



565284

576-03289-22

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and
General Government)

A bill to be entitled

An act relating to the Department of Financial
Services; repealing s. 17.0315, F.S., relating to the
financial and cash management system and task force;
amending s. 48.151, F.S.; providing an exception to
service of process on public entities under certain
circumstances; deleting the Chief Financial Officer's
assistant or deputy or another person in charge of the
office as agents for service of process on insurers;
requiring the Department of Financial Services to
create a secure online portal as the sole means to
accept certain service of process; amending s.
110.123, F.S.; revising definitions; authorizing
specified persons relating to the Division of
Rehabilitation and Liquidation to purchase coverage in
a state group health insurance plan at specified
premium costs; providing that the enrollment period
for the state group insurance program begins with a
specified plan year for certain persons relating to
the division; amending s. 110.131, F.S.; conforming a
cross-reference; amending s. 120.541, F.S.; revising
applicability of certain provisions relating to a
specified proposed rule; amending s. 215.34, F.S.;
deleting the requirement for specified entities
receiving certain charged-back items to prepare a
journal transfer; amending s. 215.93, F.S.; renaming a



565284

576-03289-22

27 subsystem of the Florida Financial Management
28 Information System; amending s. 215.94, F.S.;
29 conforming a provision to changes made by the act;
30 amending s. 216.102, F.S.; making technical changes;
31 amending s. 218.32, F.S.; revising legislative intent;
32 providing functions of the Florida Open Financial
33 Statement System; requiring local governments to use
34 the system to file specified reports; providing
35 requirements for the system; revising the list of
36 entities with which the Chief Financial Officer may
37 consult with regard to the system; authorizing, rather
38 than requiring, certain local governmental financial
39 statements to be filed in a specified format; deleting
40 certain requirements for such statements; providing
41 construction; providing an exception; creating s.
42 395.1061, F.S.; defining terms; requiring certain
43 hospitals to demonstrate financial responsibility for
44 maintaining professional liability coverage;
45 specifying requirements for such financial
46 responsibility; requiring hospitals to provide
47 evidence of compliance and to remain in compliance;
48 prohibiting the Agency for Health Care Administration
49 from issuing or renewing licenses of hospitals under
50 certain circumstances; providing exemptions from
51 professional liability coverage requirements;
52 authorizing hospital systems to meet such professional
53 liability coverage requirements in a specified manner;
54 amending s. 440.02, F.S.; revising the definition of
55 the term "employer"; amending s. 440.05, F.S.;



565284

576-03289-22

56 revising information that must be submitted with the
57 notice of election to be exempt from workers'
58 compensation coverage; specifying the circumstances
59 under which the Department of Financial Services is
60 required to send certain notifications to workers'
61 compensation carriers; requiring such notifications to
62 be electronic; requiring certificates of election to
63 be exempt to contain a specified notice; deleting a
64 provision requiring certain corporation officers to
65 maintain business records; revising applicability of
66 certificates of election to be exempt; amending s.
67 440.107, F.S.; revising the timeframe for certain
68 employers to produce specified records under certain
69 circumstances; prohibiting employers who failed to
70 secure payment of workers' compensation from entering
71 a payment agreement schedule with the department
72 unless a specified condition is met; revising
73 circumstances that result in immediate reinstatement
74 of stop-work orders; revising penalty assessments;
75 amending s. 440.13, F.S.; revising statewide schedules
76 of maximum reimbursement allowances for medically
77 necessary treatment, care, and attendance; authorizing
78 the department to adopt rules; amending s. 440.185,
79 F.S.; revising the timeline and methods for workers'
80 compensation carriers to send a certain informational
81 brochure to injured workers; revising methods by which
82 such informational brochure is sent to employers;
83 amending s. 440.381, F.S.; specifying workers'
84 compensation policies that require physical onsite



565284

576-03289-22

85 audits for a specified class; amending s. 497.277,
86 F.S.; deleting a cap on transferring burial rights
87 fees; amending s. 497.369, F.S.; revising requirements
88 for licenses by endorsement to practice embalming;
89 amending s. 497.372, F.S.; revising the scope of
90 funeral directing practice; amending s. 497.374, F.S.;
91 revising requirements for licenses by endorsement to
92 practice funeral directing; amending s. 554.108, F.S.;
93 requiring boilers manufactured after a specified date,
94 rather than boilers of certain heat input, to be
95 stamped with a specified code symbol; revising the
96 boilers' information that must be filed; requiring
97 that specified spaces and rooms be equipped with
98 carbon monoxide detector devices; amending s. 554.111,
99 F.S.; deleting a requirement for a specified fee for a
100 certificate of competency; requiring applications for
101 boiler permits to include a specified report; revising
102 the purpose for special trips that the department is
103 required to make for boiler inspections; amending s.
104 554.114, F.S.; revising the schedules of penalties
105 against boiler insurance companies, inspection
106 agencies, and other persons for specified violations;
107 amending s. 624.307, F.S.; providing that certain
108 regulated persons or unauthorized insurers are
109 required to appoint the Chief Financial Officer as
110 their agents, rather than as their attorneys, to
111 receive service of legal process; revising the method
112 by which the Chief Financial Officer makes the process
113 available; requiring the Chief Financial Officer to



