizes the
295 owner to operate the boiler, subject to any restrictions
296 endorsed thereon.

297 (6)(5) "Certificate of competency" means a document issued
298 to a person who has satisfied the minimum competency
299 requirements for boiler inspectors under this chapter ss.
300 554.1011-554.115.



301 ~~(8)-(6)~~ "Department" means the Department of Financial
302 Services.

303 ~~(1)-(7)~~ "A.S.M.E." means the American Society of Mechanical
304 Engineers.

305 (2) "Authorized inspection agency" means:

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

313 (b) An insurer authorized by a subsisting certificate of
314 authority, issued by the Office of Insurance Regulation, to
315 transact boiler and machinery insurance in this state, and whose
316 boiler inspectors hold valid certificates of competency in
317 accordance with s. 554.104; or

318 (c) An inspecting agency accredited in accordance with The
319 National Board of Boiler and Pressure Vessel Inspector's program
320 entitled "Accreditation of Authorized Inspection Agencies (AIA)
321 Performing Inservice or Repair/Alteration Inspection
322 Activities," document number NB-369, and whose boiler inspectors
323 hold valid certificates of competency in accordance with s.
324 554.104. The department shall, by rule, require such authorized
325 inspection agencies to maintain financial security adequate to



326 indemnify the owner of the boiler if such agency's negligence or
327 failure to inspect an uninsured boiler results in a loss. Such
328 inspection agency may inspect uninsured boilers or, at the
329 direction of an insurance company, may inspect a boiler insured
330 by that insurance company.

331 (4) "Boiler insurance company" means a company authorized
332 by a subsisting certificate of authority, issued by the Office
333 of Insurance Regulation, to transact boiler and machinery
334 insurance in this state.

335 Section 4. Section 554.103, Florida Statutes, is amended
336 to read:

337 554.103 Boiler code.—The department shall adopt by rule a
338 State Boiler Code for the safe construction, installation,
339 inspection, maintenance, and repair of boilers in this state.
340 The rules adopted shall be based upon and shall at all times
341 follow generally accepted nationwide engineering standards,
342 formulas, and practices pertaining to boiler construction and
343 safety.

344 (1) The department shall adopt an existing code for new
345 construction and installation known as the Boiler and Pressure
346 Vessel Code of the American Society of Mechanical Engineers,
347 including all amendments and interpretations ~~approved thereto by~~
348 ~~the Council on Codes and Standards of A.S.M.E.~~ The department
349 ~~may adopt amendments and interpretations~~ to the A.S.M.E. Boiler
350 and Pressure Vessel Code approved by the A.S.M.E. Council on



351 Codes and Standards subsequent to the adoption of the State
352 Boiler Code, and when so adopted by the department, such
353 amendments and interpretations ~~shall~~ become a part of the State
354 Boiler Code.

355 (2) The installer ~~owner~~ of any boiler placed in use in
356 this state after January 1, 2018, must, before installing the
357 boiler, apply on a form adopted by rule of the department for a
358 permit to install the boiler from the chief boiler inspector.
359 The application must include the boiler's A.S.M.E.
360 manufacturer's data report and other documents required by the
361 State Boiler Code before the boiler is placed in service. The
362 installer must contact the chief boiler inspector to schedule an
363 inspection for each boiler no later than 7 days before the
364 boiler is placed in service ~~after October 1, 1987, shall submit~~
365 ~~the A.S.M.E. manufacturer's data report on such boiler to the~~
366 ~~chief inspector not more than 90 days following the inservice~~
367 ~~date of the boiler.~~

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

374 (4) The maximum allowable working pressure of a boiler
375 that ~~which~~ does not carry the A.S.M.E. code symbol must ~~shall~~ be



376 | computed in accordance with the standards of the State Boiler
377 | Code.

378 | (5) This chapter may not ~~Nothing in ss. 554.1011-554.115~~
379 | ~~shall~~ be construed to in any way prevent the use, sale, or
380 | reinstallation of a boiler if such boiler has been made to
381 | conform to the applicable provisions of the State Boiler Code
382 | governing existing installations and if, upon inspection, the
383 | boiler has been found to be in a safe condition.

384 | (6) The department, at its discretion, may authorize the
385 | construction, installation, and operation of boilers of special
386 | design or construction which do not meet the specific
387 | requirements of the State Boiler Code, but which are consistent
388 | with the intent of the safety objectives of the code.

389 | (7) The department may adopt rules pursuant to ss.
390 | 120.536(1) and 120.54 to administer this chapter. Such rules may
391 | include specifying the procedures and forms to be used to obtain
392 | an installation permit, an initial certificate, or a renewal
393 | certificate, and the submission of reports and notices required
394 | under this chapter.

395 | Section 5. Section 554.104, Florida Statutes, is amended
396 | to read:

397 | 554.104 Certification of boiler inspectors required;
398 | application; qualifications; renewal ~~Boilers of special design.-~~
399 | ~~The department, at its discretion, may authorize the~~
400 | ~~construction, installation, and operation of boilers of special~~



401 ~~design or construction that do not meet the specific~~
402 ~~requirements of the State Boiler Code but are not inconsistent~~
403 ~~with the intent of the safety objectives of such code.~~

404 (1) CERTIFICATE REQUIRED.—A person may not be, act as, or
405 advertise or hold himself or herself out to be an inspector of a
406 boiler that is subject to regulation by this chapter, unless he
407 or she currently holds a certificate of competency issued by the
408 department.

409 (2) APPLICATION.—A person who desires to be certified to
410 inspect boilers that are subject to regulation by this chapter
411 must apply in writing to the department to take the
412 certification examination.

413 (3) QUALIFICATIONS.—A person is qualified to take the
414 certification examination if the person:

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

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

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

423 (d) Has:

424 1. At least 3 years of experience in the construction,
425 installation, inspection, operation, maintenance, or repair of



426 high pressure, high temperature water boilers; or

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

431 (4) TRAINING COURSE.—The department shall adopt by rule a
432 2-hour training course on the requirements of this chapter and
433 any related rules adopted by the department. The department
434 shall make the training course available online and may make the
435 course available in a classroom setting. A boiler insurance
436 company may include the department's course as part of its in-
437 house training of a boiler inspector student, in lieu of the
438 student taking the online training course. A boiler insurance
439 company that includes the department's course in its in-house
440 training of a boiler inspector student must indicate that the
441 student completed the training on an application filed with the
442 department for certification of competency.

443 (5) EXAMINATION.—A person applying for a certificate of
444 competency must have successfully passed the examination
445 administered by the National Board of Boiler and Pressure Vessel
446 Inspectors and be eligible to obtain a National Board
447 commission.

448 (6) ISSUANCE OF CERTIFICATE.—The chief boiler inspector
449 must issue a certificate of competency to each person who is
450 qualified under this section and who holds a commission from the



451 National Board of Boiler and Pressure Vessel Inspectors.

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

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

459 Section 6. Section 554.105, Florida Statutes, is amended
460 to read:

461 554.105 Chief boiler inspector.—

462 (1) The Chief Financial Officer shall appoint a chief
463 boiler inspector, who must have at least ~~shall have not less~~
464 ~~than~~ 5 years' experience in the construction, installation,
465 inspection, operation, maintenance, or repair of high pressure,
466 high temperature water boilers and who must ~~shall~~ hold a
467 commission from the National Board of Boiler and Pressure Vessel
468 Inspectors or a certificate of competency from the department.

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

471 (a) Take all action necessary to enforce the State Boiler
472 Code and the rules adopted pursuant to this chapter ~~ss.~~
473 ~~554.1011–554.115.~~

474 (b) Keep a complete record on all boilers at public
475 assembly locations. Such record must ~~shall~~ include the name of



476 | each boiler owner or user and the location, type, ~~dimensions,~~
477 | maximum allowable working pressure, age, ~~and~~ last recorded
478 | inspection of each boiler, and any other information necessary
479 | to expedite the certification process.

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

482 | ~~(d)~~ Expend funds necessary to meet the expenses authorized
483 | by this chapter ss. 554.1011-554.115, including the necessary
484 | travel expenses of the chief boiler inspector and deputy boiler
485 | inspectors, and the expenses incident to the maintenance of this
486 | ~~his or her~~ office.

487 | Section 7. Section 554.106, Florida Statutes, is amended
488 | to read:

489 | 554.106 Deputy boiler inspectors.—

490 | (1) The department shall employ deputy boiler inspectors
491 | who shall be responsible to the chief boiler inspector ~~and who~~
492 | ~~shall each hold a certificate of competency from the department.~~

493 | (2) A deputy boiler inspector shall perform inspections of
494 | uninsured boilers that are subject to regulation under this
495 | chapter, in accordance with the inspection frequency set forth
496 | in s. 554.108. A deputy boiler inspector may also engage in
497 | public outreach activities of the department and conduct other
498 | duties as assigned by the chief boiler inspector.

499 | Section 8. Section 554.107, Florida Statutes, is amended
500 | to read:



501 554.107 Special boiler inspectors.—

502 (1) Upon application by any authorized inspection agency
503 ~~company licensed to insure boilers in this state~~, the chief
504 boiler inspector shall issue a certificate of competency as a
505 special boiler inspector to any inspector employed by the
506 authorized inspection agency ~~company~~, ~~if provided that~~ such
507 boiler inspector satisfies the competency requirements for
508 inspectors as provided in s. 554.104 ~~s. 554.113~~. Special boiler
509 inspectors shall perform inspections of insured boilers in
510 accordance with the inspection frequency set forth in s.
511 554.108.

512 (2) The certificate of competency of a special boiler
513 inspector remains ~~shall remain~~ in effect only so long as the
514 special boiler inspector is employed by an authorized inspection
515 agency ~~a company licensed to insure boilers in this state~~. Upon
516 termination of employment with such company, such company ~~a~~
517 ~~special inspector~~ shall, in writing, notify the chief boiler
518 inspector of such special boiler inspector's termination. Such
519 notice must ~~shall~~ be given within 15 days following the date of
520 termination.

521 Section 9. Subsections (1), (2), (4), and (5) of section
522 554.108, Florida Statutes, are amended, and subsection (6) is
523 added to that section, to read:

524 554.108 Inspection.—

525 (1) The inspection requirements of this chapter apply only



526 to boilers located in public assembly locations. A potable hot
527 water supply boiler with a heat input of 200,000 British thermal
528 units (Btu) per hour and above, up to a heat input not exceeding
529 400,000 Btu per hour, is exempt from inspection, but must be
530 stamped with the A.S.M.E. code symbol "HLW" and the boiler's
531 A.S.M.E data report must be filed as required under s.
532 554.103(2) The only boilers required to be inspected under the
533 provisions of ss. 554.1011-554.115 are boilers located in public
534 assembly locations.

535 (2) Each inspection of a boiler conducted pursuant to this
536 chapter must ss. 554.1011-554.115 shall be made by the chief
537 boiler inspector, a deputy boiler inspector, or a special boiler
538 inspector. An owner or the owner's designee shall perform all
539 operation, testing, manipulation of boiler controls and safety
540 devices, removal of lagging, and disassembly of boiler
541 components to allow the chief boiler inspector, deputy boiler
542 inspector, or special boiler inspector to conduct inspections as
543 required by this section.

544 (4) Each boiler subject to inspection must be inspected
545 within 30 days after expiration of the boiler's certificate of
546 operation. However, an inspection report must be received by the
547 chief boiler inspector no later than 30 days after the projected
548 expiration date of the certificate of operation. If, upon
549 inspection, the chief boiler inspector, deputy boiler inspector,
550 or special boiler inspector finds that a boiler is in violation



551 of any provision of the State Boiler Code, the inspector must
552 promptly notify the owner or user and state what repairs or
553 other corrective measures are needed. Deputy boiler inspectors
554 and special boiler inspectors shall file a written report, on a
555 form adopted by rule of the department, on each certificate
556 inspection with the chief boiler inspector within 15 days after
557 the following such inspection. A certificate inspection report
558 must list all violations of the State Boiler Code and any
559 conditions that may adversely affect the operation of the
560 boiler. The filing of reports of inspections, other than
561 statutorily required ~~certificate~~ inspections, is are not
562 required unless such inspections disclose that a boiler is in an
563 unsafe condition or if the boiler has failed the inspection and
564 requires major repair or replacement. The inspection report must
565 list the extent of damage to the boiler, the cause of the
566 failure if known, and any other pertinent information. However,
567 an inspection report must be filed for any inspection performed
568 on a boiler with a previously identified code violation. The
569 report must indicate whether the violation has been corrected.
570 The agency responsible for conducting the inspection must
571 perform followup inspections, not more than every 6 months, of a
572 previously identified code violation until it is corrected.

