

**By** the Committees on Appropriations; Banking and Insurance; Judiciary; and Banking and Insurance; and Senators Brandes and Bracy

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1                   A bill to be entitled  
2       An act relating to insurance; providing a short title;  
3       amending s. 215.555, F.S.; increasing the required  
4       reimbursement of loss adjustment expenses in  
5       reimbursement contracts between the State Board of  
6       Administration and property insurers under the Florida  
7       Hurricane Catastrophe Fund; amending s. 319.30, F.S.;  
8       specifying means by which an insurance company may  
9       forward certificates of title of certain salvage motor  
10      vehicles or mobile homes to the Department of Highway  
11      Safety and Motor Vehicles; revising the effective date  
12      of certain procedures and requirements relating to  
13      certificates of title; providing that certain  
14      electronic signatures satisfy certain signature  
15      requirements; amending s. 440.381, F.S.; revising a  
16      criminal penalty for the submission, with certain  
17      intent, of an employer application for workers'  
18      compensation insurance coverage which contains false,  
19      misleading, or incomplete information; providing that  
20      certain sworn statements in such applications are not  
21      required to be notarized; creating s. 624.1055, F.S.;  
22      providing a right of contribution among insurers for  
23      defense costs under certain circumstances; providing a  
24      requirement for, and authorizing the use of certain  
25      factors by, a court in allocating costs; providing a  
26      cause of action to enforce the right of contribution;  
27      providing construction and applicability; amending s.  
28      624.155, F.S.; deleting a provision that tolls, under  
29      certain circumstances, a period before a civil action

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30 against an insurer may be brought; deleting a  
31 provision authorizing the Department of Financial  
32 Services to return a civil remedy notice for lack of  
33 specificity; prohibiting the filing of the notice  
34 within a certain timeframe under certain  
35 circumstances; amending s. 624.404, F.S.; adding a  
36 circumstance under which the Office of Insurance  
37 Regulation may waive a 3-year operation requirement  
38 for foreign or alien insurers and exchanges; amending  
39 s. 624.4085, F.S.; specifying the applicable formula  
40 for determining risk-based capital of certain health  
41 maintenance organizations and prepaid limited health  
42 service organizations; amending s. 626.914, F.S.;  
43 revising the definition of the term "diligent effort"  
44 as used in the Surplus Lines Law; amending s. 626.916,  
45 F.S.; deleting a limit on fees charged by filing  
46 surplus lines agents per policy certified for export;  
47 authorizing retail agents to charge reasonable fees  
48 for placing surplus lines policies; specifying  
49 requirements for itemizing and enumerating fees;  
50 amending s. 626.9541, F.S.; providing that insurers  
51 and agents may give insureds certain free or  
52 discounted loss mitigation services or loss control  
53 items; deleting a limitation on the value of loss  
54 mitigation services that may be given to insureds;  
55 amending s. 627.0655, F.S.; revising circumstances  
56 under which insurers or certain authorized persons may  
57 provide certain premium discounts to insureds;  
58 amending s. 627.426, F.S.; adding means by which

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59 liability insurers may provide to named insureds  
60 certain notices relating to coverage denials based on  
61 a particular coverage defense; amending s. 627.4555,  
62 F.S.; requiring life insurers that are required to  
63 provide a specified notice to policyowners of an  
64 impending lapse in coverage to also notify the  
65 policyowner's agent of record within a certain  
66 timeframe; providing that the agent is not responsible  
67 for any lapse in coverage; exempting the insurer from  
68 the requirement under certain circumstances; amending  
69 s. 627.7015, F.S.; adding circumstances under which  
70 certain property insurers may provide required notice  
71 to policyholders of their right to participate in a  
72 certain mediation program; amending s. 627.7295, F.S.;  
73 reducing the collected premium required before private  
74 passenger motor vehicle insurance policies or binders  
75 may be initially issued; creating s. 768.094, F.S.;  
76 providing legislative findings and intent; defining  
77 terms; specifying responsibilities of operators of  
78 roller skating rinks and of roller skaters; amending  
79 s. 921.0022, F.S.; conforming a provision to changes  
80 made by the act; providing effective dates.

