A bill to be entitled
An act relating to insurance; providing a short title; amending s. 215.555, F.S.; specifying the required reimbursement of loss adjustment expenses in reimbursement contracts between the State Board of Administration and property insurers under the Florida Hurricane Catastrophe Fund on or after a specified date; amending s. 319.30, F.S.; specifying means by which an insurance company may forward certificates of title of certain salvage motor vehicles or mobile homes to the Department of Highway Safety and Motor Vehicles; revising the effective date of certain procedures and requirements relating to certificates of title; providing that certain electronic signatures satisfy certain signature requirements; amending s. 440.381, F.S.; revising a criminal penalty for the submission, with certain intent, of an employer application for workers' compensation insurance coverage which contains false, misleading, or incomplete information; providing that certain sworn statements in such applications are not required to be notarized; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; creating s. 624.1055, F.S.; providing right of contribution of certain liability insurers against other liability
insurers for defense costs; providing for apportionment of costs; providing for enforcement of right of contribution; providing construction; providing applicability; amending s. 624.155, F.S.;
deleting a provision that tolls, under certain circumstances, a period before a civil action against an insurer may be brought; deleting a provision authorizing the Department of Financial Services to return a civil remedy notice for lack of specificity; prohibiting the filing of the notice within a certain timeframe under certain circumstances; amending s. 624.404, F.S.; adding a circumstance under which the Office of Insurance Regulation may waive a 3-year operation requirement for foreign or alien insurers and exchanges; amending s. 624.4085, F.S.; providing applicability of risk-based capital requirements for certain insurers; specifying risk-based capital determination for certain insurers; amending s. 626.914, F.S.; revising the definition of the term "diligent effort," as used in the Surplus Lines Law; amending s. 626.916, F.S.; removing the cap on per-policy fees charged by a filing surplus lines agent under certain circumstances; requiring such fees to be itemized and enumerated; authorizing a reasonable per-policy fee charged by a retail agent on surplus lines
policies; requiring such fees to be itemized before policy purchase; amending s. 626.9541, F.S.; providing construction; amending s. 627.0655, F.S.; revising the circumstances under which certain insurance premium discounts are authorized; amending s. 627.426, F.S.; revising the requirements for sufficient proof of notice for certain insurance notices; amending s. 627.4555, F.S.; requiring life insurers that are required to provide a specified notice to policyowners of an impending lapse in coverage to also notify the policyowner's agent of record within a certain timeframe; providing that the agent is not responsible for any lapse in coverage; exempting the insurer from the requirement under certain circumstances; amending s. 627.7015, F.S.; revising the periods of time when property insurers must notify policyholders of certain mediation programs; amending s. 627.7295, F.S.; reducing the amount that must be collected from insureds before policies or binders are issued; providing applicability; providing effective dates.

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

Section 1. This act may be cited as "Omnibus Prime."

Section 2. Effective upon this act becoming a law,
paragraph (b) of subsection (4) of section 215.555, Florida
Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—
(4) REIMBURSEMENT CONTRACTS.—
(b)1. The contract shall contain a promise by the board to
reimburse the insurer for 45 percent, 75 percent, or 90 percent
of its losses from each covered event in excess of the insurer's
retention, plus 5 percent of the reimbursed losses to cover loss
adjustment expenses. For contracts and rates effective on or
after June 1, 2019, the loss adjustment expense reimbursement
must be 10 percent of the reimbursed losses.

2. The insurer must elect one of the percentage coverage
levels specified in this paragraph and may, upon renewal of a
reimbursement contract, elect a lower percentage coverage level
if no revenue bonds issued under subsection (6) after a covered
event are outstanding, or elect a higher percentage coverage
level, regardless of whether or not revenue bonds are
outstanding. All members of an insurer group must elect the same
percentage coverage level. Any joint underwriting association,
risk apportionment plan, or other entity created under s.
627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts
shall not be reduced by reinsurance paid or payable to the
insurer from other sources.