573 (5) Upon a determination by the chief boiler inspector
574 ~~determining~~ that a boiler cannot be safely operated, ~~is in an~~
575 ~~unsafe condition and poses an imminent danger to the public~~



576 ~~health, safety, and welfare, the chief inspector, a deputy~~
577 ~~inspector, or a special inspector may immediately order the~~
578 ~~boiler must immediately to be shut down. The chief boiler~~
579 ~~inspector or a deputy boiler inspector shall attach a tag to the~~
580 ~~boiler indicating that the boiler has been shut down due to an~~
581 ~~unsafe condition. The boiler must ~~shall~~ remain shut down until a~~
582 ~~reinspection by the chief boiler inspector or a deputy boiler a~~
583 ~~certified inspector determines that all violations have been~~
584 ~~corrected, that the boiler may be operated safely, and that a~~
585 ~~certificate of compliance has been issued. A boiler that cannot~~
586 ~~be safely operated, as determined by the chief boiler inspector,~~
587 ~~is deemed to constitute an imminent danger to the public health,~~
588 ~~safety, and welfare.~~

589 (6) The department may adopt rules necessary to administer
590 this section.

591 Section 10. Section 554.1081, Florida Statutes, is created
592 to read:

593 554.1081 Boiler inspections by insurance companies and
594 local governmental agencies.—

595 (1) An insurance company insuring a boiler located in a
596 public assembly location in this state shall inspect, or shall
597 contract with an authorized inspection agency to inspect, the
598 insured boiler. A boiler insurance company shall annually report
599 to the department the name of any authorized inspection agency
600 performing any required boiler inspections on its behalf and



601 shall actively monitor insured boilers to ensure that
602 inspections are conducted as required by this chapter.

603 (2) A county, municipality, town, or other governmental
604 subdivision that has adopted into law the Boiler and Pressure
605 Vessel Code of the A.S.M.E. and the National Board Inspection
606 Code for the construction, installation, inspection,
607 maintenance, and repair of boilers to regulate boilers in public
608 assembly locations may inspect such boilers. All boiler
609 inspections must be conducted by special boiler inspectors in
610 accordance with this chapter.

611 Section 11. Section 554.109, Florida Statutes, is amended
612 to read:

613 554.109 Exemptions.—

614 ~~(1) Any insurance company insuring a boiler located in a~~
615 ~~public assembly location in this state shall inspect such boiler~~
616 ~~so insured, and any county, city, town, or other governmental~~
617 ~~subdivision which has adopted into law the Boiler and Pressure~~
618 ~~Vessel Code of the American Society of Mechanical Engineers and~~
619 ~~the National Board Inspection Code for the construction,~~
620 ~~installation, inspection, maintenance, and repair of boilers,~~
621 ~~regulating such boilers in public assembly locations, shall~~
622 ~~inspect such boilers so regulated; provided that such inspection~~
623 ~~shall be conducted by a special inspector licensed pursuant to~~
624 ~~ss. 554.1011-554.115. Upon filing of a report of satisfactory~~
625 ~~inspection with the department, such boiler is exempt from~~



626 ~~inspection by the department.~~

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

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

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

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

635

636 ~~These exempt hot water supply boilers and lined storage water~~
637 ~~heaters shall be equipped with safety relief valves conforming~~
638 ~~to the requirements of the Boiler and Pressure Vessel Code of~~
639 ~~the American Society of Mechanical Engineers and of the National~~
640 ~~Board Inspection Code.~~

641 Section 12. Section 554.1101, Florida Statutes, is amended
642 to read:

643 554.1101 Certificate of operation ~~compliance~~.—

644 (1) If an inspection report filed pursuant to s. 554.108
645 shows a boiler to be in compliance with all applicable
646 provisions of the State Boiler Code, the chief boiler inspector
647 must ~~shall~~, upon receipt of the inspection fee, issue a
648 certificate of operation ~~compliance~~ to the owner. Such
649 certificate must ~~shall~~ bear the date of the inspection and
650 specify the maximum pressure at which the boiler may be



651 operated.

652 (2) The certificate for a power boiler or a high pressure,
653 high temperature water boiler is valid for a period of 12 months
654 from the date of the certificate inspection. The certificate for
655 a heating boiler or a hot water supply boiler is valid for a
656 period of 24 months from the date of the certificate inspection.
657 The certificate must ~~shall~~ be posted under glass, or be
658 similarly protected, in the room containing the boiler.

659 (3) A boiler insurance company shall notify the chief
660 boiler inspector within 30 days after the issuance of a new or
661 renewal boiler and machinery insurance policy, or the
662 cancellation or nonrenewal of a boiler and machinery insurance
663 policy, covering places of public assembly in this state.

664 (4) If the chief boiler inspector has knowledge that a
665 boiler regulated under this chapter was covered by a boiler and
666 machinery insurance policy after its most recent certification
667 inspection, the certificateholder must, upon the request of the
668 chief boiler inspector, submit its certificate of boiler and
669 machinery insurance for the boiler if the department has not
670 received the special boiler inspector's annual inspection report
671 within 30 days after its due date.

672 Section 13. Section 554.111, Florida Statutes, is amended
673 to read:

674 554.111 Fees.—

675 (1) The department shall charge the following fees:



676 (a) For an applicant for a certificate of competency, the
 677 initial application fee shall be \$50, and the annual renewal fee
 678 shall be \$30. The fee for examination shall be \$50.

679 (b) For certificate inspections conducted by the
 680 department:

- 681 1. For power boilers and high pressure, high temperature
 682 water boilers of:
- 683 4,000 square feet or less heating surface.....\$60
 - 684 More than 4,000 square feet heating surface and less than 10,000
 685 square feet of heating surface.....\$70
 - 686 10,000 square feet or more heating surface.....\$90

- 687 2. For heating boilers:
- 688 Without a manhole.....\$40
 - 689 With a manhole.....\$70

690 3. For hot water supply boilers.....\$40

691 (c) For issuance of a ~~compliance~~ certificate of operation
 692 without a department inspection.....\$30

693 (d) Duplicate certificates or address
 694 changes.....\$5

695 (e) An application for a boiler permit must include the
 696 applicable certificate inspection fee provided in paragraph (b).

697 (2) Not more than an amount equal to one certificate
 698 inspection fee may ~~shall~~ be charged or collected for any and all
 699 boiler inspections in any inspection period, except as otherwise
 700 provided in this chapter ~~ss. 554.1011-554.115.~~



701 (a) When it is necessary to make a special trip to observe
702 the application of a hydrostatic test, an additional fee equal
703 to the fee for a certificate inspection of the boiler must ~~shall~~
704 be charged.

705 (b) All other inspections, including shop inspections,
706 surveys, and inspections of secondhand boilers made by the chief
707 boiler inspector or a deputy boiler inspector, must ~~shall~~ be
708 charged at the rate of not less than \$270 for one-half day of 4
709 hours, and \$500 for 1 full day of 8 hours, plus travel, hotel,
710 and incidental expenses in accordance with chapter 112.

711 (3) The chief boiler inspector shall deposit all fees or
712 finer received pursuant to this chapter ~~ss. 554.1011-554.115~~
713 into the Insurance Regulatory Trust Fund.

714 Section 14. Sections 554.112 and 554.113, Florida
715 Statutes, are repealed.

716 Section 15. Section 554.114, Florida Statutes, is amended
717 to read:

718 554.114 Prohibitions; penalties.—

719 (1) A person may not:

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

722 (b) ~~Give false or forged information to the department or~~
723 ~~an inspector for the purpose of obtaining a certificate of~~
724 ~~compliance;~~

725 (c) Use a certificate of operation ~~compliance~~ for any



726 boiler other than for the boiler for which it was issued;
727 (c)~~(d)~~ Operate a boiler for which the certificate of
728 operation compliance has been suspended, revoked, or not
729 renewed;

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

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

735 (2) A boiler insurance company that fails to inspect or to
736 have inspected, in accordance with this chapter, any boiler
737 insured by the company and regulated under this chapter is
738 subject to the penalties provided in subsection (4), unless the
739 failure to inspect was the result of an owner or operator's
740 failure to provide reasonable access to the boiler ~~Any person~~
741 ~~who violates this section is guilty of a misdemeanor of the~~
742 ~~second degree, punishable by fine as provided in s. 775.083.~~

743 (3) An authorized inspection agency that is under contract
744 with a boiler insurance company and that fails to inspect, in
745 accordance with this chapter, any boiler insured by the company
746 and regulated under this chapter is subject to the penalties
747 provided in subsection (4), unless the failure to inspect was
748 the result of an owner or operator's failure to provide
749 reasonable access to the boiler.

750 (4) A boiler insurance company, authorized inspection



751 agency, or other person in violation of this section for more
752 than 30 days shall pay a fine of \$10 per day for the first 10
753 days of noncompliance, \$50 per day for the subsequent 20 days of
754 noncompliance, and \$100 per day for each subsequent day over 20
755 days of noncompliance.

756 Section 16. Section 554.115, Florida Statutes, is amended
757 to read:

758 554.115 Disciplinary proceedings.—

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

761 (a) The certificate has been obtained by fraud or
762 misrepresentation;

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

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

769 (d) The owner of a boiler:

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

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

774 3. Gave false or forged information to the department, to
775 an authorized inspection agency, or to another boiler inspector



776 | for the purpose of obtaining a certificate of operation;
777 | 4. Operated a boiler after the certificate of operation
778 | for the boiler expired, was not renewed, or was suspended or
779 | revoked;
780 | 5. Operated a boiler that is in an unsafe condition; or
781 | 6. Operated a boiler in a manner that is contrary to the
782 | requirements of this chapter or any rule adopted under this
783 | chapter.
784 | (2) The department may deny, refuse to renew, suspend, or
785 | revoke a certificate of competency upon proof that:
786 | (a) The certificate was obtained by fraud or
787 | misrepresentation;
788 | (b) The inspector to whom the certificate was issued is no
789 | longer qualified under this chapter ~~ss. 554.1011-554.115~~ to
790 | inspect boilers; or
791 | (c) The boiler inspector:
792 | 1. ~~Operated a boiler at a public assembly location without~~
793 | ~~a valid certificate of compliance for that boiler;~~
794 | 2. ~~Gave false or forged information to the department, an~~
795 | authorized inspection agency, or to another boiler inspector for
796 | the purpose of obtaining a certificate of operation; or
797 | compliance;
798 | 3. ~~Used a certificate of compliance for any boiler other~~
799 | ~~than the boiler for which it was issued;~~
800 | 4. ~~Operated a boiler for which the certificate of~~



801 ~~compliance has been suspended or revoked or has expired;~~
802 ~~2.5.~~ Inspected any boiler regulated under this chapter ~~ss.~~
803 ~~554.1011-554.115~~ without having obtained a valid certificate of
804 competency.~~.~~
805 ~~6. Operated a boiler that is in an unsafe condition; or~~
806 ~~7. Operated a boiler in a manner that is contrary to the~~
807 ~~requirements of this chapter or any rule adopted under this~~
808 ~~chapter.~~
809 (3) Each suspension of a certificate of operation
810 ~~compliance~~ or certificate of competency shall continue in effect
811 until all violations have been corrected and, for boiler safety
812 violations, until the boiler has been inspected by an authorized
813 inspector and shown to be in a safe working condition.
814 ~~(4) A person in violation of this section who does not~~
815 ~~have a valid certificate of competency shall be reported by the~~
816 ~~chief inspector to the appropriate state attorney.~~
817 ~~(5) A person in violation of this section who has a valid~~
818 ~~certificate of competency is subject to administrative action by~~
819 ~~the chief inspector.~~
820 (4)~~(6)~~ A revocation of a certificate of competency is
821 permanent, and a revoked certificate of competency may not be
822 reinstated or a new certificate of competency issued to the same
823 person. A suspension of a certificate of competency continues in
824 effect until all violations have been corrected. ~~A suspension of~~
825 ~~a certificate of compliance for any boiler safety violation~~



826 ~~continues in effect until the boiler has been inspected by an~~
827 ~~authorized inspector and shown to be in safe working condition.~~

828 Section 17. Section 554.1151, Florida Statutes, is created
829 to read:

830 554.1151 Administrative fine in lieu of or in addition to
831 suspension, revocation, or refusal to renew a certificate of
832 operation or competency.—

833 (1) If the department finds that one or more grounds exist
834 for the suspension, revocation, or refusal to renew any
835 certificate of operation or certificate of competency issued
836 under this chapter, the department may, at its discretion, in
837 lieu of or in addition to suspension or revocation or in lieu of
838 refusal to renew, impose upon the certificateholder an
839 administrative penalty in an amount up to \$500, or, if the
840 department has found willful misconduct or willful violation on
841 the part of the certificateholder, in an amount up to \$3,500.