565284

576-03289-22

114 promptly send notice of receipt of service of process;
115 revising requirements for the contents of such notice;
116 amending s. 624.422, F.S.; requiring insurers to file
117 with the department e-mail addresses, rather than
118 addresses, of specified persons; providing that a
119 specified method by which process is served upon the
120 Chief Financial Officer is the sole method of service;
121 conforming provisions to changes made by the act;
122 amending s. 624.423, F.S.; revising procedures for
123 service of process; requiring the Chief Financial
124 Officer to promptly notify certain persons of the
125 process and to make the process available to such
126 persons through specified means; revising the method
127 by which records are retained; amending s. 624.610,
128 F.S.; conforming provisions to changes made by the
129 act; amending s. 626.015, F.S.; defining the term
130 "licensing authority"; revising the definition of the
131 term "unaffiliated insurance agent"; amending s.
132 626.171, F.S.; requiring fingerprints for certain
133 licenses to be processed in accordance with specified
134 laws; amending s. 626.172, F.S.; revising the method
135 by which fingerprints for applications for insurance
136 agency licenses are submitted; deleting a fingerprint
137 processing fee; creating s. 626.173, F.S.; providing
138 duties for certain insurance agency persons within a
139 specified timeframe after cessation of insurance
140 transactions; authorizing the department to impose
141 administrative fines against such persons for
142 specified violations; prohibiting the initiation of



565284

576-03289-22

143 certain proceedings and imposition of fines until
144 specified prerequisites are completed; providing a cap
145 on such fines; authorizing the department to suspend
146 or revoke licenses under certain circumstances;
147 providing requirements for determining penalties and
148 remedies; amending s. 626.201, F.S.; conforming a
149 provision to changes made by the act; providing
150 continuation of jurisdiction of the licensing
151 authority to investigate and prosecute specified
152 violations under certain circumstances; amending s.
153 626.202, F.S.; conforming provisions to changes made
154 by the act; amending s. 626.221, F.S.; adding a
155 designation to the list of designations that allow
156 applicants for an all-lines adjuster license to be
157 exempt from an examination; amending s. 626.311, F.S.;
158 providing an exception to the prohibition against
159 unaffiliated insurance agents holding appointments
160 from insurers; authorizing certain adjusters to obtain
161 adjuster appointments while maintaining unaffiliated
162 insurance agent appointments and to adjust claims and
163 receive certain compensation; amending ss. 626.321 and
164 626.601, F.S.; conforming provisions to changes made
165 by the act; amending s. 626.7845, F.S.; conforming a
166 cross-reference; amending ss. 626.8411 and 626.8412,
167 F.S.; conforming provisions to changes made by the
168 act; amending s. 626.8417, F.S.; revising requirements
169 to qualify for title insurance agent licenses;
170 amending s. 626.8421, F.S.; requiring title agencies
171 to have separate appointments under certain



565284

576-03289-22

172 circumstances; amending s. 626.843, F.S.; providing
173 requirements for appointments of title insurance
174 agencies; amending s. 626.8433, F.S.; requiring title
175 insurers that terminate appointments of title
176 insurance agencies to file certain information with
177 the department; amending s. 626.8447, F.S.; providing
178 effects of suspension or revocation of title insurance
179 agency licenses; amending s. 626.854, F.S.; revising
180 and providing restrictions on public adjuster
181 compensation; providing exceptions to such
182 restrictions; amending s. 626.8561, F.S.; revising the
183 definition of the term "public adjuster apprentice";
184 amending s. 626.865, F.S.; revising requirements to
185 qualify for public adjuster licenses; requiring that
186 certain bonds remain in effect for a specified period
187 after expiration of the license; amending s. 626.8651,
188 F.S.; requiring that certain bonds remain in effect
189 for a specified period after expiration of a public
190 adjuster apprentice license; revising requirements for
191 public adjuster apprentices to be, act as, or hold
192 themselves out to be public adjuster apprentices;
193 amending s. 626.8696, F.S.; revising requirements for
194 adjusting firm license applications; amending s.
195 626.8732, F.S.; requiring applicants for nonresident
196 public adjuster licenses to maintain certain bonds
197 after the expiration or termination of licenses;
198 amending ss. 626.8734, 626.906, 626.912, 626.937, and
199 626.9953, F.S.; conforming provisions to changes made
200 by the act; amending s. 633.135, F.S.; providing