81

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

83

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

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

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88 215.555 Florida Hurricane Catastrophe Fund.—

89 (4) REIMBURSEMENT CONTRACTS.—

90 (b)1. The contract shall contain a promise by the board to  
91 reimburse the insurer for 45 percent, 75 percent, or 90 percent  
92 of its losses from each covered event in excess of the insurer's  
93 retention, plus 5 percent of the reimbursed losses to cover loss  
94 adjustment expenses. For contracts and rates effective on or  
95 after June 1, 2019, the loss adjustment expense reimbursement  
96 must be 10 percent of the reimbursed losses.

97 2. The insurer must elect one of the percentage coverage  
98 levels specified in this paragraph and may, upon renewal of a  
99 reimbursement contract, elect a lower percentage coverage level  
100 if no revenue bonds issued under subsection (6) after a covered  
101 event are outstanding, or elect a higher percentage coverage  
102 level, regardless of whether or not revenue bonds are  
103 outstanding. All members of an insurer group must elect the same  
104 percentage coverage level. Any joint underwriting association,  
105 risk apportionment plan, or other entity created under s.  
106 627.351 must elect the 90-percent coverage level.

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

110 Section 3. Paragraph (b) of subsection (3) of section  
111 319.30, Florida Statutes, is amended, and paragraph (d) is added  
112 to that section, to read:

113 319.30 Definitions; dismantling, destruction, change of  
114 identity of motor vehicle or mobile home; salvage.—

115 (3)

116 (b) The owner, including persons who are self-insured, of a

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117 motor vehicle or mobile home that is considered to be salvage  
118 shall, within 72 hours after the motor vehicle or mobile home  
119 becomes salvage, forward the title to the motor vehicle or  
120 mobile home to the department for processing. However, an  
121 insurance company that pays money as compensation for the total  
122 loss of a motor vehicle or mobile home shall obtain the  
123 certificate of title for the motor vehicle or mobile home, make  
124 the required notification to the National Motor Vehicle Title  
125 Information System, and, within 72 hours after receiving such  
126 certificate of title, forward such title by electronic means,  
127 the United States Postal Service, or another commercially  
128 available delivery service to the department for processing. The  
129 owner or insurance company, as applicable, may not dispose of a  
130 vehicle or mobile home that is a total loss before it obtains a  
131 salvage certificate of title or certificate of destruction from  
132 the department. Effective July 1, 2020 ~~July 1, 2023~~:

133 1. Thirty days after payment of a claim for compensation  
134 pursuant to this paragraph, the insurance company may receive a  
135 salvage certificate of title or certificate of destruction from  
136 the department if the insurance company is unable to obtain a  
137 properly assigned certificate of title from the owner or  
138 lienholder of the motor vehicle or mobile home, if the motor  
139 vehicle or mobile home does not carry an electronic lien on the  
140 title and the insurance company:

- 141 a. Has obtained the release of all liens on the motor  
142 vehicle or mobile home;  
143 b. Has provided proof of payment of the total loss claim;  
144 and  
145 c. Has provided an affidavit on letterhead signed by the

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146 insurance company or its authorized agent stating the attempts  
147 that have been made to obtain the title from the owner or  
148 lienholder and further stating that all attempts are to no  
149 avail. The affidavit must include a request that the salvage  
150 certificate of title or certificate of destruction be issued in  
151 the insurance company's name due to payment of a total loss  
152 claim to the owner or lienholder. The attempts to contact the  
153 owner may be by written request delivered in person or by first-  
154 class mail with a certificate of mailing to the owner's or  
155 lienholder's last known address.

156 2. If the owner or lienholder is notified of the request  
157 for title in person, the insurance company must provide an  
158 affidavit attesting to the in-person request for a certificate  
159 of title.

160 3. The request to the owner or lienholder for the  
161 certificate of title must include a complete description of the  
162 motor vehicle or mobile home and the statement that a total loss  
163 claim has been paid on the motor vehicle or mobile home.

164 (d) An electronic signature that is in accordance with  
165 chapter 668 satisfies any signature requirement under this  
166 subsection.