842 (2) The department may allow the certificateholder a
843 reasonable period, no more than 30 days, within which to pay to
844 the department the amount of the penalty so imposed. If the
845 certificateholder fails to pay the penalty in its entirety to
846 the department within such period, the certificate of that
847 person must be suspended until the penalty is paid. If the
848 certificateholder fails to pay the penalty in its entirety to
849 the department within 90 days after such period, the certificate
850 of that person must be revoked.



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

853 624.307 General powers; duties.—

854 (7) The department and office, within existing resources,
855 may expend funds for the professional development of its
856 employees, including, but not limited to, professional dues for
857 employees who are required to be members of professional
858 organizations; examinations leading to professional designations
859 required for employment with the office; training courses and
860 examinations provided through, and to ensure compliance with,
861 the National Association of Insurance Commissioners; or other
862 training courses related to the regulation of insurance.

863 Section 19. Present subsections (1), (2), and (3) and (4)
864 through (19) of section 626.015, Florida Statutes, are
865 redesignated as subsections (2), (3), and (4) and (6) through
866 (21), respectively, present subsection (8) is amended, and new
867 subsections (1) and (5) are added to that section, to read:

868 626.015 Definitions.—As used in this part:

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

873 (5) "Association" includes the Florida Association of
874 Insurance Agents (FAIA), the National Association of Insurance
875 and Financial Advisors (NAIFA), the Florida Association of



876 Health Underwriters (FAHU), the Latin American Association of
877 Insurance Agencies (LAAIA), the Florida Association of Public
878 Insurance Adjusters (FAPIA), the Florida Bail Agents Association
879 (FBAA), or the Professional Bail Agents of the United States
880 (PBUS).

881 (10)~~(8)~~ "Insurance agency" means a business location at
882 which an individual, firm, partnership, corporation,
883 association, or other entity, other than an employee of the
884 individual, firm, partnership, corporation, association, or
885 other entity and other than an insurer as defined by s. 624.03
886 or an adjuster as defined by subsection (2) ~~(1)~~, engages in any
887 activity or employs individuals to engage in any activity which
888 by law may be performed only by a licensed insurance agent.

889 Section 20. Section 626.207, Florida Statutes, is amended
890 to read:

891 626.207 Disqualification of applicants and licensees;
892 penalties against licensees; rulemaking authority.—

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

894 (a) "Applicant" means an individual applying for licensure
895 or relicensure under this chapter, and an officer, director,
896 majority owner, partner, manager, or other person who manages or
897 controls an entity applying for licensure or relicensure under
898 this chapter.

899 (c) "Financial services business" means any financial
900 activity regulated by the Department of Financial Services, the



901 Office of Insurance Regulation, or the Office of Financial
902 Regulation.

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

908 ~~(2)(3)~~ An applicant who has been found guilty of or has
909 pleaded guilty or nolo contendere to any of the following
910 crimes, regardless of adjudication, is permanently barred from
911 licensure under this chapter: ~~commits~~

912 (a) A felony of the first degree;

913 (b) A capital felony;

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

915 (d) A felony embezzlement; or

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

922 ~~(3)(4)~~ An applicant who has been found guilty of or has
923 pleaded guilty or nolo contendere to a crime ~~For all other~~
924 ~~crimes~~ not included in subsection (2), regardless of
925 adjudication, is subject to (3), the department shall adopt



926 | ~~rules establishing the process and application of disqualifying~~
927 | ~~periods that include:~~

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

931 | (b) A 7-year disqualifying period for all felonies to
932 | which neither the permanent bar in subsection (2) ~~(3)~~ nor the
933 | 15-year disqualifying period in paragraph (a) applies.

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

936 | (4)(5) ~~The department shall adopt rules to administer this~~
937 | section. The rules must provide ~~providing~~ for additional
938 | disqualifying periods due to the commitment of multiple crimes
939 | and may include other factors reasonably related to the
940 | applicant's criminal history. The rules shall provide for
941 | mitigating and aggravating factors. However, mitigation may not
942 | result in a period of disqualification of less than 7 years and
943 | may not mitigate the disqualifying periods in paragraphs (3) (b)
944 | and (c) ~~(4) (b) and (e)~~.

945 | (5)(6) For purposes of this section, the disqualifying
946 | periods begin upon the applicant's final release from
947 | supervision or upon completion of the applicant's criminal
948 | sentence, ~~including payment of fines, restitution, and court~~
949 | ~~costs for the crime for which the disqualifying period applies.~~
950 | The department may not issue a license to an applicant unless



951 all related fines, court costs and fees, and court-ordered
952 restitution have been paid.

953 (6)-(7) After the disqualifying period has expired ~~been~~
954 ~~met~~, the burden is on the applicant to demonstrate that the
955 applicant has been rehabilitated, does not pose a risk to the
956 insurance-buying public, is fit and trustworthy to engage in the
957 business of insurance pursuant to s. 626.611(1)(g), and is
958 otherwise qualified for licensure.

959 (7) Notwithstanding subsections (2) and (3), upon a grant
960 of a pardon or the restoration of civil rights pursuant to
961 chapter 940 and s. 8, Art. IV of the State Constitution with
962 respect to a finding of guilt or a plea under subsection (2) or
963 subsection (3), such finding or plea no longer bars or
964 disqualifies the applicant from licensure under this chapter
965 unless the clemency specifically excludes licensure in the
966 financial services business; however, a pardon or restoration of
967 civil rights does not require the department to award such
968 license.

969 (8) The department shall adopt rules establishing specific
970 penalties against licensees in accordance with ss. 626.641 and
971 626.651 for violations of s. 626.611, s. 626.621, s. 626.8437,
972 s. 626.844, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s.
973 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The
974 purpose of the revocation or suspension is to provide a
975 sufficient penalty to deter future violations of the Florida



976 Insurance Code. The imposition of a revocation or the length of
 977 suspension shall be based on the type of conduct and the
 978 probability that the propensity to commit further illegal
 979 conduct has been overcome at the time of eligibility for
 980 relicensure. The length of suspension may be adjusted based on
 981 aggravating or mitigating factors, established by rule and
 982 consistent with this purpose.

983 (9) Section 112.011 does not apply to any applicants for
 984 licensure under the Florida Insurance Code, including, but not
 985 limited to, agents, agencies, adjusters, adjusting firms,
 986 customer representatives, or managing general agents.

987 Section 21. Section 626.9954, Florida Statutes, is amended
 988 to read:

989 626.9954 Disqualification from registration.—

990 (1) As used in this section, the terms "felony of the
 991 first degree" and "capital felony" include all felonies so
 992 designated by the laws of this state, as well as any felony so
 993 designated in the jurisdiction in which the plea is entered or
 994 judgment is rendered.

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

999 (a) A felony of the first degree;

1000 (b) A capital felony;



1001 (c) A felony involving money laundering; ~~fraud, or~~
1002 (d) A felony embezzlement; or
1003 (e) A felony directly related to the financial services
1004 business ~~is permanently barred from applying for registration~~
1005 ~~under this part. This bar applies to convictions, guilty pleas,~~
1006 ~~or nolo contendere pleas, regardless of adjudication, by an~~
1007 applicant.

1008 (3) An applicant who has been found guilty of or has
1009 pleaded guilty or nolo contendere to a crime ~~For all other~~
1010 ~~crimes~~ not described in subsection (2), regardless of
1011 adjudication, is subject to the department may adopt rules
1012 ~~establishing the process and application of disqualifying~~
1013 ~~periods including:~~

1014 (a) A 15-year disqualifying period for all felonies
1015 involving moral turpitude which are not specifically included in
1016 subsection (2).

1017 (b) A 7-year disqualifying period for all felonies not
1018 specifically included in subsection (2) or paragraph (a).

1019 (c) A 7-year disqualifying period for all misdemeanors
1020 directly related to the financial services business.

1021 (4) The department may adopt rules to administer this
1022 section. The rules must provide for ~~providing~~ additional
1023 disqualifying periods due to the commitment of multiple crimes
1024 and may include other factors reasonably related to the
1025 applicant's criminal history. The rules must provide for



1026 mitigating and aggravating factors. However, mitigation may not
1027 result in a disqualifying period of less than 7 years and may
1028 not mitigate the disqualifying periods in paragraph (3) (b) or
1029 paragraph (3) (c).

1030 (5) For purposes of this section, the disqualifying
1031 periods begin upon the applicant's final release from
1032 supervision or upon completion of the applicant's criminal
1033 sentence, ~~including the payment of fines, restitution, and court~~
1034 ~~costs for the crime for which the disqualifying period applies.~~
1035 The department may not issue a registration to an applicant
1036 unless all related fines, court costs and fees, and court-
1037 ordered restitution have been paid.

1038 (6) After the disqualifying period has expired ~~been met~~,
1039 the burden is on the applicant to demonstrate to the
1040 satisfaction of the department that he or she has been
1041 rehabilitated and does not pose a risk to the insurance-buying
1042 public and is otherwise qualified for registration.

1043 (7) Notwithstanding subsections (2) and (3), upon a grant
1044 of a pardon or the restoration of civil rights pursuant to
1045 chapter 940 and s. 8, Art. IV of the State Constitution with
1046 respect to a finding of guilt or a plea under subsection (2) or
1047 subsection (3), such finding or plea no longer bars or
1048 disqualifies the applicant from applying for registration under
1049 this part unless the clemency specifically excludes licensure or
1050 specifically excludes registration in the financial services



1051 business; however, a pardon or restoration of civil rights does
1052 not require the department to award such registration.

1053 (8)-(7) Section 112.011 does not apply to an applicant for
1054 registration as a navigator.

1055 Section 22. Paragraph (j) of subsection (2) of section
1056 626.221, Florida Statutes, is amended to read:

1057 626.221 Examination requirement; exemptions.—

1058 (2) However, an examination is not necessary for any of
1059 the following:

1060 (j) An applicant for license as an all-lines adjuster who
1061 has the designation of Accredited Claims Adjuster (ACA) from a
1062 regionally accredited postsecondary institution in this state,
1063 Associate in Claims (AIC) from the Insurance Institute of
1064 America, Professional Claims Adjuster (PCA) from the
1065 Professional Career Institute, Professional Property Insurance
1066 Adjuster (PPIA) from the HurriClaim Training Academy, Certified
1067 Adjuster (CA) from ALL LINES Training, ~~or~~ Certified Claims
1068 Adjuster (CCA) from AE21 Incorporated, or Universal Claims
1069 Certification (UCC) from Claims and Litigation Management
1070 Alliance (CLM) whose curriculum has been approved by the
1071 department and which includes comprehensive analysis of basic
1072 property and casualty lines of insurance and testing at least
1073 equal to that of standard department testing for the all-lines
1074 adjuster license. The department shall adopt rules establishing
1075 standards for the approval of curriculum.



1076 Section 23. Paragraph (a) of subsection (3) of section
1077 626.2815, Florida Statutes, is amended, and paragraph (j) is
1078 added to subsection (3) and paragraph (k) is added to subsection
1079 (7) of that section, to read:

1080 626.2815 Continuing education requirements.—

1081 (3) Each licensee except a title insurance agent must
1082 complete a 5-hour update course every 2 years which is specific
1083 to the license held by the licensee. The course must be
1084 developed and offered by providers and approved by the
1085 department. The content of the course must address all lines of
1086 insurance for which examination and licensure are required and
1087 include the following subject areas: insurance law updates,
1088 ethics for insurance professionals, disciplinary trends and case
1089 studies, industry trends, premium discounts, determining
1090 suitability of products and services, and other similar
1091 insurance-related topics the department determines are relevant
1092 to legally and ethically carrying out the responsibilities of
1093 the license granted. A licensee who holds multiple insurance
1094 licenses must complete an update course that is specific to at
1095 least one of the licenses held. Except as otherwise specified,
1096 any remaining required hours of continuing education are
1097 elective and may consist of any continuing education course
1098 approved by the department under this section.