565284

576-03289-22

201 additional uses for firefighter funds; amending s.
202 633.216, F.S.; revising requirements for renewal of
203 firesafety inspector certificates; amending s.
204 633.408, F.S.; revising requirements for the issuance
205 of a Firefighter Certificate of Compliance and Special
206 Certificate of Compliance; deleting provisions
207 relating to requirements to retain a Special
208 Certificate of Compliance; amending s. 633.414, F.S.;
209 providing requirements to retain a Special Certificate
210 of Compliance; revising requirements to retain a
211 Firefighter Certificate of Compliance; redefining the
212 term "active"; amending ss. 648.34 and 648.355, F.S.;
213 conforming provisions to changes made by the act;
214 amending s. 648.46, F.S.; providing continuation of
215 jurisdiction of the licensing authority to investigate
216 and prosecute specified violations under certain
217 circumstances; amending s. 766.105, F.S.; deleting
218 requirements and procedures for the certification of
219 hospital compliance with the Florida Patient's
220 Compensation Fund; providing that the fund is subject
221 to the supervision and approval of the Chief Financial
222 Officer or his or her designee, rather than the board
223 of governors; conforming provisions to changes made by
224 the act; providing for supervision of the fund until
225 dissolution; specifying duties of the Department of
226 Financial Services before dissolution of the fund;
227 providing for future repeal; amending ss. 945.6041 and
228 985.6441, F.S.; revising the definition of the term
229 "health care provider"; defining the term "other



565284

576-03289-22

230 medical facility"; providing effective dates.

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

233

234 Section 1. Section 17.0315, Florida Statutes, is repealed.

235 Section 2. Subsections (1) and (3) of section 48.151,

236 Florida Statutes, are amended to read:

237 48.151 Service on statutory agents for certain persons.—

238 (1) When any law designates a public officer, board,
239 agency, or commission as the agent for service of process on any
240 person, firm, or corporation, service of process thereunder
241 shall be made by leaving one copy of the process with the public
242 officer, board, agency, or commission or in the office thereof,
243 or by mailing one copy to the public officer, board, agency, or
244 commission, except as provided in subsection (3). The public
245 officer, board, agency, or commission so served shall retain a
246 record copy and promptly send the copy served, by registered or
247 certified mail, to the person to be served as shown by his or
248 her or its records. Proof of service on the public officer,
249 board, agency, or commission shall be by a notice accepting the
250 process which shall be issued by the public officer, board,
251 agency, or commission promptly after service and filed in the
252 court issuing the process. The notice accepting service shall
253 state the date upon which the copy of the process was mailed by
254 the public officer, board, agency, or commission to the person
255 being served and the time for pleading prescribed by the rules
256 of procedure shall run from this date. The service is valid
257 service for all purposes on the person for whom the public
258 officer, board, agency, or commission is statutory agent for



565284

576-03289-22

259 service of process.

260 (3) The Chief Financial Officer ~~or his or her assistant or~~
261 ~~deputy or another person in charge of the office~~ is the agent
262 for service of process on all insurers applying for authority to
263 transact insurance in this state, all licensed nonresident
264 insurance agents, all nonresident disability insurance agents
265 licensed pursuant to s. 626.835, any unauthorized insurer under
266 s. 626.906 or s. 626.937, domestic reciprocal insurers,
267 fraternal benefit societies under chapter 632, warranty
268 associations under chapter 634, prepaid limited health service
269 organizations under chapter 636, and persons required to file
270 statements under s. 628.461. ~~As an alternative to service of~~
271 ~~process made by mail or personal service on the Chief Financial~~
272 ~~Officer, on his or her assistant or deputy, or on another person~~
273 ~~in charge of the office,~~ The Department of Financial Services
274 shall may create a secure online portal as the sole means an
275 Internet-based transmission system to accept service of process
276 on the Chief Financial Officer under this section by electronic
277 transmission of documents.

278 Section 3. Present subsections (9) through (13) of section
279 110.123, Florida Statutes, are redesignated as subsections (10)
280 through (14), respectively, a new subsection (9) is added to
281 that section, and paragraphs (b), (c), (f), (h), (i), and (o) of
282 subsection (2) and paragraph (i) of subsection (5) are amended,
283 to read:

284 110.123 State group insurance program.—

285 (2) DEFINITIONS.—As used in ss. 110.123-110.1239, the term:

286 (b) "Enrollee" means all state officers and employees,
287 retired state officers and employees, surviving spouses of



565284

576-03289-22

288 deceased state officers and employees, and terminated employees
289 or individuals with continuation coverage who are enrolled in an
290 insurance plan offered by the state group insurance program. The
291 term "Enrollee" includes all state university officers and
292 employees, retired state university officers and employees,
293 surviving spouses of deceased state university officers and
294 employees, and terminated state university employees or
295 individuals with continuation coverage who are enrolled in an
296 insurance plan offered by the state group insurance program. As
297 used in this paragraph, state employees and retired state
298 employees also include employees and retired employees of the
299 Division of Rehabilitation and Liquidation.

300 (c) "Full-time state employees" means employees of all
301 branches or agencies of state government holding salaried
302 positions who are paid by state warrant or from agency funds and
303 who work or are expected to work an average of at least 30 ~~or~~
304 ~~more~~ hours per week; employees of the Division of Rehabilitation
305 and Liquidation who work or are expected to work an average of
306 at least 30 hours per week; employees paid from regular salary
307 appropriations for 8 months' employment, including university
308 personnel on academic contracts; and employees paid from other-
309 personal-services (OPS) funds as described in subparagraphs 1.
310 and 2. The term includes all full-time employees of the state
311 universities. The term does not include seasonal workers who are
312 paid from OPS funds.