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

169 440.381 Application for coverage; reporting payroll;  
170 payroll audit procedures; penalties.—

171 (2) Submission of an application that contains false,  
172 misleading, or incomplete information provided with the purpose  
173 of avoiding or reducing the amount of premiums for workers'  
174 compensation coverage is a felony of the third ~~second~~ degree,

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175 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
176 The application must contain a statement that the filing of an  
177 application containing false, misleading, or incomplete  
178 information provided with the purpose of avoiding or reducing  
179 the amount of premiums for workers' compensation coverage is a  
180 felony of the third degree, punishable as provided in s.  
181 775.082, s. 775.083, or s. 775.084. The application must contain  
182 a sworn statement by the employer attesting to the accuracy of  
183 the information submitted and acknowledging the provisions of  
184 former s. 440.37(4). The application must contain a sworn  
185 statement by the agent attesting that the agent explained to the  
186 employer or officer the classification codes that are used for  
187 premium calculations. The sworn statements by the employer and  
188 the agent are not required to be notarized.

189 Section 5. Section 624.1055, Florida Statutes, is created  
190 to read:

191 624.1055 Right of contribution among insurers for defense  
192 costs.—A liability insurer that owes a duty to defend an insured  
193 and that defends the insured against a claim, suit, or other  
194 action has a right of contribution for defense costs against any  
195 other liability insurer that owes a duty to defend the insured  
196 against the same claim, suit, or other action, provided that  
197 contribution may not be sought from any insurer for defense  
198 costs incurred before the insurer's receipt of notice of the  
199 claim, suit, or other action.

200 (1) APPORTIONMENT OF COSTS.—The court shall allocate  
201 defense costs among insurers that owe a duty to defend the  
202 insured against the same claim, suit, or other action in  
203 accordance with the terms of the insurance policies. The court

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204 may use such equitable factors as the court determines are  
205 appropriate in making such allocation.

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

210 (3) CONSTRUCTION.—

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

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

216 (4) APPLICABILITY.—

217 (a) This section applies to liability insurance policies  
218 issued for delivery in this state or to liability insurance  
219 policies under which an insurer has a duty to defend an insured  
220 against claims asserted or suits or actions filed in this state.  
221 Such liability insurance policies include surplus lines  
222 insurance policies authorized under the Surplus Lines Law, ss.  
223 626.913-626.937. This section does not apply to motor vehicle  
224 liability insurance or medical professional liability insurance.

225 (b) This section applies to any claim, suit, or other  
226 action initiated on or after January 1, 2020.

227 Section 6. Subsection (3) of section 624.155, Florida  
228 Statutes, is amended to read:

229 624.155 Civil remedy.—

230 (3) (a) As a condition precedent to bringing an action under  
231 this section, the department and the authorized insurer must  
232 have been given 60 days' written notice of the violation. ~~If the~~



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233 ~~department returns a notice for lack of specificity, the 60 day~~  
234 ~~time period shall not begin until a proper notice is filed.~~

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

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

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

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

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

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

252 ~~(c) Within 20 days of receipt of the notice, the department~~  
253 ~~may return any notice that does not provide the specific~~  
254 ~~information required by this section, and the department shall~~  
255 ~~indicate the specific deficiencies contained in the notice. A~~  
256 ~~determination by the department to return a notice for lack of~~  
257 ~~specificity shall be exempt from the requirements of chapter~~  
258 ~~120.~~

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

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

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

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

272        Section 7. Subsection (2) of section 624.404, Florida  
273 Statutes, is amended to read:

274        624.404 General eligibility of insurers for certificate of  
275 authority.—To qualify for and hold authority to transact  
276 insurance in this state, an insurer must be otherwise in  
277 compliance with this code and with its charter powers and must  
278 be an incorporated stock insurer, an incorporated mutual  
279 insurer, or a reciprocal insurer, of the same general type as  
280 may be formed as a domestic insurer under this code; except  
281 that:

282        (2) A ~~No~~ foreign or alien insurer or exchange may not ~~shall~~  
283 be authorized to transact insurance in this state unless it is  
284 otherwise qualified therefor under this code and has operated  
285 satisfactorily for at least 3 years in its state or country of  
286 domicile; however, the office may waive the 3-year requirement  
287 if the foreign or alien insurer or exchange:

288        (a) Has operated successfully and has capital and surplus  
289 of \$5 million;

290        (b) Is the wholly owned subsidiary of an insurer which is

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291 an authorized insurer in this state;

292 (c) Is the successor in interest through merger or  
293 consolidation of an authorized insurer; ~~or~~

294 (d) Provides a product or service not readily available to  
295 the consumers of this state; or

296 (e) Possesses sufficient capital and surplus to support its  
297 plan of operation as filed with the office.