1099 (a) Except as provided in paragraphs (b), (c), (d), (e),
1100 ~~and~~ (i), and (j), each licensee must also complete 19 hours of



1101 elective continuing education courses every 2 years.

1102 (j) For a licensee who is an active participant in an
1103 association, 2 hours of elective continuing education credit per
1104 calendar year may be approved by the department, if properly
1105 reported by the association.

1106 (7) The following courses may be completed in order to
1107 meet the elective continuing education course requirements:

1108 (k) Any part of the Claims and Litigation Management
1109 Alliance (CLM) Universal Claims Certification (UCC) professional
1110 certification: 19 hours of elective continuing education and 5
1111 hours of the continuing education required under subsection (3).

1112 Section 24. Paragraph (b) of subsection (1) of section
1113 626.8734, Florida Statutes, is amended to read:

1114 626.8734 Nonresident all-lines adjuster license
1115 qualifications.—

1116 (1) The department shall issue a license to an applicant
1117 for a nonresident all-lines adjuster license upon determining
1118 that the applicant has paid the applicable license fees required
1119 under s. 624.501 and:

1120 (b) Has passed to the satisfaction of the department a
1121 written Florida all-lines adjuster examination of the scope
1122 prescribed in s. 626.241(6); however, the requirement for the
1123 examination does not apply to:

1124 1. An applicant who is licensed as an all-lines adjuster
1125 in his or her home state if that state has entered into a



1126 reciprocal agreement with the department; ~~or~~

1127 2. An applicant who is licensed as a nonresident all-lines
1128 adjuster in a state other than his or her home state and a
1129 reciprocal agreement with the appropriate official of the state
1130 of licensure has been entered into with the department; or

1131 3. An applicant who meets the requirements of s.
1132 626.221(2)(j).

1133 Section 25. Paragraph (n) of subsection (1) and subsection
1134 (2) of section 626.611, Florida Statutes, are amended to read:

1135 626.611 Grounds for compulsory refusal, suspension, or
1136 revocation of agent's, title agency's, adjuster's, customer
1137 representative's, service representative's, or managing general
1138 agent's license or appointment.—

1139 (1) The department shall deny an application for, suspend,
1140 revoke, or refuse to renew or continue the license or
1141 appointment of any applicant, agent, title agency, adjuster,
1142 customer representative, service representative, or managing
1143 general agent, and it shall suspend or revoke the eligibility to
1144 hold a license or appointment of any such person, if it finds
1145 that as to the applicant, licensee, or appointee any one or more
1146 of the following applicable grounds exist:

1147 (n) Having been found guilty of or having pleaded guilty
1148 or nolo contendere to a felony or a crime punishable by
1149 imprisonment of 1 year or more under the law of the United
1150 States of America or of any state thereof or under the law of



1151 any other country ~~which involves moral turpitude~~, without regard
1152 to whether a judgment of conviction has been entered by the
1153 court having jurisdiction of such cases.

1154 (2) The department shall, upon receipt of information or
1155 an indictment, immediately temporarily suspend a license or
1156 appointment issued under this chapter when the licensee is
1157 charged with a felony enumerated in s. 626.207(2) ~~s. 626.207(3)~~.
1158 Such suspension shall continue if the licensee is found guilty
1159 of, or pleads guilty or nolo contendere to, the crime,
1160 regardless of whether a judgment or conviction is entered,
1161 during a pending appeal. A person may not transact insurance
1162 business after suspension of his or her license or appointment.

1163 Section 26. Subsection (8) of section 626.621, Florida
1164 Statutes, is amended, and a new subsection (15) is added to that
1165 section, to read:

1166 626.621 Grounds for discretionary refusal, suspension, or
1167 revocation of agent's, adjuster's, customer representative's,
1168 service representative's, or managing general agent's license or
1169 appointment.—The department may, in its discretion, deny an
1170 application for, suspend, revoke, or refuse to renew or continue
1171 the license or appointment of any applicant, agent, adjuster,
1172 customer representative, service representative, or managing
1173 general agent, and it may suspend or revoke the eligibility to
1174 hold a license or appointment of any such person, if it finds
1175 that as to the applicant, licensee, or appointee any one or more



1176 of the following applicable grounds exist under circumstances
1177 for which such denial, suspension, revocation, or refusal is not
1178 mandatory under s. 626.611:

1179 ~~(8) Having been found guilty of or having pleaded guilty~~
1180 ~~or nolo contendere to a felony or a crime punishable by~~
1181 ~~imprisonment of 1 year or more under the law of the United~~
1182 ~~States of America or of any state thereof or under the law of~~
1183 ~~any other country, without regard to whether a judgment of~~
1184 ~~conviction has been entered by the court having jurisdiction of~~
1185 ~~such cases.~~

1186 (15) Denial, suspension, or revocation of, or any other
1187 adverse administrative action against, a license to practice or
1188 conduct any regulated profession, business, or vocation by this
1189 state, any other state, any nation, any possession or district
1190 of the United States, any court, or any lawful agency thereof.

1191 Section 27. Subsection (2) of section 626.7845, Florida
1192 Statutes, is amended to read:

1193 626.7845 Prohibition against unlicensed transaction of
1194 life insurance.—

1195 (2) Except as provided in s. 626.112(6), with respect to
1196 any line of authority specified in s. 626.015(12) ~~s.~~
1197 ~~626.015(10)~~, an ~~no~~ individual may not ~~shall~~, unless licensed as
1198 a life agent:

1199 (a) Solicit insurance or annuities or procure
1200 applications;



1201 (b) In this state, engage or hold himself or herself out
 1202 as engaging in the business of analyzing or abstracting
 1203 insurance policies or of counseling or advising or giving
 1204 opinions to persons relative to insurance or insurance
 1205 contracts, unless the individual is ~~other than:~~

1206 1. ~~As~~ A consulting actuary advising insurers ~~an insurer;~~
 1207 or

1208 2. An employee ~~As to the counseling and advising of a~~
 1209 labor union, association, employer, or other business entity
 1210 ~~labor unions, associations, trustees, employers, or other~~
 1211 ~~business entities, or~~ the subsidiaries and affiliates of each,
 1212 who counsels and advises such entity or entities relative to
 1213 their interests and those of their members or employees under
 1214 insurance benefit plans; or

1215 3. A trustee advising a settlor, a beneficiary, or a
 1216 person regarding his or her interests in a trust, relative to
 1217 insurance benefit plans; or

1218 (c) In this state, from this state, or with a resident of
 1219 this state, offer or attempt to negotiate on behalf of another
 1220 person a viatical settlement contract as defined in s. 626.9911.

1221 Section 28. Section 626.8305, Florida Statutes, is amended
 1222 to read:

1223 626.8305 Prohibition against the unlicensed transaction of
 1224 health insurance.—Except as provided in s. 626.112(6), with
 1225 respect to any line of authority specified in s. 626.015(8) ~~s.~~



1226 ~~626.015(6)~~, an ~~no~~ individual may not shall, unless licensed as a
 1227 health agent:

- 1228 (1) Solicit insurance or procure applications; or
- 1229 (2) In this state, engage or hold himself or herself out
 1230 as engaging in the business of analyzing or abstracting
 1231 insurance policies or of counseling or advising or giving
 1232 opinions to persons relative to insurance contracts, unless the
 1233 individual is other than:

- 1234 (a) ~~As~~ A consulting actuary advising insurers; ~~or~~
- 1235 (b) An employee ~~As to the counseling and advising of a~~
 1236 labor union, association, employer, or other business entity
 1237 ~~labor unions, associations, trustees, employers, or other~~
 1238 ~~business entities, or~~ the subsidiaries and affiliates of each,
 1239 who counsels and advises such entity or entities relative to
 1240 their interests and those of their members or employees under
 1241 insurance benefit plans; or-
- 1242 (c) A trustee advising a settlor, a beneficiary, or a
 1243 person regarding his or her interests in a trust, relative to
 1244 insurance benefit plans.

1245 Section 29. Subsection (1) of section 626.861, Florida
 1246 Statutes, is amended to read:

1247 626.861 Insurer's officers, insurer's employees,
 1248 reciprocal insurer's representatives; adjustments by.-

- 1249 (1) This part may not ~~Nothing in this part shall~~ be
 1250 construed to prevent an executive officer of any insurer, ~~or~~ a



1251 regularly salaried employee of an insurer handling claims with
1252 respect to health insurance, a regular employee of an insurer
1253 handling claims with respect to residential property when the
1254 sublimit coverage does not exceed \$500, or the duly designated
1255 attorney or agent authorized and acting for subscribers to
1256 reciprocal insurers, from adjusting any claim loss or damage
1257 under any insurance contract of such insurer.

1258 Section 30. Paragraph (c) of subsection (5) and subsection
1259 (6) of section 626.9543, Florida Statutes, are amended to read:

1260 626.9543 Holocaust victims.—

1261 (5) PROOF OF A CLAIM.—Any insurer doing business in this
1262 state, in receipt of a claim from a Holocaust victim or from a
1263 beneficiary, descendant, or heir of a Holocaust victim, shall:

1264 (c) Permit claims irrespective of any statute of
1265 limitations or notice requirements imposed by any insurance
1266 policy issued, ~~provided the claim is submitted on or before July~~
1267 ~~1, 2018.~~

1268 (6) STATUTE OF LIMITATIONS.—Notwithstanding any law or
1269 agreement among the parties to an insurance policy to the
1270 contrary, any action brought by Holocaust victims or by a
1271 beneficiary, heir, or a descendant of a Holocaust victim seeking
1272 proceeds of an insurance policy issued or in effect between 1920
1273 and 1945, inclusive, may ~~shall~~ not be dismissed for failure to
1274 comply with the applicable statute of limitations or laches
1275 ~~provided the action is commenced on or before July 1, 2018.~~



1276 Section 31. Section 633.516, Florida Statutes, is amended
1277 to read:

1278 633.516 Studies of Division to make study of firefighter
1279 employee occupational diseases of firefighters or persons in
1280 other fire-related fields.—The division may contract for
1281 studies, subject to the availability of funding, of ~~shall make a~~
1282 ~~continuous study of firefighter employee occupational diseases~~
1283 of firefighters or persons in other fire-related fields and the
1284 ways and means for the ~~their~~ control and prevention of such
1285 occupational diseases. When such a study or another study that
1286 is wholly or partly funded under an agreement, including a
1287 contract or grant, with the department tracks a disease of an
1288 individual firefighter or a person in another fire-related
1289 field, the division may, with associated security measures,
1290 release the confidential information, including a social
1291 security number, of that individual to a party who has entered
1292 into an agreement with the department ~~and shall adopt rules~~
1293 ~~necessary for such control and prevention. For this purpose, the~~
1294 ~~division is authorized to cooperate with firefighter employers,~~
1295 ~~firefighter employees, and insurers and with the Department of~~
1296 ~~Health.~~

1297 Section 32. Subsection (4) of section 658.21, Florida
1298 Statutes, is amended to read:

1299 658.21 Approval of application; findings required.—The
1300 office shall approve the application if it finds that:



1301 (4) The proposed officers have sufficient financial
1302 institution experience, ability, standing, and reputation and
1303 the proposed directors have sufficient business experience,
1304 ability, standing, and reputation to indicate reasonable promise
1305 of successful operation, and none of the proposed officers or
1306 directors has been convicted of, or pled guilty or nolo
1307 contendere to, any violation of s. 655.50, relating to the
1308 control of money laundering and terrorist financing; chapter
1309 896, relating to offenses related to financial institutions; or
1310 similar state or federal law. At least two of the proposed
1311 directors who are not also proposed officers must have had at
1312 least 1 year direct experience as an executive officer,
1313 regulator, or director of a financial institution within the 5 ~~3~~
1314 years before the date of the application. However, if the
1315 applicant demonstrates that at least one of the proposed
1316 directors has very substantial experience as an executive
1317 officer, director, or regulator of a financial institution more
1318 than 5 ~~3~~ years before the date of the application, the office
1319 may modify the requirement and allow only one director to have
1320 direct financial institution experience within the last 5 ~~3~~
1321 years. The proposed president or chief executive officer must
1322 have had at least 1 year of direct experience as an executive
1323 officer, director, or regulator of a financial institution
1324 within the last 5 ~~3~~ years.