313 1. For persons hired before April 1, 2013, the term
314 includes any person paid from OPS funds who:

315 a. Has worked an average of at least 30 hours or more per
316 week during the initial measurement period from April 1, 2013,



565284

576-03289-22

317 through September 30, 2013; or

318 b. Has worked an average of at least 30 hours or more per
319 week during a subsequent measurement period.

320 2. For persons hired after April 1, 2013, the term includes
321 any person paid from OPS funds who:

322 a. Is reasonably expected to work an average of at least 30
323 hours or more per week; or

324 b. Has worked an average of at least 30 hours or more per
325 week during the person's measurement period.

326 (f) "Part-time state employee" means an employee of any
327 branch or agency of state government paid by state warrant from
328 salary appropriations or from agency funds, or an employee of
329 the Division of Rehabilitation and Liquidation, ~~and~~ who is
330 employed for less than an average of 30 hours per week or, if on
331 academic contract or seasonal or other type of employment which
332 is less than year-round, is employed for less than 8 months
333 during any 12-month period, but does not include a person paid
334 from other-personal-services (OPS) funds. The term includes all
335 part-time employees of the state universities.

336 (h) "Retired state officer or employee" or "retiree" means
337 any state or state university officer or employee, or, beginning
338 with the 2023 plan year, an employee of the Division of
339 Rehabilitation and Liquidation, who retires under a state
340 retirement system or a state optional annuity or retirement
341 program or is placed on disability retirement, and who was
342 insured under the state group insurance program or the Division
343 of Rehabilitation and Liquidation's group insurance program at
344 the time of retirement, and who begins receiving retirement
345 benefits immediately after retirement from state or state



565284

576-03289-22

346 university office or employment. The term also includes any
347 state officer or state employee who retires under the Florida
348 Retirement System Investment Plan established under part II of
349 chapter 121 if he or she:

350 1. Meets the age and service requirements to qualify for
351 normal retirement as set forth in s. 121.021(29); or

352 2. Has attained the age specified by s. 72(t)(2)(A)(i) of
353 the Internal Revenue Code and has 6 years of creditable service.

354 (i) "State agency" or "agency" means any branch,
355 department, or agency of state government. "State agency" or
356 "agency" includes any state university and the Division of
357 Rehabilitation and Liquidation for purposes of this section
358 only.

359 (o) "Surviving spouse" means the widow or widower of a
360 deceased state officer, full-time state employee, part-time
361 state employee, or retiree if such widow or widower was covered
362 as a dependent under the state group health insurance plan,
363 TRICARE supplemental insurance plan, ~~or~~ a health maintenance
364 organization plan established pursuant to this section, or the
365 Division of Rehabilitation and Liquidation's group insurance
366 program at the time of the death of the deceased officer,
367 employee, or retiree. "Surviving spouse" also means any widow or
368 widower who is receiving or eligible to receive a monthly state
369 warrant from a state retirement system as the beneficiary of a
370 state officer, full-time state employee, or retiree who died
371 prior to July 1, 1979. For the purposes of this section, any
372 such widow or widower shall cease to be a surviving spouse upon
373 his or her remarriage.

374 (5) DEPARTMENT POWERS AND DUTIES.—The department is



565284

576-03289-22

375 responsible for the administration of the state group insurance
376 program. The department shall initiate and supervise the program
377 as established by this section and shall adopt such rules as are
378 necessary to perform its responsibilities. To implement this
379 program, the department shall, with prior approval by the
380 Legislature:

381 (i) Contract with a single custodian to provide services
382 necessary to implement and administer the health savings
383 accounts authorized in subsection (13) ~~(12)~~.

384
385 Final decisions concerning enrollment, the existence of
386 coverage, or covered benefits under the state group insurance
387 program shall not be delegated or deemed to have been delegated
388 by the department.

389 (9) COVERAGE AND ENROLLMENT PERIOD FOR EMPLOYEES, RETIREES,
390 AND WIDOWS AND WIDOWERS OF EMPLOYEES AND RETIREES OF THE
391 DIVISION OF REHABILITATION AND LIQUIDATION.-

392 (a) Beginning with the 2023 plan year:

393 1. A retired employee insured under the Division of
394 Rehabilitation and Liquidation's group insurance program, or a
395 widow or widower of an employee or of a retired employee of the
396 Division of Rehabilitation and Liquidation who is covered as a
397 dependent under the Division of Rehabilitation and Liquidation's
398 group insurance program, may purchase coverage in a state group
399 health insurance plan at the same premium cost as that for a
400 retiree or a surviving spouse, respectively, enrolled in the
401 state group insurance program.

402 2. A terminated employee of the Division of Rehabilitation
403 and Liquidation or an individual with continuation coverage who



565284

576-03289-22

404 is insured under the Division of Rehabilitation and
405 Liquidation's group insurance program may purchase coverage in a
406 state group health insurance plan at the same premium cost as
407 that for a terminated employee or an individual with
408 continuation coverage, respectively, enrolled in the state group
409 insurance program.

410 (b) The enrollment period for the state group insurance
411 program begins with the 2023 plan year for:

412 1. Current and retired employees of the Division of
413 Rehabilitation and Liquidation.