Section 3. Paragraph (b) of subsection (3) of section
319.30, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(3) 

(b) The owner, including persons who are self-insured, of a motor vehicle or mobile home that is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System, and, within 72 hours after receiving such certificate of title, forward such title by the United States Postal Service, by another commercial delivery service, or by electronic means, when such means are made available by the department, to the department for processing. The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the department. Effective January 1, 2020 July 1, 2023:

1. Thirty days after payment of a claim for compensation pursuant to this paragraph, the insurance company may receive a
salvage certificate of title or certificate of destruction from
the department if the insurance company is unable to obtain a
properly assigned certificate of title from the owner or
lienholder of the motor vehicle or mobile home, if the motor
vehicle or mobile home does not carry an electronic lien on the
title and the insurance company:
   a. Has obtained the release of all liens on the motor
vehicle or mobile home;
   b. Has provided proof of payment of the total loss claim;
   and
   c. Has provided an affidavit on letterhead signed by the
insurance company or its authorized agent stating the attempts
that have been made to obtain the title from the owner or
lienholder and further stating that all attempts are to no
avail. The affidavit must include a request that the salvage
certificate of title or certificate of destruction be issued in
the insurance company's name due to payment of a total loss
claim to the owner or lienholder. The attempts to contact the
owner may be by written request delivered in person or by first-
class mail with a certificate of mailing to the owner's or
lienholder's last known address.

2. If the owner or lienholder is notified of the request
for title in person, the insurance company must provide an
affidavit attesting to the in-person request for a certificate
of title.
3. The request to the owner or lienholder for the certificate of title must include a complete description of the motor vehicle or mobile home and the statement that a total loss claim has been paid on the motor vehicle or mobile home.

   (d) An electronic signature that is consistent with chapter 668 satisfies any signature required under this subsection, except that an electronic signature on an odometer disclosure submitted through an insurance company must be executed using an electronic signature, as defined in s. 668.003(4), that uses a system providing an Identity Assurance Level, Authenticator Assurance Level, and Federation Assurance Level, as described in the National Institute of Standards and Technology Special Publication 800-63-3, as of December 1, 2017, that are equivalent to or greater than:

   1. Level 2, for each level, for a certificate of destruction.
   2. Level 3, for each level, for a salvage certificate of title.

Section 4. Subsection (2) of section 440.381, Florida Statutes, is amended to read:

   440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

   (2) Submission of an application that contains false, misleading, or incomplete information provided with the purpose of avoiding or reducing the amount of premiums for workers'
compensation coverage is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
The application must contain a statement that the filing of an application containing false, misleading, or incomplete information provided with the purpose of avoiding or reducing the amount of premiums for workers' compensation coverage is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The application must contain a sworn statement by the employer attesting to the accuracy of the information submitted and acknowledging the provisions of former s. 440.37(4). The application must contain a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for premium calculations. The sworn statements by the employer and the agent are not required to be notarized.

Section 5. Paragraph (e) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—
(3) OFFENSE SEVERITY RANKING CHART
(e) LEVEL 5

<table>
<thead>
<tr>
<th>Florida Statute</th>
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<th>Description</th>
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<tr>
<td>Code</td>
<td>Level</td>
<td>Description</td>
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<td>---------------------------</td>
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<td>-----------------------------------------------------------------------------</td>
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<tr>
<td>316.027(2)(a)</td>
<td>3rd</td>
<td>Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.</td>
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<td>Aggravated fleeing or eluding.</td>
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<td>316.80(2)</td>
<td>2nd</td>
<td>Unlawful conveyance of fuel; obtaining fuel fraudulently.</td>
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<tr>
<td>322.34(6)</td>
<td>3rd</td>
<td>Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.</td>
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<td>327.30(5)</td>
<td>3rd</td>
<td>Vessel accidents involving personal injury; leaving scene.</td>
</tr>
<tr>
<td>379.365(2)(c)1.</td>
<td>3rd</td>
<td>Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply,</td>
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CODING: Words **stricken** are deletions; words *underlined* are additions.
aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.
<table>
<thead>
<tr>
<th>Code</th>
<th>Section</th>
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<tbody>
<tr>
<td>440.105(5)</td>
<td>2nd</td>
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<td>Unlawful solicitation for the purpose of making workers' compensation claims.</td>
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<tr>
<td>440.381(2)</td>
<td>3rd</td>
<td>2nd</td>
<td>Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.</td>
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<td>624.401(4)(b)2.</td>
<td>2nd</td>
<td></td>
<td>Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.</td>
</tr>
<tr>
<td>626.902(1)(c)</td>
<td>2nd</td>
<td></td>
<td>Representing an unauthorized insurer; repeat offender.</td>
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<tr>
<td>790.01(2)</td>
<td>3rd</td>
<td></td>
<td>Carrying a concealed firearm.</td>
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<tr>
<td>790.162</td>
<td>2nd</td>
<td></td>
<td>Threat to throw or discharge destructive device.</td>
</tr>
<tr>
<td>790.163(1)</td>
<td>2nd</td>
<td></td>
<td>False report of bomb, explosive, weapon of mass</td>
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destruction, or use of firearms in violent manner.