1325 Section 33. Subsections (2) and (5) of section 658.33,
1326 Florida Statutes, are amended to read:

1327 658.33 Directors, number, qualifications; officers.—

1328 (2) Not less than a majority of the directors must, during
1329 their whole term of service, be citizens of the United States,
1330 and at least a majority ~~three-fifths~~ of the directors must have
1331 resided in this state for at least 1 year preceding their
1332 election and must be residents therein during their continuance
1333 in office. In the case of a bank or trust company with total
1334 assets of less than \$150 million, at least one, and in the case
1335 of a bank or trust company with total assets of \$150 million or
1336 more, two of the directors who are not also officers of the bank
1337 or trust company must have had at least 1 year of direct
1338 experience as an executive officer, regulator, or director of a
1339 financial institution within the last 5 ~~3~~ years.

1340 (5) The president, chief executive officer, or any other
1341 person, regardless of title, who has equivalent rank or leads
1342 the overall operations of a bank or trust company must have had
1343 at least 1 year of direct experience as an executive officer,
1344 director, or regulator of a financial institution within the
1345 last 5 ~~3~~ years. This requirement may be waived by the office
1346 after considering the overall experience and expertise of the
1347 proposed officer and the condition of the bank or trust company,
1348 as reflected in the most recent regulatory examination report
1349 and other available data.



1350 Section 34. Paragraph (a) of subsection (6) and subsection
1351 (7) of section 768.28, Florida Statutes, are amended to read:

1352 768.28 Waiver of sovereign immunity in tort actions;
1353 recovery limits; limitation on attorney fees; statute of
1354 limitations; exclusions; indemnification; risk management
1355 programs.—

1356 (6) (a) An action may not be instituted on a claim against
1357 the state or one of its agencies or subdivisions unless the
1358 claimant presents the claim in writing to the appropriate
1359 agency, and also, except as to any claim against a municipality,
1360 ~~or~~ the Florida Space Authority, or county, presents such claim
1361 in writing to the Department of Financial Services, within 3
1362 years after such claim accrues and the Department of Financial
1363 Services or the appropriate agency denies the claim in writing;
1364 except that, if:

1365 1. Such claim is for contribution pursuant to s. 768.31,
1366 it must be so presented within 6 months after the judgment
1367 against the tortfeasor seeking contribution has become final by
1368 lapse of time for appeal or after appellate review or, if there
1369 is no such judgment, within 6 months after the tortfeasor
1370 seeking contribution has either discharged the common liability
1371 by payment or agreed, while the action is pending against her or
1372 him, to discharge the common liability; or

1373 2. Such action is for wrongful death, the claimant must
1374 present the claim in writing to the Department of Financial



1375 Services within 2 years after the claim accrues.

1376 (7) In actions brought pursuant to this section, process
1377 shall be served upon the head of the agency concerned and also,
1378 except as to a defendant municipality, ~~or~~ the Florida Space
1379 Authority, or county, upon the Department of Financial Services;
1380 and the department or the agency concerned shall have 30 days
1381 within which to plead thereto.

1382 Section 35. Subsections (3) and (4) and paragraph (e) of
1383 subsection (5) of section 288.706, Florida Statutes, are amended
1384 to read:

1385 288.706 Florida Minority Business Loan Mobilization
1386 Program.—

1387 (3) Notwithstanding ss. 215.422(15) and 216.181(16) ~~ss.~~
1388 ~~215.422(14) and 216.181(16)~~, and pursuant to s. 216.351, under
1389 the Florida Minority Business Loan Mobilization Program, a state
1390 agency may disburse up to 10 percent of the base contract award
1391 amount to assist a minority business enterprise vendor that is
1392 awarded a state agency contract for goods or services in
1393 obtaining working capital financing as provided in subsection
1394 (5).

1395 (4) Notwithstanding ss. 215.422(15) and 216.181(16) ~~ss.~~
1396 ~~215.422(14) and 216.181(16)~~, and pursuant to s. 216.351, in lieu
1397 of applying for participation in the Florida Minority Business
1398 Loan Mobilization Program, a minority business enterprise vendor
1399 awarded a state agency contract for the performance of



1400 professional services may apply with that contracting state
1401 agency for up to 5 percent of the base contract award amount.
1402 The contracting state agency may award such advance in order to
1403 facilitate the performance of that contract.

1404 (5) The following Florida Minority Business Loan
1405 Mobilization Program procedures apply to minority business
1406 enterprise vendors for contracts awarded by a state agency for
1407 construction or professional services or for the provision of
1408 goods or services:

1409 (e) The following procedures shall apply when the minority
1410 business enterprise is the prime contract vendor to the
1411 contracting state agency:

1412 1. Pursuant to s. 216.351, ss. 215.422(15) and 216.181(16)
1413 ~~the provisions of ss. 215.422(14) and 216.181(16)~~ do not apply
1414 to this paragraph.

1415 2. For construction contracts, the designated loan
1416 mobilization payment shall be disbursed when:

1417 a. The minority business enterprise prime contract vendor
1418 requests disbursement in the first application for payment.

1419 b. The contracting state agency has issued a notice to
1420 proceed and has approved the first application for payment.

1421 3. For contracts other than construction contracts, the
1422 designated loan mobilization payment shall be disbursed when:

1423 a. The minority business enterprise prime contract vendor
1424 requests disbursement by letter delivered to the contracting



1425 state agency after the execution of the contract but prior to
1426 the commencement of work.

1427 b. The contracting state agency has approved the minority
1428 business enterprise prime contract vendor's letter of request.

1429 4. The designated loan mobilization payment may be paid by
1430 the contracting state agency prior to the commencement of work.
1431 In order to ensure that the contract time provisions do not
1432 commence until the minority business enterprise prime contract
1433 vendor has adequate working capital, the contract documents may
1434 provide that the contract shall commence at such time as the
1435 contracting state agency releases the designated loan
1436 mobilization payment to the minority business enterprise prime
1437 contract vendor and participating financial institution pursuant
1438 to the working capital agreement.

1439 Section 36. Section 626.7315, Florida Statutes, is amended
1440 to read:

1441 626.7315 Prohibition against the unlicensed transaction of
1442 general lines insurance.—With respect to any line of authority
1443 as defined in s. 626.015(7) ~~s. 626.015(5)~~, no individual shall,
1444 unless licensed as a general lines agent:

1445 (1) Solicit insurance or procure applications therefor;

1446 (2) In this state, receive or issue a receipt for any
1447 money on account of or for any insurer, or receive or issue a
1448 receipt for money from other persons to be transmitted to any
1449 insurer for a policy, contract, or certificate of insurance or



1450 any renewal thereof, even though the policy, certificate, or
1451 contract is not signed by him or her as agent or representative
1452 of the insurer, except as provided in s. 626.0428(1);

1453 (3) Directly or indirectly represent himself or herself to
1454 be an agent of any insurer or as an agent, to collect or forward
1455 any insurance premium, or to solicit, negotiate, effect,
1456 procure, receive, deliver, or forward, directly or indirectly,
1457 any insurance contract or renewal thereof or any endorsement
1458 relating to an insurance contract, or attempt to effect the
1459 same, of property or insurable business activities or interests,
1460 located in this state;

1461 (4) In this state, engage or hold himself or herself out
1462 as engaging in the business of analyzing or abstracting
1463 insurance policies or of counseling or advising or giving
1464 opinions, other than as a licensed attorney at law, relative to
1465 insurance or insurance contracts, for fee, commission, or other
1466 compensation, other than as a salaried bona fide full-time
1467 employee so counseling and advising his or her employer relative
1468 to the insurance interests of the employer and of the
1469 subsidiaries or business affiliates of the employer;

1470 (5) In any way, directly or indirectly, make or cause to
1471 be made, or attempt to make or cause to be made, any contract of
1472 insurance for or on account of any insurer;

1473 (6) Solicit, negotiate, or in any way, directly or
1474 indirectly, effect insurance contracts, if a member of a



1475 | partnership or association, or a stockholder, officer, or agent
 1476 | of a corporation which holds an agency appointment from any
 1477 | insurer; or

1478 | (7) Receive or transmit applications for suretyship, or
 1479 | receive for delivery bonds founded on applications forwarded
 1480 | from this state, or otherwise procure suretyship to be effected
 1481 | by a surety insurer upon the bonds of persons in this state or
 1482 | upon bonds given to persons in this state.

1483 | Section 37. Paragraph (c) of subsection (6) of section
 1484 | 627.351, Florida Statutes, is amended to read:

1485 | 627.351 Insurance risk apportionment plans.—

1486 | (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1487 | (c) The corporation's plan of operation:

1488 | 1. Must provide for adoption of residential property and
 1489 | casualty insurance policy forms and commercial residential and
 1490 | nonresidential property insurance forms, which must be approved
 1491 | by the office before use. The corporation shall adopt the
 1492 | following policy forms:

1493 | a. Standard personal lines policy forms that are
 1494 | comprehensive multiperil policies providing full coverage of a
 1495 | residential property equivalent to the coverage provided in the
 1496 | private insurance market under an HO-3, HO-4, or HO-6 policy.

1497 | b. Basic personal lines policy forms that are policies
 1498 | similar to an HO-8 policy or a dwelling fire policy that provide
 1499 | coverage meeting the requirements of the secondary mortgage



1500 market, but which is more limited than the coverage under a
1501 standard policy.

1502 c. Commercial lines residential and nonresidential policy
1503 forms that are generally similar to the basic perils of full
1504 coverage obtainable for commercial residential structures and
1505 commercial nonresidential structures in the admitted voluntary
1506 market.

1507 d. Personal lines and commercial lines residential
1508 property insurance forms that cover the peril of wind only. The
1509 forms are applicable only to residential properties located in
1510 areas eligible for coverage under the coastal account referred
1511 to in sub-subparagraph (b)2.a.

1512 e. Commercial lines nonresidential property insurance
1513 forms that cover the peril of wind only. The forms are
1514 applicable only to nonresidential properties located in areas
1515 eligible for coverage under the coastal account referred to in
1516 sub-subparagraph (b)2.a.

1517 f. The corporation may adopt variations of the policy
1518 forms listed in sub-subparagraphs a.-e. which contain more
1519 restrictive coverage.

1520 g. Effective January 1, 2013, the corporation shall offer
1521 a basic personal lines policy similar to an HO-8 policy with
1522 dwelling repair based on common construction materials and
1523 methods.

1524 2. Must provide that the corporation adopt a program in



1525 | which the corporation and authorized insurers enter into quota
1526 | share primary insurance agreements for hurricane coverage, as
1527 | defined in s. 627.4025(2)(a), for eligible risks, and adopt
1528 | property insurance forms for eligible risks which cover the
1529 | peril of wind only.

1530 | a. As used in this subsection, the term:

1531 | (I) "Quota share primary insurance" means an arrangement
1532 | in which the primary hurricane coverage of an eligible risk is
1533 | provided in specified percentages by the corporation and an
1534 | authorized insurer. The corporation and authorized insurer are
1535 | each solely responsible for a specified percentage of hurricane
1536 | coverage of an eligible risk as set forth in a quota share
1537 | primary insurance agreement between the corporation and an
1538 | authorized insurer and the insurance contract. The
1539 | responsibility of the corporation or authorized insurer to pay
1540 | its specified percentage of hurricane losses of an eligible
1541 | risk, as set forth in the agreement, may not be altered by the
1542 | inability of the other party to pay its specified percentage of
1543 | losses. Eligible risks that are provided hurricane coverage
1544 | through a quota share primary insurance arrangement must be
1545 | provided policy forms that set forth the obligations of the
1546 | corporation and authorized insurer under the arrangement,
1547 | clearly specify the percentages of quota share primary insurance
1548 | provided by the corporation and authorized insurer, and
1549 | conspicuously and clearly state that the authorized insurer and



1550 the corporation may not be held responsible beyond their
1551 specified percentage of coverage of hurricane losses.

1552 (II) "Eligible risks" means personal lines residential and
1553 commercial lines residential risks that meet the underwriting
1554 criteria of the corporation and are located in areas that were
1555 eligible for coverage by the Florida Windstorm Underwriting
1556 Association on January 1, 2002.

1557 b. The corporation may enter into quota share primary
1558 insurance agreements with authorized insurers at corporation
1559 coverage levels of 90 percent and 50 percent.

1560 c. If the corporation determines that additional coverage
1561 levels are necessary to maximize participation in quota share
1562 primary insurance agreements by authorized insurers, the
1563 corporation may establish additional coverage levels. However,
1564 the corporation's quota share primary insurance coverage level
1565 may not exceed 90 percent.