414 2. Widows and widowers of employees and of retired
415 employees of the Division of Rehabilitation and Liquidation.

416 3. Terminated employees of the Division of Rehabilitation
417 and Liquidation or individuals with continuation coverage who
418 are insured under the Division of Rehabilitation and
419 Liquidation's group insurance program.

420 Section 4. Subsection (5) of section 110.131, Florida
421 Statutes, is amended to read:

422 110.131 Other-personal-services employment.—

423 (5) Beginning January 1, 2014, an other-personal-services
424 (OPS) employee who has worked an average of at least 30 or more
425 hours per week during the measurement period described in s.
426 110.123(14)(c) or (d) ~~s. 110.123(13)(c) or (d)~~, or who is
427 reasonably expected to work an average of at least 30 or more
428 hours per week following his or her employment, is eligible to
429 participate in the state group insurance program as provided
430 under s. 110.123.

431 Section 5. Paragraph (d) is added to subsection (4) of
432 section 120.541, Florida Statutes, and paragraph (a) of



565284

576-03289-22

433 subsection (2) and subsection (3) of that section are
434 republished, to read:

435 120.541 Statement of estimated regulatory costs.—

436 (2) A statement of estimated regulatory costs shall
437 include:

438 (a) An economic analysis showing whether the rule directly
439 or indirectly:

440 1. Is likely to have an adverse impact on economic growth,
441 private sector job creation or employment, or private sector
442 investment in excess of \$1 million in the aggregate within 5
443 years after the implementation of the rule;

444 2. Is likely to have an adverse impact on business
445 competitiveness, including the ability of persons doing business
446 in the state to compete with persons doing business in other
447 states or domestic markets, productivity, or innovation in
448 excess of \$1 million in the aggregate within 5 years after the
449 implementation of the rule; or

450 3. Is likely to increase regulatory costs, including any
451 transactional costs, in excess of \$1 million in the aggregate
452 within 5 years after the implementation of the rule.

453 (3) If the adverse impact or regulatory costs of the rule
454 exceed any of the criteria established in paragraph (2) (a), the
455 rule shall be submitted to the President of the Senate and
456 Speaker of the House of Representatives no later than 30 days
457 prior to the next regular legislative session, and the rule may
458 not take effect until it is ratified by the Legislature.

459 (4) Subsection (3) does not apply to the adoption of:

460 (d) Schedules of maximum reimbursement allowances by the
461 three-member panel which are expressly authorized by s. 440.13.



565284

576-03289-22

462 Section 6. Subsection (1) of section 215.34, Florida
463 Statutes, is amended to read:

464 215.34 State funds; noncollectible items; procedure.—

465 (1) Any check, draft, or other order for the payment of
466 money in payment of any licenses, fees, taxes, commissions, or
467 charges of any sort authorized to be made under the laws of the
468 state and deposited in the State Treasury as provided herein,
469 which may be returned for any reason by the bank or other payor
470 upon which same shall have been drawn shall be forthwith
471 returned by the Chief Financial Officer for collection to the
472 state officer, the state agency, or the entity of the judicial
473 branch making the deposit. In such case, the Chief Financial
474 Officer may issue a debit memorandum charging an account of the
475 agency, officer, or entity of the judicial branch which
476 originally received the payment. The original of the debit
477 memorandum shall state the reason for the return of the check,
478 draft, or other order and shall accompany the item being
479 returned to the officer, agency, or entity of the judicial
480 branch being charged. The officer, agency, or entity of the
481 judicial branch receiving the charged-back item shall ~~prepare a~~
482 ~~journal transfer which shall~~ debit the charge against the fund
483 or account to which the same shall have been originally
484 credited. Such procedure for handling noncollectible items shall
485 not be construed as paying funds out of the State Treasury
486 without an appropriation, but shall be considered as an
487 administrative procedure for the efficient handling of state
488 records and accounts.

489 Section 7. Paragraph (c) of subsection (1) of section
490 215.93, Florida Statutes, is amended to read:



565284

576-03289-22

491 215.93 Florida Financial Management Information System.—
492 (1) To provide the information necessary to carry out the
493 intent of the Legislature, there shall be a Florida Financial
494 Management Information System. The Florida Financial Management
495 Information System shall be fully implemented and shall be
496 upgraded as necessary to ensure the efficient operation of an
497 integrated financial management information system and to
498 provide necessary information for the effective operation of
499 state government. Upon the recommendation of the coordinating
500 council and approval of the board, the Florida Financial
501 Management Information System may require data from any state
502 agency information system or information subsystem or may
503 request data from any judicial branch information system or
504 information subsystem that the coordinating council and board
505 have determined to have statewide financial management
506 significance. Each functional owner information subsystem within
507 the Florida Financial Management Information System shall be
508 developed in such a fashion as to allow for timely, positive,
509 preplanned, and prescribed data transfers between the Florida
510 Financial Management Information System functional owner
511 information subsystems and from other information systems. The
512 principal unit of the system shall be the functional owner
513 information subsystem, and the system shall include, but shall
514 not be limited to, the following:

515 (c) Financial Cash Management Subsystem.