298 Section 8. Paragraphs (d) and (e) of subsection (2) of  
299 section 624.4085, Florida Statutes, are amended, and paragraph  
300 (g) of subsection (1) of that section is republished, to read:

301 624.4085 Risk-based capital requirements for insurers.—

302 (1) As used in this section, the term:

303 (g) "Life and health insurer" means an insurer authorized  
304 or eligible under the Florida Insurance Code to underwrite life  
305 or health insurance. The term includes a property and casualty  
306 insurer that writes accident and health insurance only.

307 Effective January 1, 2015, the term also includes a health  
308 maintenance organization that is authorized in this state and  
309 one or more other states, jurisdictions, or countries and a  
310 prepaid limited health service organization that is authorized  
311 in this state and one or more other states, jurisdictions, or  
312 countries.

313 (2)

314 (d) A life and health insurer's risk-based capital is  
315 determined in accordance with the formula set forth in the risk-  
316 based capital instructions. The formula takes into account and  
317 may adjust for the covariance between:

318 1. The risk with respect to the insurer's assets;

319 2. The risk of adverse insurance experience with respect to

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320 the insurer's liabilities and obligations;

321 3. The interest rate risk with respect to the insurer's  
322 business; and

323 4. Any other business or other relevant risk set out in the  
324 risk-based capital instructions,

325

326 determined in each case by applying the factors in the manner  
327 set forth in the risk-based capital instructions. This paragraph  
328 does not apply to a health maintenance organization or a prepaid  
329 limited health service organization.

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

338 1. The asset risk;

339 2. The credit risk;

340 3. The underwriting risk; and

341 4. Any other business or other relevant risk set out in the  
342 risk-based capital instructions,

343

344 determined in each case by applying the factors in the manner  
345 set forth in the risk-based capital instructions.

346 Section 9. Subsection (4) of section 626.914, Florida  
347 Statutes, is amended to read:

348 626.914 Definitions.—As used in this Surplus Lines Law, the

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349 term:

350 (4) "Diligent effort" means seeking coverage from and  
351 having been rejected by at least three authorized insurers  
352 currently writing this type of coverage and documenting these  
353 rejections. However, if the residential structure has a dwelling  
354 replacement cost of \$700,000 ~~\$1 million~~ or more, the term means  
355 seeking coverage from and having been rejected by at least one  
356 authorized insurer currently writing this type of coverage and  
357 documenting this rejection.

358 Section 10. Subsection (4) of section 626.916, Florida  
359 Statutes, is amended, and subsection (5) is added to that  
360 section, to read:

361 626.916 Eligibility for export.—

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

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

371 Section 11. Paragraph (m) of subsection (1) of section  
372 626.9541, Florida Statutes, is amended to read:

373 626.9541 Unfair methods of competition and unfair or  
374 deceptive acts or practices defined.—

375 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
376 ACTS.—The following are defined as unfair methods of competition  
377 and unfair or deceptive acts or practices:

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378 (m) Permissible advertising and promotional gifts, and  
379 charitable contributions, and loss mitigation services or loss  
380 control items permitted.—

381 1. ~~The provisions of~~ Paragraph (f), paragraph (g), or  
382 paragraph (h) do not prohibit a licensed insurer or its agent  
383 from:

384 a. Giving to insureds, prospective insureds, or others any  
385 article of merchandise, goods, wares, store gift cards, gift  
386 certificates, event tickets, anti-fraud ~~or loss mitigation~~  
387 services, or other items having a total value of \$100 or less  
388 per insured or prospective insured in any calendar year.

389 b. Making charitable contributions, as defined in s. 170(c)  
390 of the Internal Revenue Code, on behalf of insureds or  
391 prospective insureds, of up to \$100 per insured or prospective  
392 insured in any calendar year.

393 c. Giving to insureds, for free or at a discounted price,  
394 loss mitigation services or loss control items of value that  
395 relate to the risks covered under the policy.

396 2. ~~The provisions of~~ Paragraph (f), paragraph (g), or  
397 paragraph (h) do not prohibit a title insurance agent or title  
398 insurance agency, as those terms are defined in s. 626.841, or a  
399 title insurer, as defined in s. 627.7711, from giving to  
400 insureds, prospective insureds, or others, for the purpose of  
401 advertising, any article of merchandise having a value of not  
402 more than \$25. A person or entity governed by this subparagraph  
403 is not subject to subparagraph 1.