1566 d. Any quota share primary insurance agreement entered
1567 into between an authorized insurer and the corporation must
1568 provide for a uniform specified percentage of coverage of
1569 hurricane losses, by county or territory as set forth by the
1570 corporation board, for all eligible risks of the authorized
1571 insurer covered under the agreement.

1572 e. Any quota share primary insurance agreement entered
1573 into between an authorized insurer and the corporation is
1574 subject to review and approval by the office. However, such



1575 agreement shall be authorized only as to insurance contracts
1576 entered into between an authorized insurer and an insured who is
1577 already insured by the corporation for wind coverage.

1578 f. For all eligible risks covered under quota share
1579 primary insurance agreements, the exposure and coverage levels
1580 for both the corporation and authorized insurers shall be
1581 reported by the corporation to the Florida Hurricane Catastrophe
1582 Fund. For all policies of eligible risks covered under such
1583 agreements, the corporation and the authorized insurer must
1584 maintain complete and accurate records for the purpose of
1585 exposure and loss reimbursement audits as required by fund
1586 rules. The corporation and the authorized insurer shall each
1587 maintain duplicate copies of policy declaration pages and
1588 supporting claims documents.

1589 g. The corporation board shall establish in its plan of
1590 operation standards for quota share agreements which ensure that
1591 there is no discriminatory application among insurers as to the
1592 terms of the agreements, pricing of the agreements, incentive
1593 provisions if any, and consideration paid for servicing policies
1594 or adjusting claims.

1595 h. The quota share primary insurance agreement between the
1596 corporation and an authorized insurer must set forth the
1597 specific terms under which coverage is provided, including, but
1598 not limited to, the sale and servicing of policies issued under
1599 the agreement by the insurance agent of the authorized insurer



1600 producing the business, the reporting of information concerning
1601 eligible risks, the payment of premium to the corporation, and
1602 arrangements for the adjustment and payment of hurricane claims
1603 incurred on eligible risks by the claims adjuster and personnel
1604 of the authorized insurer. Entering into a quota sharing
1605 insurance agreement between the corporation and an authorized
1606 insurer is voluntary and at the discretion of the authorized
1607 insurer.

1608 3. May provide that the corporation may employ or
1609 otherwise contract with individuals or other entities to provide
1610 administrative or professional services that may be appropriate
1611 to effectuate the plan. The corporation may borrow funds by
1612 issuing bonds or by incurring other indebtedness, and shall have
1613 other powers reasonably necessary to effectuate the requirements
1614 of this subsection, including, without limitation, the power to
1615 issue bonds and incur other indebtedness in order to refinance
1616 outstanding bonds or other indebtedness. The corporation may
1617 seek judicial validation of its bonds or other indebtedness
1618 under chapter 75. The corporation may issue bonds or incur other
1619 indebtedness, or have bonds issued on its behalf by a unit of
1620 local government pursuant to subparagraph (q)2. in the absence
1621 of a hurricane or other weather-related event, upon a
1622 determination by the corporation, subject to approval by the
1623 office, that such action would enable it to efficiently meet the
1624 financial obligations of the corporation and that such



1625 | financings are reasonably necessary to effectuate the
1626 | requirements of this subsection. The corporation may take all
1627 | actions needed to facilitate tax-free status for such bonds or
1628 | indebtedness, including formation of trusts or other affiliated
1629 | entities. The corporation may pledge assessments, projected
1630 | recoveries from the Florida Hurricane Catastrophe Fund, other
1631 | reinsurance recoverables, policyholder surcharges and other
1632 | surcharges, and other funds available to the corporation as
1633 | security for bonds or other indebtedness. In recognition of s.
1634 | 10, Art. I of the State Constitution, prohibiting the impairment
1635 | of obligations of contracts, it is the intent of the Legislature
1636 | that no action be taken whose purpose is to impair any bond
1637 | indenture or financing agreement or any revenue source committed
1638 | by contract to such bond or other indebtedness.

1639 | 4. Must require that the corporation operate subject to
1640 | the supervision and approval of a board of governors consisting
1641 | of nine individuals who are residents of this state and who are
1642 | from different geographical areas of the state, one of whom is
1643 | appointed by the Governor and serves solely to advocate on
1644 | behalf of the consumer. The appointment of a consumer
1645 | representative by the Governor is deemed to be within the scope
1646 | of the exemption provided in s. 112.313(7)(b) and is in addition
1647 | to the appointments authorized under sub-subparagraph a.

1648 | a. The Governor, the Chief Financial Officer, the
1649 | President of the Senate, and the Speaker of the House of



1650 Representatives shall each appoint two members of the board. At
1651 least one of the two members appointed by each appointing
1652 officer must have demonstrated expertise in insurance and be
1653 deemed to be within the scope of the exemption provided in s.
1654 112.313(7)(b). The Chief Financial Officer shall designate one
1655 of the appointees as chair. All board members serve at the
1656 pleasure of the appointing officer. All members of the board are
1657 subject to removal at will by the officers who appointed them.
1658 All board members, including the chair, must be appointed to
1659 serve for 3-year terms beginning annually on a date designated
1660 by the plan. However, for the first term beginning on or after
1661 July 1, 2009, each appointing officer shall appoint one member
1662 of the board for a 2-year term and one member for a 3-year term.
1663 A board vacancy shall be filled for the unexpired term by the
1664 appointing officer. The Chief Financial Officer shall appoint a
1665 technical advisory group to provide information and advice to
1666 the board in connection with the board's duties under this
1667 subsection. The executive director and senior managers of the
1668 corporation shall be engaged by the board and serve at the
1669 pleasure of the board. Any executive director appointed on or
1670 after July 1, 2006, is subject to confirmation by the Senate.
1671 The executive director is responsible for employing other staff
1672 as the corporation may require, subject to review and
1673 concurrence by the board.

1674 b. The board shall create a Market Accountability Advisory



1675 | Committee to assist the corporation in developing awareness of
1676 | its rates and its customer and agent service levels in
1677 | relationship to the voluntary market insurers writing similar
1678 | coverage.

1679 | (I) The members of the advisory committee consist of the
1680 | following 11 persons, one of whom must be elected chair by the
1681 | members of the committee: four representatives, one appointed by
1682 | the Florida Association of Insurance Agents, one by the Florida
1683 | Association of Insurance and Financial Advisors, one by the
1684 | Professional Insurance Agents of Florida, and one by the Latin
1685 | American Association of Insurance Agencies; three
1686 | representatives appointed by the insurers with the three highest
1687 | voluntary market share of residential property insurance
1688 | business in the state; one representative from the Office of
1689 | Insurance Regulation; one consumer appointed by the board who is
1690 | insured by the corporation at the time of appointment to the
1691 | committee; one representative appointed by the Florida
1692 | Association of Realtors; and one representative appointed by the
1693 | Florida Bankers Association. All members shall be appointed to
1694 | 3-year terms and may serve for consecutive terms.

1695 | (II) The committee shall report to the corporation at each
1696 | board meeting on insurance market issues which may include rates
1697 | and rate competition with the voluntary market; service,
1698 | including policy issuance, claims processing, and general
1699 | responsiveness to policyholders, applicants, and agents; and



1700 matters relating to depopulation.

1701 5. Must provide a procedure for determining the
1702 eligibility of a risk for coverage, as follows:

1703 a. Subject to s. 627.3517, with respect to personal lines
1704 residential risks, if the risk is offered coverage from an
1705 authorized insurer at the insurer's approved rate under a
1706 standard policy including wind coverage or, if consistent with
1707 the insurer's underwriting rules as filed with the office, a
1708 basic policy including wind coverage, for a new application to
1709 the corporation for coverage, the risk is not eligible for any
1710 policy issued by the corporation unless the premium for coverage
1711 from the authorized insurer is more than 15 percent greater than
1712 the premium for comparable coverage from the corporation.
1713 Whenever an offer of coverage for a personal lines residential
1714 risk is received for a policyholder of the corporation at
1715 renewal from an authorized insurer, if the offer is equal to or
1716 less than the corporation's renewal premium for comparable
1717 coverage, the risk is not eligible for coverage with the
1718 corporation. If the risk is not able to obtain such offer, the
1719 risk is eligible for a standard policy including wind coverage
1720 or a basic policy including wind coverage issued by the
1721 corporation; however, if the risk could not be insured under a
1722 standard policy including wind coverage regardless of market
1723 conditions, the risk is eligible for a basic policy including
1724 wind coverage unless rejected under subparagraph 8. However, a



1725 | policyholder removed from the corporation through an assumption
1726 | agreement remains eligible for coverage from the corporation
1727 | until the end of the assumption period. The corporation shall
1728 | determine the type of policy to be provided on the basis of
1729 | objective standards specified in the underwriting manual and
1730 | based on generally accepted underwriting practices.

1731 | (I) If the risk accepts an offer of coverage through the
1732 | market assistance plan or through a mechanism established by the
1733 | corporation other than a plan established by s. 627.3518, before
1734 | a policy is issued to the risk by the corporation or during the
1735 | first 30 days of coverage by the corporation, and the producing
1736 | agent who submitted the application to the plan or to the
1737 | corporation is not currently appointed by the insurer, the
1738 | insurer shall:

1739 | (A) Pay to the producing agent of record of the policy for
1740 | the first year, an amount that is the greater of the insurer's
1741 | usual and customary commission for the type of policy written or
1742 | a fee equal to the usual and customary commission of the
1743 | corporation; or

1744 | (B) Offer to allow the producing agent of record of the
1745 | policy to continue servicing the policy for at least 1 year and
1746 | offer to pay the agent the greater of the insurer's or the
1747 | corporation's usual and customary commission for the type of
1748 | policy written.

1749 |



1750 If the producing agent is unwilling or unable to accept
1751 appointment, the new insurer shall pay the agent in accordance
1752 with sub-sub-sub-subparagraph (A).

1753 (II) If the corporation enters into a contractual
1754 agreement for a take-out plan, the producing agent of record of
1755 the corporation policy is entitled to retain any unearned
1756 commission on the policy, and the insurer shall:

1757 (A) Pay to the producing agent of record, for the first
1758 year, an amount that is the greater of the insurer's usual and
1759 customary commission for the type of policy written or a fee
1760 equal to the usual and customary commission of the corporation;
1761 or

1762 (B) Offer to allow the producing agent of record to
1763 continue servicing the policy for at least 1 year and offer to
1764 pay the agent the greater of the insurer's or the corporation's
1765 usual and customary commission for the type of policy written.

1766
1767 If the producing agent is unwilling or unable to accept
1768 appointment, the new insurer shall pay the agent in accordance
1769 with sub-sub-sub-subparagraph (A).

1770 b. With respect to commercial lines residential risks, for
1771 a new application to the corporation for coverage, if the risk
1772 is offered coverage under a policy including wind coverage from
1773 an authorized insurer at its approved rate, the risk is not
1774 eligible for a policy issued by the corporation unless the



1775 premium for coverage from the authorized insurer is more than 15
1776 percent greater than the premium for comparable coverage from
1777 the corporation. Whenever an offer of coverage for a commercial
1778 lines residential risk is received for a policyholder of the
1779 corporation at renewal from an authorized insurer, if the offer
1780 is equal to or less than the corporation's renewal premium for
1781 comparable coverage, the risk is not eligible for coverage with
1782 the corporation. If the risk is not able to obtain any such
1783 offer, the risk is eligible for a policy including wind coverage
1784 issued by the corporation. However, a policyholder removed from
1785 the corporation through an assumption agreement remains eligible
1786 for coverage from the corporation until the end of the
1787 assumption period.

1788 (I) If the risk accepts an offer of coverage through the
1789 market assistance plan or through a mechanism established by the
1790 corporation other than a plan established by s. 627.3518, before
1791 a policy is issued to the risk by the corporation or during the
1792 first 30 days of coverage by the corporation, and the producing
1793 agent who submitted the application to the plan or the
1794 corporation is not currently appointed by the insurer, the
1795 insurer shall:

1796 (A) Pay to the producing agent of record of the policy,
1797 for the first year, an amount that is the greater of the
1798 insurer's usual and customary commission for the type of policy
1799 written or a fee equal to the usual and customary commission of



1800 the corporation; or

1801 (B) Offer to allow the producing agent of record of the
 1802 policy to continue servicing the policy for at least 1 year and
 1803 offer to pay the agent the greater of the insurer's or the
 1804 corporation's usual and customary commission for the type of
 1805 policy written.