516 Section 8. Subsection (3) of section 215.94, Florida
517 Statutes, is amended to read:

518 215.94 Designation, duties, and responsibilities of
519 functional owners.—



565284

576-03289-22

520 (3) The Chief Financial Officer shall be the functional
521 owner of the Financial ~~Cash~~ Management Subsystem. The Chief
522 Financial Officer shall design, implement, and operate the
523 subsystem in accordance with the provisions of ss. 215.90-
524 215.96. The subsystem shall include, but shall not be limited
525 to, functions for:

526 (a) Recording and reconciling credits and debits to
527 treasury fund accounts.

528 (b) Monitoring cash levels and activities in state bank
529 accounts.

530 (c) Monitoring short-term investments of idle cash.

531 (d) Administering the provisions of the Federal Cash
532 Management Improvement Act of 1990.

533 Section 9. Subsection (3) of section 216.102, Florida
534 Statutes, is amended to read:

535 216.102 Filing of financial information; handling by Chief
536 Financial Officer; penalty for noncompliance.—

537 (3) The Chief Financial Officer shall:

538 (a) Prepare and furnish to the Auditor General annual
539 financial statements for the state on or before December 31 of
540 each year, using generally accepted accounting principles.

541 (b) Prepare and publish an annual ~~a comprehensive annual~~
542 financial report for the state in accordance with generally
543 accepted accounting principles on or before February 28 of each
544 year.

545 (c) Furnish the Governor, the President of the Senate, and
546 the Speaker of the House of Representatives with a copy of the
547 annual comprehensive ~~annual~~ financial report prepared pursuant
548 to paragraph (b).



565284

576-03289-22

549 (d) Notify each agency and the judicial branch of the data
550 that is required to be recorded to enhance accountability for
551 tracking federal financial assistance.

552 (e) Provide reports, as requested, to executive or judicial
553 branch entities, the President of the Senate, the Speaker of the
554 House of Representatives, and the members of the Florida
555 Congressional Delegation, detailing the federal financial
556 assistance received and disbursed by state agencies and the
557 judicial branch.

558 (f) Consult with and elicit comments from the Executive
559 Office of the Governor on changes to the Florida Accounting
560 Information Resource Subsystem which clearly affect the
561 accounting of federal funds, so as to ensure consistency of
562 information entered into the Federal Aid Tracking System by
563 state executive and judicial branch entities. While efforts
564 shall be made to ensure the compatibility of the Florida
565 Accounting Information Resource Subsystem and the Federal Aid
566 Tracking System, any successive systems serving identical or
567 similar functions shall preserve such compatibility.

568
569 The Chief Financial Officer may furnish and publish in
570 electronic form the financial statements and the annual
571 comprehensive ~~annual~~ financial report required under paragraphs
572 (a), (b), and (c).

573 Section 10. Paragraph (h) of subsection (1) of section
574 218.32, Florida Statutes, is amended, and paragraph (i) is added
575 to that subsection, to read:

576 218.32 Annual financial reports; local governmental
577 entities.-



565284

576-03289-22

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(1)
(h) ~~It is the intent of the Legislature to create~~ The Florida Open Financial Statement System must serve as an interactive repository for governmental financial statements. This system serves as the primary reporting location for government financial information. A local government shall use the system to file with the department copies of all audit reports compiled pursuant to ss. 11.45 and 218.39. The system must be accessible to the public and must be open to inspection at all times by the Legislature, the Auditor General, and the Chief Inspector General.

1. The Chief Financial Officer may consult with stakeholders with regard to, ~~including the department, the Auditor General, a representative of a municipality or county, a representative of a special district, a municipal bond investor, and an information technology professional employed in the private sector, for input on the design and implementation of~~ the Florida Open Financial Statement System.

2. The Chief Financial Officer may choose contractors to build one or more eXtensible Business Reporting Language (XBRL) taxonomies suitable for state, county, municipal, and special district financial filings and to create a software tool that enables financial statement filers to easily create XBRL documents consistent with such taxonomies. The Chief Financial Officer must recruit and select contractors through an open request for proposals process pursuant to chapter 287.

3. The Chief Financial Officer must require that all work products be completed no later than December 31, 2021.

4. If the Chief Financial Officer deems the work products



565284

576-03289-22

607 adequate, all local governmental financial statements for fiscal
608 years ending on or after September 1, 2022, may ~~must~~ be filed in
609 XBRL format as prescribed by the Chief Financial Officer ~~and~~
610 ~~must meet the validation requirements of the relevant taxonomy.~~

611 5. A local government that begins filing in XBRL format may
612 not be required to make filings in Portable Document Format.

613 (i) Each local governmental entity that enters all required
614 information in the Florida Open Financial Statement System is
615 deemed to be compliant with this section, except as otherwise
616 provided in this section.

617 Section 11. Section 395.1061, Florida Statutes, is created
618 to read:

619 395.1061 Professional liability coverage.-

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

621 (a) "Committee" means a committee or board of a hospital
622 established to make recommendations, policies, or decisions
623 regarding patient institutional utilization, patient treatment,
624 or institutional staff privileges or to perform other
625 administrative or professional purposes or functions.