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<thead>
<tr>
<th>Section</th>
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<td>790.221(1)</td>
<td>2nd</td>
<td>Possession of short-barreled shotgun or machine gun.</td>
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<td>790.23</td>
<td>2nd</td>
<td>Felons in possession of firearms, ammunition, or electronic weapons or devices.</td>
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<td>796.05(1)</td>
<td>2nd</td>
<td>Live on earnings of a prostitute; 1st offense.</td>
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<tr>
<td>800.04(6)(c)</td>
<td>3rd</td>
<td>Lewd or lascivious conduct; offender less than 18 years of age.</td>
</tr>
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<td>800.04(7)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition; offender 18 years of age or older.</td>
</tr>
<tr>
<td>806.111(1)</td>
<td>3rd</td>
<td>Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.</td>
</tr>
</tbody>
</table>
812.0145(2)(b)  2nd  Theft from person 65 years of age or older; $10,000 or more but less than $50,000.

812.015(8)  3rd  Retail theft; property stolen is valued at $300 or more and one or more specified acts.

812.019(1)  2nd  Stolen property; dealing in or trafficking in.

812.131(2)(b)  3rd  Robbery by sudden snatching.

812.16(2)  3rd  Owning, operating, or conducting a chop shop.

817.034(4)(a)2.  2nd  Communications fraud, value $20,000 to $50,000.

817.234(11)(b)  2nd  Insurance fraud; property value $20,000 or more but less than $100,000.

817.2341(1),  3rd  Filing false financial

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(2)(a) & (3)(a) statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

### 817.568(2)(b)

2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.

### 817.611(2)(a)

2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

### 817.625(2)(b)

2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

### 825.1025(4)

3rd Lewd or lascivious exhibition
in the presence of an elderly person or disabled adult.

827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

827.071(5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
<table>
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<tr>
<th>Section</th>
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<tr>
<td>843.01</td>
<td>3rd</td>
<td>Resist officer with violence to person; resist arrest with violence.</td>
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<tr>
<td>847.0135(5)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition using computer; offender 18 years or older.</td>
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<tr>
<td>847.0137</td>
<td>3rd</td>
<td>Transmission of pornography by electronic device or equipment.</td>
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<tr>
<td>847.0138</td>
<td>3rd</td>
<td>Transmission of material harmful to minors to a minor by electronic device or equipment.</td>
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<tr>
<td>874.05(1)(b)</td>
<td>2nd</td>
<td>Encouraging or recruiting another to join a criminal gang; second or subsequent offense.</td>
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<tr>
<td>874.05(2)(a)</td>
<td>2nd</td>
<td>Encouraging or recruiting person under 13 years of age to join a criminal gang.</td>
</tr>
</tbody>
</table>
893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
893.13(1)(e)2.  2nd  Sell, manufacture, or deliver cannabis or other drug prohibited under s.
893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

893.13(1)(f)1.  1st  Sell, manufacture, or deliver cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.

893.13(4)(b)  2nd  Use or hire of minor; deliver to minor other controlled substance.

893.1351(1)  3rd  Ownership, lease, or rental for trafficking in or manufacturing
Section 6. Section 624.1055, Florida Statutes, is created to read:

624.1055 Right of contribution among liability insurers for defense costs.—A liability insurer who owes a duty to defend an insured and who defends the insured against a claim, suit, or other action has a right of contribution for defense costs against any other liability insurer who owes a duty to defend the insured against the same claim, suit, or other action, provided that contribution may not be sought from any liability insurer for defense costs that are incurred before the liability insurer's receipt of notice of the claim, suit, or other action.

(1) APPORTIONMENT OF COSTS.—The court shall allocate defense costs among liability insurers who owe a duty to defend the insured against the same claim, suit, or other action in accordance with the terms of the liability insurance policies. The court may use such equitable factors as the court determines are appropriate in making such allocation.