1806
 1807 If the producing agent is unwilling or unable to accept
 1808 appointment, the new insurer shall pay the agent in accordance
 1809 with sub-sub-sub-subparagraph (A).

1810 (II) If the corporation enters into a contractual
 1811 agreement for a take-out plan, the producing agent of record of
 1812 the corporation policy is entitled to retain any unearned
 1813 commission on the policy, and the insurer shall:

1814 (A) Pay to the producing agent of record, for the first
 1815 year, an amount that is the greater of the insurer's usual and
 1816 customary commission for the type of policy written or a fee
 1817 equal to the usual and customary commission of the corporation;
 1818 or

1819 (B) Offer to allow the producing agent of record to
 1820 continue servicing the policy for at least 1 year and offer to
 1821 pay the agent the greater of the insurer's or the corporation's
 1822 usual and customary commission for the type of policy written.

1823
 1824 If the producing agent is unwilling or unable to accept



1825 | appointment, the new insurer shall pay the agent in accordance
1826 | with sub-sub-sub-subparagraph (A).

1827 | c. For purposes of determining comparable coverage under
1828 | sub-subparagraphs a. and b., the comparison must be based on
1829 | those forms and coverages that are reasonably comparable. The
1830 | corporation may rely on a determination of comparable coverage
1831 | and premium made by the producing agent who submits the
1832 | application to the corporation, made in the agent's capacity as
1833 | the corporation's agent. A comparison may be made solely of the
1834 | premium with respect to the main building or structure only on
1835 | the following basis: the same coverage A or other building
1836 | limits; the same percentage hurricane deductible that applies on
1837 | an annual basis or that applies to each hurricane for commercial
1838 | residential property; the same percentage of ordinance and law
1839 | coverage, if the same limit is offered by both the corporation
1840 | and the authorized insurer; the same mitigation credits, to the
1841 | extent the same types of credits are offered both by the
1842 | corporation and the authorized insurer; the same method for loss
1843 | payment, such as replacement cost or actual cash value, if the
1844 | same method is offered both by the corporation and the
1845 | authorized insurer in accordance with underwriting rules; and
1846 | any other form or coverage that is reasonably comparable as
1847 | determined by the board. If an application is submitted to the
1848 | corporation for wind-only coverage in the coastal account, the
1849 | premium for the corporation's wind-only policy plus the premium



1850 for the ex-wind policy that is offered by an authorized insurer
1851 to the applicant must be compared to the premium for multiperil
1852 coverage offered by an authorized insurer, subject to the
1853 standards for comparison specified in this subparagraph. If the
1854 corporation or the applicant requests from the authorized
1855 insurer a breakdown of the premium of the offer by types of
1856 coverage so that a comparison may be made by the corporation or
1857 its agent and the authorized insurer refuses or is unable to
1858 provide such information, the corporation may treat the offer as
1859 not being an offer of coverage from an authorized insurer at the
1860 insurer's approved rate.

1861 6. Must include rules for classifications of risks and
1862 rates.

1863 7. Must provide that if premium and investment income for
1864 an account attributable to a particular calendar year are in
1865 excess of projected losses and expenses for the account
1866 attributable to that year, such excess shall be held in surplus
1867 in the account. Such surplus must be available to defray
1868 deficits in that account as to future years and used for that
1869 purpose before assessing assessable insurers and assessable
1870 insureds as to any calendar year.

1871 8. Must provide objective criteria and procedures to be
1872 uniformly applied to all applicants in determining whether an
1873 individual risk is so hazardous as to be uninsurable. In making
1874 this determination and in establishing the criteria and



1875 | procedures, the following must be considered:

1876 | a. Whether the likelihood of a loss for the individual
1877 | risk is substantially higher than for other risks of the same
1878 | class; and

1879 | b. Whether the uncertainty associated with the individual
1880 | risk is such that an appropriate premium cannot be determined.

1881 |
1882 | The acceptance or rejection of a risk by the corporation shall
1883 | be construed as the private placement of insurance, and the
1884 | provisions of chapter 120 do not apply.

1885 | 9. Must provide that the corporation make its best efforts
1886 | to procure catastrophe reinsurance at reasonable rates, to cover
1887 | its projected 100-year probable maximum loss as determined by
1888 | the board of governors.

1889 | 10. The policies issued by the corporation must provide
1890 | that if the corporation or the market assistance plan obtains an
1891 | offer from an authorized insurer to cover the risk at its
1892 | approved rates, the risk is no longer eligible for renewal
1893 | through the corporation, except as otherwise provided in this
1894 | subsection.

1895 | 11. Corporation policies and applications must include a
1896 | notice that the corporation policy could, under this section, be
1897 | replaced with a policy issued by an authorized insurer which
1898 | does not provide coverage identical to the coverage provided by
1899 | the corporation. The notice must also specify that acceptance of



1900 corporation coverage creates a conclusive presumption that the
1901 applicant or policyholder is aware of this potential.

1902 12. May establish, subject to approval by the office,
1903 different eligibility requirements and operational procedures
1904 for any line or type of coverage for any specified county or
1905 area if the board determines that such changes are justified due
1906 to the voluntary market being sufficiently stable and
1907 competitive in such area or for such line or type of coverage
1908 and that consumers who, in good faith, are unable to obtain
1909 insurance through the voluntary market through ordinary methods
1910 continue to have access to coverage from the corporation. If
1911 coverage is sought in connection with a real property transfer,
1912 the requirements and procedures may not provide an effective
1913 date of coverage later than the date of the closing of the
1914 transfer as established by the transferor, the transferee, and,
1915 if applicable, the lender.

1916 13. Must provide that, with respect to the coastal
1917 account, any assessable insurer with a surplus as to
1918 policyholders of \$25 million or less writing 25 percent or more
1919 of its total countrywide property insurance premiums in this
1920 state may petition the office, within the first 90 days of each
1921 calendar year, to qualify as a limited apportionment company. A
1922 regular assessment levied by the corporation on a limited
1923 apportionment company for a deficit incurred by the corporation
1924 for the coastal account may be paid to the corporation on a



1925 monthly basis as the assessments are collected by the limited
1926 apportionment company from its insureds, but a limited
1927 apportionment company must begin collecting the regular
1928 assessments not later than 90 days after the regular assessments
1929 are levied by the corporation, and the regular assessments must
1930 be paid in full within 15 months after being levied by the
1931 corporation. A limited apportionment company shall collect from
1932 its policyholders any emergency assessment imposed under sub-
1933 subparagraph (b)3.d. The plan must provide that, if the office
1934 determines that any regular assessment will result in an
1935 impairment of the surplus of a limited apportionment company,
1936 the office may direct that all or part of such assessment be
1937 deferred as provided in subparagraph (q)4. However, an emergency
1938 assessment to be collected from policyholders under sub-
1939 subparagraph (b)3.d. may not be limited or deferred.

1940 14. Must provide that the corporation appoint as its
1941 licensed agents only those agents who throughout such
1942 appointments also hold an appointment as defined in s. 626.015
1943 ~~s. 626.015(3)~~ by an insurer who is authorized to write and is
1944 actually writing or renewing personal lines residential property
1945 coverage, commercial residential property coverage, or
1946 commercial nonresidential property coverage within the state.

1947 15. Must provide a premium payment plan option to its
1948 policyholders which, at a minimum, allows for quarterly and
1949 semiannual payment of premiums. A monthly payment plan may, but



1950 is not required to, be offered.

1951 16. Must limit coverage on mobile homes or manufactured
 1952 homes built before 1994 to actual cash value of the dwelling
 1953 rather than replacement costs of the dwelling.

1954 17. Must provide coverage for manufactured or mobile home
 1955 dwellings. Such coverage must also include the following
 1956 attached structures:

1957 a. Screened enclosures that are aluminum framed or
 1958 screened enclosures that are not covered by the same or
 1959 substantially the same materials as those of the primary
 1960 dwelling;

1961 b. Carports that are aluminum or carports that are not
 1962 covered by the same or substantially the same materials as those
 1963 of the primary dwelling; and

1964 c. Patios that have a roof covering that is constructed of
 1965 materials that are not the same or substantially the same
 1966 materials as those of the primary dwelling.

1967
 1968 The corporation shall make available a policy for mobile homes
 1969 or manufactured homes for a minimum insured value of at least
 1970 \$3,000.

1971 18. May provide such limits of coverage as the board
 1972 determines, consistent with the requirements of this subsection.

1973 19. May require commercial property to meet specified
 1974 hurricane mitigation construction features as a condition of



1975 | eligibility for coverage.

1976 | 20. Must provide that new or renewal policies issued by
 1977 | the corporation on or after January 1, 2012, which cover
 1978 | sinkhole loss do not include coverage for any loss to
 1979 | appurtenant structures, driveways, sidewalks, decks, or patios
 1980 | that are directly or indirectly caused by sinkhole activity. The
 1981 | corporation shall exclude such coverage using a notice of
 1982 | coverage change, which may be included with the policy renewal,
 1983 | and not by issuance of a notice of nonrenewal of the excluded
 1984 | coverage upon renewal of the current policy.

1985 | 21. As of January 1, 2012, must require that the agent
 1986 | obtain from an applicant for coverage from the corporation an
 1987 | acknowledgment signed by the applicant, which includes, at a
 1988 | minimum, the following statement:

1989 |
 1990 | ACKNOWLEDGMENT OF POTENTIAL SURCHARGE
 1991 | AND ASSESSMENT LIABILITY:

1992 |
 1993 | 1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE
 1994 | CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A
 1995 | DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON,
 1996 | MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND
 1997 | PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE
 1998 | POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT
 1999 | OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA



2000 | LEGISLATURE.

2001 | 2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER
 2002 | SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM,
 2003 | BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO
 2004 | BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN
 2005 | PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE
 2006 | WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES
 2007 | ARE REGULATED AND APPROVED BY THE STATE.

2008 | 3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY
 2009 | ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER
 2010 | INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE
 2011 | FLORIDA LEGISLATURE.

2012 | 4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE
 2013 | CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE
 2014 | STATE OF FLORIDA.

2015 |
 2016 | a. The corporation shall maintain, in electronic format or
 2017 | otherwise, a copy of the applicant's signed acknowledgment and
 2018 | provide a copy of the statement to the policyholder as part of
 2019 | the first renewal after the effective date of this subparagraph.

2020 | b. The signed acknowledgment form creates a conclusive
 2021 | presumption that the policyholder understood and accepted his or
 2022 | her potential surcharge and assessment liability as a
 2023 | policyholder of the corporation.

2024 | Section 38. Section 43.19, Florida Statutes, is repealed.



2025 Section 39. Paragraph (a) of subsection (1), paragraph (f)
2026 of subsection (2), and paragraph (b) of subsection (7) of
2027 section 45.031, Florida Statutes, are amended to read:

2028 45.031 Judicial sales procedure.—In any sale of real or
2029 personal property under an order or judgment, the procedures
2030 provided in this section and ss. 45.0315-45.035 may be followed
2031 as an alternative to any other sale procedure if so ordered by
2032 the court.

2033 (1) FINAL JUDGMENT.—

2034 (a) In the order or final judgment, the court shall direct
2035 the clerk to sell the property at public sale on a specified day
2036 that shall be not less than 20 days or more than 35 days after
2037 the date thereof, on terms and conditions specified in the order
2038 or judgment. A sale may be held more than 35 days after the date
2039 of final judgment or order if the plaintiff or plaintiff's
2040 attorney consents to such time. The final judgment shall contain
2041 the following statement in conspicuous type:

2042 IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE
2043 ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE
2044 ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS
2045 FINAL JUDGMENT.

2046 IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS
2047 REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE
2048 CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS



2049 UNCLAIMED 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A TIMELY
2050 CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

2051 (2) PUBLICATION OF SALE.—Notice of sale shall be published
2052 once a week for 2 consecutive weeks in a newspaper of general
2053 circulation, as defined in chapter 50, published in the county
2054 where the sale is to be held. The second publication shall be at
2055 least 5 days before the sale. The notice shall contain:

2056 (f) A statement that any person claiming an interest in
2057 the surplus from the sale, if any, other than the property owner
2058 as of the date of the lis pendens must file a claim before the
2059 clerk reports the surplus as unclaimed ~~within 60 days after the~~
2060 ~~sale~~.

2061
2062 The court, in its discretion, may enlarge the time of the sale.
2063 Notice of the changed time of sale shall be published as
2064 provided herein.