404 Section 12. Section 627.0655, Florida Statutes, is amended  
405 to read:

406 627.0655 Policyholder loss or expense-related premium

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407 discounts.—An insurer or person authorized to engage in the  
408 business of insurance in this state may include, in the premium  
409 charged an insured for any policy, contract, or certificate of  
410 insurance, an actuarially sound ~~a~~ discount based on the fact  
411 that another policy, contract, or certificate of any type has  
412 been purchased by the insured from:

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

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

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

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

424 Section 13. Subsection (2) of section 627.426, Florida  
425 Statutes, is amended to read:

426 627.426 Claims administration.—

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

429 (a) Within 30 days after the liability insurer knew or  
430 should have known of the coverage defense, written notice of  
431 reservation of rights to assert a coverage defense is given to  
432 the named insured by United States postal proof of mailing,  
433 registered or certified mail, or other mailing using the  
434 Intelligent Mail barcode or other similar tracking method used  
435 or approved by the United States Postal Service, sent to the

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436 last known address of the insured, or by hand delivery; and

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

441 1. Gives written notice to the named insured by United  
442 States postal proof of mailing, registered or certified mail, or  
443 other mailing using the Intelligent Mail barcode or other  
444 similar tracking method used or approved by the United States  
445 Postal Service, of its refusal to defend the insured;

446 2. Obtains from the insured a nonwaiver agreement following  
447 full disclosure of the specific facts and policy provisions upon  
448 which the coverage defense is asserted and the duties,  
449 obligations, and liabilities of the insurer during and following  
450 the pendency of the subject litigation; or

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

455 Section 14. Section 627.4555, Florida Statutes, is amended  
456 to read:

457 627.4555 Secondary notice.—

458 (1) Except as provided in this section, a contract for life  
459 insurance issued or issued for delivery in this state on or  
460 after October 1, 1997, covering a natural person 64 years of age  
461 or older, which has been in force for at least 1 year, may not  
462 be lapsed for nonpayment of premium unless, after expiration of  
463 the grace period, and at least 21 days before the effective date  
464 of any such lapse, the insurer has mailed a notification of the



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465 impending lapse in coverage to the policyowner and to a  
466 specified secondary addressee if such addressee has been  
467 designated in writing by name and address by the policyowner. An  
468 insurer issuing a life insurance contract on or after October 1,  
469 1997, shall notify the applicant of the right to designate a  
470 secondary addressee at the time of application for the policy,  
471 on a form provided by the insurer, and at any time the policy is  
472 in force, by submitting a written notice to the insurer  
473 containing the name and address of the secondary addressee. For  
474 purposes of any life insurance policy that provides a grace  
475 period of more than 51 days for nonpayment of premiums, the  
476 notice of impending lapse in coverage required by this section  
477 must be mailed to the policyowner and the secondary addressee at  
478 least 21 days before the expiration of the grace period provided  
479 in the policy. This section does not apply to any life insurance  
480 contract under which premiums are payable monthly or more  
481 frequently and are regularly collected by a licensed agent or  
482 are paid by credit card or any preauthorized check processing or  
483 automatic debit service of a financial institution.

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

493 (a) The insurer maintains an online system that allows an

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494 agent to independently determine if a policy has lapsed.

495 (b) The insurer maintains a procedure that allows an agent  
496 to independently determine whether the notice of lapse has been  
497 sent to the insured.

498 (c) The insurer has no record of the current agent of  
499 record.

500 (d) The agent is employed by the insurer or an affiliate of  
501 the insurer.

502 Section 15. Subsection (2) of section 627.7015, Florida  
503 Statutes, is amended to read:

504 627.7015 Alternative procedure for resolution of disputed  
505 property insurance claims.—

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

513 Section 16. Subsection (7) of section 627.7295, Florida  
514 Statutes, is amended to read:

515 627.7295 Motor vehicle insurance contracts.—

516 (7) A policy of private passenger motor vehicle insurance  
517 or a binder for such a policy may be initially issued in this  
518 state only if, before the effective date of such binder or  
519 policy, the insurer or agent has collected from the insured an  
520 amount equal to at least 1 month's ~~2 months'~~ premium. An  
521 insurer, agent, or premium finance company may not, directly or  
522 indirectly, take any action resulting in the insured having paid