(2) ENFORCEMENT OF RIGHT OF CONTRIBUTION.—A liability insurer who is entitled to contribution from another liability insurer under this section may file an action for contribution in a court of competent jurisdiction.

(3) CONSTRUCTION.—

(a) This section is not intended to alter any terms of a
liability insurance policy or to create any additional duty on
the part of a liability insurer to an insured.

(b) An insured may not rely on this section as grounds for
a complaint against a liability insurer.

(4) APPLICABILITY.—This section applies to liability
insurance policies issued for delivery in this state, or
liability insurance policies under which an insurer has a duty
to defend an insured against claims asserted or suits or actions
filed in this state. Such liability insurance policies include
surplus lines insurance policies authorized under the Surplus
Lines Law, ss. 626.913-626.937.

(5) Notwithstanding subsection (4), this section does not
apply to motor vehicle liability insurance or medical
professional liability insurance.

Section 7. Subsection (3) of section 624.155, Florida
Statutes, is amended to read:

624.155 Civil remedy.—

(3)(a) As a condition precedent to bringing an action
under this section, the department and the authorized insurer
must have been given 60 days' written notice of the violation.
If the department returns a notice for lack of specificity, the
60-day time period shall not begin until a proper notice is
filed.

(b) The notice shall be on a form provided by the
department and shall state with specificity the following
information, and such other information as the department may require:

1. The statutory provision, including the specific language of the statute, which the authorized insurer allegedly violated.

2. The facts and circumstances giving rise to the violation.

3. The name of any individual involved in the violation.

4. Reference to specific policy language that is relevant to the violation, if any. If the person bringing the civil action is a third party claimant, she or he shall not be required to reference the specific policy language if the authorized insurer has not provided a copy of the policy to the third party claimant pursuant to written request.

5. A statement that the notice is given in order to perfect the right to pursue the civil remedy authorized by this section.

(c) Within 20 days of receipt of the notice, the department may return any notice that does not provide the specific information required by this section, and the department shall indicate the specific deficiencies contained in the notice. A determination by the department to return a notice for lack of specificity shall be exempt from the requirements of chapter 120.

(c)(d) No action shall lie if, within 60 days after filing
notice, the damages are paid or the circumstances giving rise to
the violation are corrected.

(d) The authorized insurer that is the recipient of a
notice filed pursuant to this section shall report to the
department on the disposition of the alleged violation.

(e) The applicable statute of limitations for an action
under this section shall be tolled for a period of 65 days by
the mailing of the notice required by this subsection or the
mailing of a subsequent notice required by this subsection.

(f) A notice required under this subsection may not be
filed within 60 days after appraisal is invoked by any party in
a residential property insurance claim.

Section 8. Subsection (2) of section 624.404, Florida
Statutes, is amended to read:

624.404 General eligibility of insurers for certificate of
authority.—To qualify for and hold authority to transact
insurance in this state, an insurer must be otherwise in
compliance with this code and with its charter powers and must
be an incorporated stock insurer, an incorporated mutual
insurer, or a reciprocal insurer, of the same general type as
may be formed as a domestic insurer under this code; except
that:

(2) A foreign or alien insurer or exchange may not
shall be authorized to transact insurance in this state unless
it is otherwise qualified therefor under this code and has
operated satisfactorily for at least 3 years in its state or
country of domicile; however, the office may waive the 3-year
requirement if the foreign or alien insurer or exchange:
   (a) Has operated successfully and has capital and surplus
of $5 million;
   (b) Is the wholly owned subsidiary of an insurer which is
an authorized insurer in this state;
   (c) Is the successor in interest through merger or
consolidation of an authorized insurer; or
   (d) Provides a product or service not readily available to
the consumers of this state; or
   (e) Possesses sufficient capital and surplus to support
its plan of operation as filed with the office.

Section 9. Paragraphs (d) and (e) of subsection (2) of
section 624.4085, Florida Statutes, are amended to read:
624.4085 Risk-based capital requirements for insurers.—
(2)
   (d) A life and health insurer's risk-based capital is
determined in accordance with the formula set forth in the risk-
based capital instructions. The formula takes into account and
may adjust for the covariance between:
1. The risk with respect to the insurer's assets;
2. The risk of adverse insurance experience with respect
to the insurer's liabilities and obligations;
3. The interest rate risk with respect to the insurer's
business; and

4. Any other business or other relevant risk set out in
the risk-based capital instructions,
determined in each case by applying the factors in the manner
set forth in the risk-based capital instructions. This paragraph
does not apply to a health maintenance organization or a prepaid
limited health service organization.