2065 (7) DISBURSEMENTS OF PROCEEDS.—

2066 (b) The certificate of disbursements shall be in
2067 substantially the following form:

2068 (Caption of Action)

2069 CERTIFICATE OF DISBURSEMENTS

2070 The undersigned clerk of the court certifies that he or she
2071 disbursed the proceeds received from the sale of the property as
2072 provided in the order or final judgment to the persons and in
2073 the amounts as follows:



2074 Name Amount

2075 Total disbursements: \$....

2076 Surplus retained by clerk, if any: \$....

2077 IF YOU ARE A PERSON CLAIMING A RIGHT TO FUNDS REMAINING AFTER

2078 THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE

2079 DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED ~~60 DAYS AFTER~~

2080 ~~THE SALE~~. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED

2081 TO ANY REMAINING FUNDS. AFTER THE FUNDS ARE REPORTED AS

2082 UNCLAIMED ~~60 DAYS~~, ONLY THE OWNER OF RECORD AS OF THE DATE OF

2083 THE LIS PENDENS MAY CLAIM THE SURPLUS.

2084 WITNESS my hand and the seal of the court on, ...(year)....

2085(Clerk)...

2086 By ...(Deputy Clerk)...

2087 Section 40. Subsection (5) of section 45.032, Florida

2088 Statutes, is renumbered as subsection (4), and paragraph (d) of

2089 subsection (1), subsection (3), and present subsection (4) of

2090 that section are amended to read:

2091 45.032 Disbursement of surplus funds after judicial sale.-

2092 (1) For purposes of ss. 45.031-45.035, the term:

2093 ~~(d) "Surplus trustee" means a person qualifying as a~~

2094 ~~surplus trustee pursuant to s. 45.034.~~

2095 (3) During the period that ~~60 days after~~ the clerk holds

2096 ~~issues a certificate of disbursements, the clerk shall hold the~~

2097 surplus pending a court order: -



2098 (a) If the owner of record claims the surplus before the
 2099 date that the clerk reports it as unclaimed ~~during the 60-day~~
 2100 ~~period~~ and there is no subordinate lienholder, the court shall
 2101 order the clerk to deduct any applicable service charges from
 2102 the surplus and pay the remainder to the owner of record. The
 2103 clerk may establish a reasonable requirement that the owner of
 2104 record prove his or her identity before receiving the
 2105 disbursement. The clerk may assist an owner of record in making
 2106 a claim. An owner of record may use the following form in making
 2107 a claim:

2108 (Caption of Action)

2109 OWNER'S CLAIM FOR
 2110 MORTGAGE FORECLOSURE SURPLUS

2111 State of

2112 County of

2113 Under penalty of perjury, I (we) hereby certify that:

2114 1. I was (we were) the owner of the following described
 2115 real property in County, Florida, prior to the foreclosure
 2116 sale and as of the date of the filing of the lis pendens:

2117 ... (Legal description of real property) ...

2118 2. I (we) do not owe any money on any mortgage on the
 2119 property that was foreclosed other than the one that was paid
 2120 off by the foreclosure.



2121 3. I (we) do not owe any money that is the subject of an
 2122 unpaid judgment, tax warrant, condominium lien, cooperative
 2123 lien, or homeowners' association.

2124 4. I am (we are) not currently in bankruptcy.

2125 5. I (we) have not sold or assigned my (our) right to the
 2126 mortgage surplus.

2127 6. My (our) new address is:

2128 7. If there is more than one owner entitled to the
 2129 surplus, we have agreed that the surplus should be paid
 2130 jointly, or to:, at the following address:

2131 8. I (WE) UNDERSTAND THAT I (WE) AM (ARE) NOT REQUIRED TO
 2132 HAVE A LAWYER OR ANY OTHER REPRESENTATION AND I (WE) DO NOT HAVE
 2133 TO ASSIGN MY (OUR) RIGHTS TO ANYONE ELSE IN ORDER TO CLAIM ANY
 2134 MONEY TO WHICH I (WE) MAY BE ENTITLED.

2135 9. I (WE) UNDERSTAND THAT THIS STATEMENT IS GIVEN UNDER
 2136 OATH, AND IF ANY STATEMENTS ARE UNTRUE THAT I (WE) MAY BE
 2137 PROSECUTED CRIMINALLY FOR PERJURY.

2138 ...(Signatures)...

2139 Sworn to (or affirmed) and subscribed before me this
 2140 day of, ...(year)...., by ...(name of person making
 2141 statement)....

2142 ...(Signature of Notary Public - State of Florida)...

2143 ...(Print, Type, or Stamp Commissioned Name of Notary
 2144 Public)...

2145 Personally Known OR Produced Identification



2146 Type of Identification Produced.....

2147 (b) If any person other than the owner of record claims an

2148 interest in the proceeds prior to the date that the clerk

2149 reports the surplus as unclaimed ~~during the 60-day period~~ or if

2150 the owner of record files a claim for the surplus but

2151 acknowledges that one or more other persons may be entitled to

2152 part or all of the surplus, the court shall set an evidentiary

2153 hearing to determine entitlement to the surplus. At the

2154 evidentiary hearing, an equity assignee has the burden of

2155 proving that he or she is entitled to some or all of the surplus

2156 funds. The court may grant summary judgment to a subordinate

2157 lienholder prior to or at the evidentiary hearing. The court

2158 shall consider the factors in s. 45.033 when hearing a claim

2159 that any person other than a subordinate lienholder or the owner

2160 of record is entitled to the surplus funds.

2161 (c) One year after the sale, any surplus remaining with

2162 the clerk of the court that has not been disbursed as provided

2163 herein is subject to s. 717.113 and must be reported and

2164 remitted to the department in accordance with ss. 717.117 and

2165 717.119, provided there is no pending court proceeding regarding

2166 entitlement to the surplus. At the conclusion of any court

2167 proceeding and any appeal regarding entitlement to the surplus,

2168 the clerk of the court shall report and remit the unclaimed

2169 property to the department if directed by a court order, to

2170 another entity if directed by the court order, or, if not



2171 directed by the court order, in the name of the owner of record.
2172 For purposes of establishing entitlement to the surplus after
2173 the property has been remitted to the department, only the owner
2174 of record reported by the clerk of the court, or the
2175 beneficiary, as defined in s. 731.201, of a deceased owner of
2176 record reported by the clerk, is entitled to the surplus. A
2177 surplus of less than \$10 escheats to ~~If no claim is filed during~~
2178 ~~the 60-day period,~~ the clerk shall appoint a surplus trustee
2179 ~~from a list of qualified surplus trustees as authorized in s.~~
2180 ~~45.034. Upon such appointment, the clerk shall prepare a notice~~
2181 ~~of appointment of surplus trustee and shall furnish a copy to~~
2182 ~~the surplus trustee. The form of the notice may be as follows:~~

2183
2184 ~~(Caption of Action)~~

2185
2186 ~~NOTICE OF APPOINTMENT~~
2187 ~~OF SURPLUS TRUSTEE~~

2188
2189 ~~The undersigned clerk of the court certifies that he or she~~
2190 ~~disbursed the proceeds received from the sale of the property as~~
2191 ~~provided in the order or final judgment to the persons named in~~
2192 ~~the certificate of disbursements, and that surplus funds of~~
2193 ~~\$. . . . remain and are subject to disbursement to the owner of~~
2194 ~~record. You have been appointed as surplus trustee for the~~
2195 ~~purpose of finding the owner of record in order for the clerk to~~



2196 ~~disburse the surplus, after deducting costs, to the owner of~~
 2197 ~~record.~~

2198 ~~WITNESS my hand and the seal of the court on . . . , . . . (year) . . .~~

2199 ~~. . . (Clerk) . . .~~

2200 ~~By . . . (Deputy Clerk) . . .~~

2201
 2202 ~~(4) If the surplus trustee is unable to locate the owner~~
 2203 ~~of record entitled to the surplus within 1 year after~~
 2204 ~~appointment, the appointment shall terminate and the clerk shall~~
 2205 ~~notify the surplus trustee that his or her appointment was~~
 2206 ~~terminated. Thirty days after termination of the appointment of~~
 2207 ~~the surplus trustee, the clerk shall treat the remaining funds~~
 2208 ~~as unclaimed property to be deposited with the Chief Financial~~
 2209 ~~Officer pursuant to chapter 717.~~

2210 Section 41. Paragraph (d) of subsection (3) of section
 2211 45.033, Florida Statutes, is amended, and paragraph (e) of that
 2212 subsection is redesignated as paragraph (d), to read:

2213 45.033 Sale or assignment of rights to surplus funds in a
 2214 property subject to foreclosure.—

2215 (3) A voluntary transfer or assignment shall be a transfer
 2216 or assignment qualified under this subsection, thereby entitling
 2217 the transferee or assignee to the surplus funds or a portion or
 2218 percentage of the surplus funds, if:



2219 ~~(d) The transferor or assignee is qualified as a surplus~~
 2220 ~~trustee, or could qualify as a surplus trustee, pursuant to s.~~
 2221 ~~45.034.~~

2222 Section 42. Section 45.034, Florida Statutes, is repealed.

2223 Section 43. Paragraphs (b) and (d) of subsection (2) of
 2224 section 45.035, Florida Statutes, are amended, and paragraph (c)
 2225 of that subsection is redesignated as paragraph (b), to read:

2226 45.035 Clerk's fees.—In addition to other fees or service
 2227 charges authorized by law, the clerk shall receive service
 2228 charges related to the judicial sales procedure set forth in ss.
 2229 45.031-45.034 and this section:

2230 (2) If there is a surplus resulting from the sale, the
 2231 clerk may receive the following service charges, which shall be
 2232 deducted from the surplus:

2233 ~~(b) The clerk is entitled to a service charge of \$15 for~~
 2234 ~~notifying a surplus trustee of his or her appointment.~~

2235 ~~(d) The clerk is entitled to a service charge of \$15 for~~
 2236 ~~appointing a surplus trustee, furnishing the surplus trustee~~
 2237 ~~with a copy of the final judgment and the certificate of~~
 2238 ~~disbursements, and disbursing to the surplus trustee the~~
 2239 ~~trustee's cost advance.~~

2240 Section 44. Section 717.113, Florida Statutes, is amended
 2241 to read:

2242 717.113 Property held by courts and public agencies.—All
 2243 intangible property held for the owner by any court, government



2244 or governmental subdivision or agency, public corporation, or
 2245 public authority that has not been claimed by the owner for more
 2246 than 1 year after it became payable or distributable is presumed
 2247 unclaimed. Except as provided in s. 45.032(3)(c), money held in
 2248 the court registry and for which no court order has been issued
 2249 to determine an owner does not become payable or distributable
 2250 and is not subject to reporting under this chapter.

2251 Notwithstanding the provisions of this section, funds deposited
 2252 in the Minerals Trust Fund pursuant to s. 377.247 are presumed
 2253 unclaimed only if the funds have not been claimed by the owner
 2254 for more than 5 years after the date of first production from
 2255 the well.

2256 Section 45. Subsection (8) of section 717.124, Florida
 2257 Statutes, is amended to read:

2258 717.124 Unclaimed property claims.—

2259 (8) This section applies to all unclaimed property
 2260 reported and remitted to the Chief Financial Officer, including,
 2261 but not limited to, property reported pursuant to ss. ~~43.19,~~
 2262 45.032, 732.107, 733.816, and 744.534.

2263 Section 46. Section 717.138, Florida Statutes, is amended
 2264 to read:

2265 717.138 Rulemaking authority.—The department shall
 2266 administer and provide for the enforcement of this chapter. The
 2267 department has authority to adopt rules pursuant to ss.
 2268 120.536(1) and 120.54 to implement the provisions of this



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2269 chapter. The department may adopt rules to allow for electronic
2270 filing of fees, forms, and reports required by this chapter. The
2271 authority to adopt rules pursuant to this chapter applies to all
2272 unclaimed property reported and remitted to the Chief Financial
2273 Officer, including, but not limited to, property reported and
2274 remitted pursuant to ss. ~~43.19~~, 45.032, 732.107, 733.816, and
2275 744.534.

2276 Section 47. Section 717.1401, Florida Statutes, is amended
2277 to read:

2278 717.1401 Repeal.—This chapter shall not repeal, but shall
2279 be additional and supplemental to the existing provisions of ss.
2280 43.18, ~~43.19~~, and 402.17 and chapter 716.

2281 Section 48. This act shall take effect July 1, 2017.