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523 from the insured's own funds an amount less than the 1 month's ~~2~~  
524 ~~months'~~ premium required by this subsection. This subsection  
525 applies without regard to whether the premium is financed by a  
526 premium finance company or is paid pursuant to a periodic  
527 payment plan of an insurer or an insurance agent. This  
528 subsection does not apply if an insured or member of the  
529 insured's family is renewing or replacing a policy or a binder  
530 for such policy written by the same insurer or a member of the  
531 same insurer group. This subsection does not apply to an insurer  
532 that issues private passenger motor vehicle coverage primarily  
533 to active duty or former military personnel or their dependents.  
534 This subsection does not apply if all policy payments are paid  
535 pursuant to a payroll deduction plan, an automatic electronic  
536 funds transfer payment plan from the policyholder, or a  
537 recurring credit card or debit card agreement with the insurer.  
538 This subsection and subsection (4) do not apply if all policy  
539 payments to an insurer are paid pursuant to an automatic  
540 electronic funds transfer payment plan from an agent, a managing  
541 general agent, or a premium finance company and if the policy  
542 includes, at a minimum, personal injury protection pursuant to  
543 ss. 627.730-627.7405; motor vehicle property damage liability  
544 pursuant to s. 627.7275; and bodily injury liability in at least  
545 the amount of \$10,000 because of bodily injury to, or death of,  
546 one person in any one accident and in the amount of \$20,000  
547 because of bodily injury to, or death of, two or more persons in  
548 any one accident. This subsection and subsection (4) do not  
549 apply if an insured has had a policy in effect for at least 6  
550 months, the insured's agent is terminated by the insurer that  
551 issued the policy, and the insured obtains coverage on the

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552 policy's renewal date with a new company through the terminated  
553 agent.

554 Section 17. Section 768.094, Florida Statutes, is created  
555 to read:

556 768.094 Roller skating rinks; operator and roller skater  
557 responsibilities.-

558 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds  
559 that the recreational sport of roller skating is practiced by a  
560 large number of citizens in this state and is a wholesome and  
561 healthy family activity. The Legislature further finds that  
562 owners of roller skating rinks have great difficulty in  
563 obtaining liability insurance coverage at an affordable cost and  
564 that the lack of affordable insurance coverage affects not only  
565 the owners, but also patrons who may suffer personal injury as a  
566 result of accidents that occur on the premises of a roller  
567 skating rink. In order to make it more economically feasible for  
568 insurance companies to provide affordable coverage to owners,  
569 this section establishes standards to provide more  
570 predictability in liability to the owners of rinks and that  
571 encourage risk reduction techniques.

572 (2) DEFINITIONS.-As used in this section, the term:

573 (a) "Operator" means a person or an entity that owns,  
574 manages, controls, directs, or has operational responsibility  
575 for a roller skating rink.

576 (b) "Roller skater" means a person wearing roller skates  
577 while in a roller skating rink for the purpose of recreational  
578 or competitive roller skating. The term includes an individual  
579 in a roller skating rink who is an invitee, regardless of  
580 whether the person pays consideration.

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581 (c) "Roller skating rink" means a building, a facility, or  
582 a premises that provides an area specifically designed to be  
583 used by the public for recreational or competitive roller  
584 skating.

585 (d) "Spectator" means a person who is present in a roller  
586 skating rink only for the purpose of observing recreational or  
587 competitive roller skating.

588 (3) OPERATOR RESPONSIBILITIES.—An operator shall:

589 (a) Comply with all current roller skating rink safety  
590 standards published by the Roller Skating Association  
591 International to the extent such standards are consistent with  
592 this section.

593 (b) Post the duties of roller skaters and spectators and  
594 the duties and obligations of the operator, as prescribed in  
595 this section, in at least three conspicuous locations in the  
596 roller skating rink.

597 (c) Maintain the stability and legibility of all signs,  
598 symbols, and posted notices required by this section.

599 (d) When the skating rink is open for skating sessions,  
600 have as least one floor supervisor on duty for every 200 roller  
601 skaters.

602 (e) Maintain the skating surface in a reasonably safe  
603 condition, and clean and inspect the skating surface before each  
604 skating session.

605 (f) Maintain in good condition the railings, kickboards,  
606 and walls surrounding the skating surface.

607 (g) In rinks with step-up or step-down skating surfaces,  
608 ensure that the covering on the riser is securely fastened.

609 (h) Install fire extinguishers and inspect them at

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610 recommended intervals.