626 (b) "Covered individuals" means the officers; trustees;
627 volunteer workers; trainees; committee members, including
628 physicians, osteopathic physicians, podiatric physicians, and
629 dentists; and employees of the hospital other than employed
630 physicians licensed under chapter 458, physician assistants
631 licensed under chapter 458, osteopathic physicians licensed
632 under chapter 459, dentists licensed under chapter 466, and
633 podiatric physicians licensed under chapter 461. However, with
634 respect to a hospital, the term also includes house physicians,
635 interns, employed physician residents in a resident training



565284

576-03289-22

636 program, and physicians performing purely administrative duties
637 for the hospital instead of treating patients. The coverage
638 applies to the hospital and those included in the definition of
639 health care provider as provided in s. 985.6441(1).

640 (c) "Hospital system" means two or more hospitals
641 associated by common ownership or corporate affiliation.

642 (d) "House physician" means any physician, osteopathic
643 physician, podiatric physician, or dentist at a hospital,
644 except:

645 1. The physician, osteopathic physician, podiatric
646 physician, or dentist who has staff privileges at a hospital,
647 provides emergency room services, or performs a medical or
648 dental service for a fee; or

649 2. An anesthesiologist, a pathologist, or a radiologist.

650 (e) "Occurrence" means an accident or incident, including
651 continuous or repeated exposure to certain harmful conditions,
652 which results in patient injuries.

653 (f) "Per claim" means all claims per patient arising out of
654 an occurrence.

655 (2) Each hospital, unless exempted under paragraph (3)(b),
656 must demonstrate financial responsibility for maintaining
657 professional liability coverage to pay claims and costs
658 ancillary thereto arising out of the rendering of or failure to
659 render medical care or services and for bodily injury or
660 property damage to the person or property of any patient arising
661 out of the activities of the hospital or arising out of the
662 activities of covered individuals, to the satisfaction of the
663 agency, by meeting one of the following requirements:

664 (a) Establish an escrow account in an amount equivalent to



565284

576-03289-22

665 \$10,000 per claim for each bed in such hospital, not to exceed a
666 \$2.5 million annual aggregate.

667 (b) Obtain professional liability coverage in an amount
668 equivalent to \$10,000 or more per claim for each bed in such
669 hospital from a private insurer, from the Joint Underwriting
670 Association established under s. 627.351(4), or through a plan
671 of self-insurance as provided in s. 627.357. However, a hospital
672 may not be required to obtain such coverage in an amount
673 exceeding a \$2.5 million annual aggregate.

674 (3) (a) Each hospital, unless exempted under paragraph (b),
675 shall provide evidence of compliance and remain in continuous
676 compliance with the professional liability coverage provisions
677 of this section. The agency may not issue or renew the license
678 of any hospital that does not provide evidence of compliance or
679 that provides evidence of insufficient coverage.

680 (b) Any hospital operated by an agency, subdivision, or
681 instrumentality of the state is exempt from the provisions of
682 this section.

683 (4) A hospital system may meet the professional liability
684 coverage requirement with an escrow account, insurance, or self-
685 insurance policies if the \$10,000 per claim and \$2.5 million
686 annual aggregate are met for each hospital in the hospital
687 system.

688 Section 12. Paragraph (a) of subsection (16) of section
689 440.02, Florida Statutes, is amended to read:

690 440.02 Definitions.—When used in this chapter, unless the
691 context clearly requires otherwise, the following terms shall
692 have the following meanings:

693 (16) (a) "Employer" means the state and all political



565284

576-03289-22

694 subdivisions thereof, all public and quasi-public corporations
695 therein, every person carrying on any employment, and the legal
696 representative of a deceased person or the receiver or trustees
697 of any person. The term "Employer" also includes employment
698 agencies and employee leasing companies that, ~~and similar~~
699 ~~agents who~~ provide employees to other business entities or
700 persons. If the employer is a corporation, parties in actual
701 control of the corporation, including, but not limited to, the
702 president, officers who exercise broad corporate powers,
703 directors, and all shareholders who directly or indirectly own a
704 controlling interest in the corporation, are considered the
705 employer for the purposes of ss. 440.105, 440.106, and 440.107.

706 Section 13. Effective January 1, 2023, subsections (3),
707 (4), (10), and (12) of section 440.05, Florida Statutes, are
708 amended to read:

709 440.05 Election of exemption; revocation of election;
710 notice; certification.-

711 (3) The notice of election to be exempt must be
712 electronically submitted to the department by the officer of a
713 corporation who is allowed to claim an exemption as provided by
714 this chapter and must list the name, date of birth, valid driver
715 license number or Florida identification card number, and all
716 certified or registered licenses issued pursuant to chapter 489
717 held by the person seeking the exemption, the registration
718 number of the corporation filed with the Division of
719 Corporations of the Department of State, and the percentage of
720 ownership evidencing the required ownership under this chapter.
721 The notice of election to be exempt must identify each
722 corporation that employs the person electing the exemption and