(e) A property and casualty insurer's and, if subject to
this section pursuant to paragraph (1)(g), a health maintenance
organization's or a prepaid limited health service
organization's, risk-based capital is determined in accordance
with the formula set forth in the risk-based capital
instructions. The formula takes into account and may adjust for
the covariance between:

1. The asset risk;
2. The credit risk;
3. The underwriting risk; and
4. Any other business or other relevant risk set out in
the risk-based capital instructions,
determined in each case by applying the factors in the manner
set forth in the risk-based capital instructions.

Section 10. Subsection (4) of section 626.914, Florida
Statutes, is amended to read:
626.914 Definitions.—As used in this Surplus Lines Law, the term:

(4) "Diligent effort" means seeking coverage from and having been rejected by at least three authorized insurers currently writing this type of coverage and documenting these rejections. However, if the residential structure has a dwelling replacement cost of $700,000 or more, the term means seeking coverage from and having been rejected by at least one authorized insurer currently writing this type of coverage and documenting this rejection.

Section 11. Subsection (4) of section 626.916, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

626.916 Eligibility for export.—

(4) A reasonable per-policy fee, not to exceed $35, may be charged by the filing surplus lines agent for each policy certified for export. This per-policy fee must be itemized separately to the customer before purchase and enumerated in the policy.

(5) A retail agent may charge a reasonable per-policy fee for placement of a surplus lines policy under this section. This per-policy fee must be itemized separately to the customer before purchase.

Section 12. Subsection (5) is added to section 626.9541, Florida Statutes, to read:
626.9541 Unfair methods of competition and unfair or
deviative acts or practices defined.—

(5) LOSS CONTROL AND LOSS MITIGATION.—This section does
not prohibit an insurer or agent from offering or giving to an
insured, for free or at a discounted price, services or other
merchandise, goods, wares, or other items of value that relate
to loss control or loss mitigation with respect to the risks
covered under the policy.

Section 13. Section 627.0655, Florida Statutes, is amended
to read:

627.0655 Policyholder loss or expense-related premium
discounts.—An insurer or person authorized to engage in the
business of insurance in this state may include, in the premium
charged an insured for any policy, contract, or certificate of
insurance, a discount based on the fact that another policy,
contract, or certificate of any type has been purchased by the
insured from:

(1) The same insurer or insurer group, or another insurer
under a joint marketing agreement;

(2) The Citizens Property Insurance Corporation created
under s. 627.351(6), if the same insurance agent is servicing
both policies;

(3) An insurer that has removed the policy from the
Citizens Property Insurance Corporation or issued a policy
pursuant to the clearinghouse program under s. 627.3518, if the
same insurance agent is servicing both policies; or

(4) An insurer, if the same insurance agent is servicing the policies.

Section 14. Subsection (2) of section 627.426, Florida Statutes, is amended to read:

627.426  Claims administration.—

(2) A liability insurer shall not be permitted to deny coverage based on a particular coverage defense unless:

(a) Within 30 days after the liability insurer knew or should have known of the coverage defense, written notice of reservation of rights to assert a coverage defense is given to the named insured by United States postal proof of mailing, registered or certified mail, or other mailing using the Intelligent Mail barcode or other similar tracking method used or approved by the United States Postal Service sent to the last known address of the insured or by hand delivery; and

(b) Within 60 days of compliance with paragraph (a) or receipt of a summons and complaint naming the insured as a defendant, whichever is later, but in no case later than 30 days before trial, the insurer:

1. Gives written notice to the named insured by United States postal proof of mailing, registered or certified mail, or other mailing using the Intelligent Mail barcode or other similar tracking method used or approved by the United States Postal Service of its refusal to defend the insured;
2. Obtains from the insured a nonwaiver agreement following full disclosure of the specific facts and policy provisions upon which the coverage defense is asserted and the duties, obligations, and liabilities of the insurer during and following the pendency of the subject litigation; or

3. Retains independent counsel which is mutually agreeable to the parties. Reasonable fees for the counsel may be agreed upon between the parties or, if no agreement is reached, shall be set by the court.