611 (i) Inspect emergency lighting units at least quarterly to  
612 ensure that they are in proper working order.

613 (j) Keep exit lights and lights in service areas on when  
614 skating surface lights are turned off during a skating session.

615 (k) Maintain in good mechanical condition roller skating  
616 equipment that the operator leases or rents to roller skaters.

617 (l) Comply with all applicable state and local safety  
618 codes.

619 (4) ROLLER SKATER RESPONSIBILITIES.—A roller skater shall:

620 (a) Maintain reasonable control of his or her speed and the  
621 course at all times.

622 (b) Heed all posted signs and warnings.

623 (c) Maintain a proper outlook to avoid other roller skaters  
624 and objects.

625 (d) Accept the responsibility for knowing the range of his  
626 or her own ability to negotiate the intended direction of travel  
627 while on roller skates and to skate within the limits of that  
628 ability.

629 (e) Refrain from acting in a manner that may cause or  
630 contribute to the injury of the roller skater or any other  
631 person.

632 Section 18. Paragraph (e) of subsection (3) of section  
633 921.0022, Florida Statutes, is amended to read:

634 921.0022 Criminal Punishment Code; offense severity ranking  
635 chart.—

636 (3) OFFENSE SEVERITY RANKING CHART

637 (e) LEVEL 5

638

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	Florida Statute	Felony Degree	Description
639	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
640	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
641	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
642	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
643	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
644	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone

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crab traps, lines, or  
 buoys; illegal  
 bartering, trading, or  
 sale, conspiring or  
 aiding in such barter,  
 trade, or sale, or  
 supplying, agreeing to  
 supply, 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.

645

379.367(4)

3rd

Willful molestation of a  
 commercial harvester's  
 spiny lobster trap,  
 line, or buoy.

646



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647

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

648

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

649

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

650

440.105(5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

651

440.381(2)

3rd ~~2nd~~

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401(4)(b)2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or

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more but less than  
\$100,000.

652  
653  
654  
655  
656  
657  
658

626.902 (1) (c)

2nd

Representing an  
unauthorized insurer;  
repeat offender.

790.01 (2)

3rd

Carrying a concealed  
firearm.

790.162

2nd

Threat to throw or  
discharge destructive  
device.

790.163 (1)

2nd

False report of bomb,  
explosive, weapon of  
mass destruction, or use  
of firearms in violent  
manner.

790.221 (1)

2nd

Possession of short-  
barreled shotgun or  
machine gun.

790.23

2nd

Felons in possession of  
firearms, ammunition, or  
electronic weapons or  
devices.

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659	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
660	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
661	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
662	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
663	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
664	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
665	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.

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666

812.131 (2) (b)

3rd

Robbery by sudden snatching.

667

812.16 (2)

3rd

Owning, operating, or conducting a chop shop.

668

817.034 (4) (a) 2.

2nd

Communications fraud, value \$20,000 to \$50,000.

669

817.234 (11) (b)

2nd

Insurance fraud; property value \$20,000 or more but less than \$100,000.

670

817.2341 (1),  
(2) (a) & (3) (a)

3rd

Filing false financial 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

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avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

671

817.611 (2) (a)

2nd

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

672

817.625 (2) (b)

2nd

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

673

825.1025 (4)

3rd

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

674

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct

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by a child.

675

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

676

828.12 (2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

677

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.

678

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

679

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18

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years or older.

680

847.0137

3rd

Transmission of  
pornography by  
electronic device or  
equipment.

(2) & (3)

681

847.0138

3rd

Transmission of material  
harmful to minors to a  
minor by electronic  
device or equipment.

(2) & (3)

682

874.05 (1) (b)

2nd

Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent  
offense.

683

874.05 (2) (a)

2nd

Encouraging or  
recruiting person under  
13 years of age to join  
a criminal gang.

684

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).

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685

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.

686

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.

687

893.13 (1) (e) 2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1) (c),



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(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.

688

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.

689

893.13(4)(b)

2nd

Use or hire of minor;  
 deliver to minor other  
 controlled substance.

690

893.1351(1)

3rd

Ownership, lease, or  
 rental for trafficking  
 in or manufacturing of  
 controlled substance.

691

692

Section 19. Except as otherwise expressly provided in this

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693 act and except for this section, which shall take effect upon  
694 this act becoming a law, this act shall take effect July 1,  
695 2019.