Section 15. Section 627.4555, Florida Statutes, is amended to read:

627.4555  Secondary notice.—

(1) Except as provided in this section, a contract for life insurance issued or issued for delivery in this state on or after October 1, 1997, covering a natural person 64 years of age or older, which has been in force for at least 1 year, may not be lapsed for nonpayment of premium unless, after expiration of the grace period, and at least 21 days before the effective date of any such lapse, the insurer has mailed a notification of the impending lapse in coverage to the policyowner and to a specified secondary addressee if such addressee has been designated in writing by name and address by the policyowner. An insurer issuing a life insurance contract on or after October 1, 1997, shall notify the applicant of the right to designate a secondary addressee at the time of application for the policy,
on a form provided by the insurer, and at any time the policy is
in force, by submitting a written notice to the insurer
containing the name and address of the secondary addressee. For
purposes of any life insurance policy that provides a grace
period of more than 51 days for nonpayment of premiums, the
notice of impending lapse in coverage required by this section
must be mailed to the policyowner and the secondary addressee at
least 21 days before the expiration of the grace period provided
in the policy. This section does not apply to any life insurance
contract under which premiums are payable monthly or more
frequently and are regularly collected by a licensed agent or
are paid by credit card or any preauthorized check processing or
automatic debit service of a financial institution.

(2) If the policyowner has a life agent of record or any
agent of record, the insurer must also notify the agent of the
impending lapse in coverage or mail or send electronically a
copy of the notification of the impending lapse in coverage
under subsection (1) to the agent at least 21 days before the
effective date of any such lapse. Receipt of such notice does
not make the agent responsible for any lapse in coverage. An
insurer is not required to notify the agent under this
subsection if any of the following applies:

(a) The insurer maintains an online system that allows an
agent to independently determine if a policy has lapsed.

(b) The insurer maintains a procedure that allows an agent
to independently determine whether the notice of lapse has been
sent to the insured.
(c) The insurer has no record of the current agent of record.
(d) The agent is employed by the insurer or an affiliate of the insurer.

Section 16. Subsection (2) of section 627.7015, Florida Statutes, is amended to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(2) At the time of issuance and renewal of a policy or at the time a first-party claim within the scope of this section is filed by the policyholder, the insurer shall notify the policyholder of its right to participate in the mediation program under this section. The department shall prepare a consumer information pamphlet for distribution to persons participating in mediation.

Section 17. Subsection (7) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if, before the effective date of such binder or policy, the insurer or agent has collected from the insured an amount equal to at least 1 month's premium. An
insurer, agent, or premium finance company may not, directly or
indirectly, take any action resulting in the insured having paid
from the insured's own funds an amount less than the 1 month's 2
month's premium required by this subsection. This subsection
applies without regard to whether the premium is financed by a
premium finance company or is paid pursuant to a periodic
payment plan of an insurer or an insurance agent. This
subsection does not apply if an insured or member of the
insured's family is renewing or replacing a policy or a binder
for such policy written by the same insurer or a member of the
same insurer group. This subsection does not apply to an insurer
that issues private passenger motor vehicle coverage primarily
to active duty or former military personnel or their dependents.
This subsection does not apply if all policy payments are paid
pursuant to a payroll deduction plan, an automatic electronic
funds transfer payment plan from the policyholder, or a
recurring credit card or debit card agreement with the insurer.
This subsection and subsection (4) do not apply if all policy
payments to an insurer are paid pursuant to an automatic
electronic funds transfer payment plan from an agent, a managing
general agent, or a premium finance company and if the policy
includes, at a minimum, personal injury protection pursuant to
ss. 627.730-627.7405; motor vehicle property damage liability
pursuant to s. 627.7275; and bodily injury liability in at least
the amount of $10,000 because of bodily injury to, or death of,
one person in any one accident and in the amount of $20,000
because of bodily injury to, or death of, two or more persons in
any one accident. This subsection and subsection (4) do not
apply if an insured has had a policy in effect for at least 6
months, the insured's agent is terminated by the insurer that
issued the policy, and the insured obtains coverage on the
policy's renewal date with a new company through the terminated
agent.

Section 18. Section 624.1055, Florida Statutes, as created
by this act, applies to any claim, suit, or other action
initiated on or after January 1, 2020.

Section 19. Except as otherwise expressly provided in this
act, this act shall take effect July 1, 2019.