565284

576-03289-22

723 must list the ~~social security number or~~ federal tax
724 identification number of each such employer and the additional
725 documentation required by this section. In addition, the notice
726 of election to be exempt must provide that the officer electing
727 an exemption is not entitled to benefits under this chapter,
728 must provide that the election does not exceed exemption limits
729 for officers provided in s. 440.02, ~~and~~ must certify that any
730 employees of the corporation whose officer elects an exemption
731 are covered by workers' compensation insurance, and must certify
732 that the officer electing an exemption has completed an online
733 workers' compensation coverage and compliance tutorial developed
734 by the department. Upon receipt of the notice of the election to
735 be exempt, receipt of all application fees, and a determination
736 by the department that the notice meets the requirements of this
737 subsection, the department shall issue a certification of the
738 election to the officer, unless the department determines that
739 the information contained in the notice is invalid. The
740 department shall revoke a certificate of election to be exempt
741 from coverage upon a determination by the department that the
742 person does not meet the requirements for exemption or that the
743 information contained in the notice of election to be exempt is
744 invalid. The certificate of election must list the name of the
745 corporation listed in the request for exemption. A new
746 certificate of election must be obtained each time the person is
747 employed by a new or different corporation that is not listed on
748 the certificate of election. Upon written request from a
749 workers' compensation carrier, the department shall send
750 thereafter an electronic notification to the carrier identifying
751 each of its policyholders for which a notice of election to be



565284

576-03289-22

752 exempt has been issued or for which a notice of revocation to be
753 exempt has been received ~~A notice of the certificate of election~~
754 ~~must be sent to each workers' compensation carrier identified in~~
755 ~~the request for exemption.~~ Upon filing a notice of revocation of
756 election, an officer who is a subcontractor or an officer of a
757 corporate subcontractor must notify her or his contractor. ~~Upon~~
758 ~~revocation of a certificate of election of exemption by the~~
759 ~~department, the department shall notify the workers'~~
760 ~~compensation carriers identified in the request for exemption.~~

761 (4) The notice of election to be exempt from the provisions
762 of this chapter must contain a notice that clearly states in
763 substance the following: "Any person who, knowingly and with
764 intent to injure, defraud, or deceive the department or any
765 employer or employee, insurance company, or any other person,
766 files a notice of election to be exempt containing any false or
767 misleading information is guilty of a felony of the third
768 degree." Each person filing a notice of election to be exempt
769 shall personally sign the notice and attest that he or she has
770 reviewed, understands, and acknowledges the foregoing notice.
771 The certificate of election to be exempt must contain the
772 following notice: "This certificate of election to be exempt is
773 NOT a license issued by the Department of Business and
774 Professional Regulation (DBPR). To determine if the
775 certificateholder is required to have a license to perform work
776 or to verify the license of the certificateholder, go to (insert
777 DBPR's website address for where to find this information)."

778 ~~(10) Each officer of a corporation who is actively engaged~~
779 ~~in the construction industry and who elects an exemption from~~
780 ~~this chapter shall maintain business records as specified by the~~



565284

576-03289-22

781 ~~department by rule.~~

782 (11)~~(12)~~ Certificates of election to be exempt issued under
783 subsection (3) shall apply only to the corporate officer named
784 on the notice of election to be exempt and ~~apply only within the~~
785 ~~scope of the business or trade listed on the notice of election~~
786 ~~to be exempt.~~

787 Section 14. Effective January 1, 2023, paragraphs (a) and
788 (d) of subsection (7) of section 440.107, Florida Statutes, are
789 amended to read:

790 440.107 Department powers to enforce employer compliance
791 with coverage requirements.-

792 (7) (a) Whenever the department determines that an employer
793 who is required to secure the payment to his or her employees of
794 the compensation provided for by this chapter has failed to
795 secure the payment of workers' compensation required by this
796 chapter or to produce the required business records under
797 subsection (5) within 21 ~~10-business~~ days after receipt of the
798 written request of the department, such failure shall be deemed
799 an immediate serious danger to public health, safety, or welfare
800 sufficient to justify service by the department of a stop-work
801 order on the employer, requiring the cessation of all business
802 operations. If the department makes such a determination, the
803 department shall issue a stop-work order within 72 hours. The
804 order shall take effect when served upon the employer or, for a
805 particular employer worksite, when served at that worksite. In
806 addition to serving a stop-work order at a particular worksite
807 which shall be effective immediately, the department shall
808 immediately proceed with service upon the employer which shall
809 be effective upon all employer worksites in the state for which



565284

576-03289-22

810 the employer is not in compliance. A stop-work order may be
811 served with regard to an employer's worksite by posting a copy
812 of the stop-work order in a conspicuous location at the
813 worksite. Information related to an employer's stop-work order
814 shall be made available on the division's website, ~~be updated~~
815 ~~daily~~, and remain on the website for at least 5 years. The order
816 shall remain in effect until the department issues an order
817 releasing the stop-work order upon a finding that the employer
818 has come into compliance with the coverage requirements of this
819 chapter and has paid any penalty assessed under this section.
820 The department may issue an order of conditional release from a
821 stop-work order to an employer upon a finding that the employer
822 has complied with the coverage requirements of this chapter,
823 paid a penalty of \$1,000 as a down payment, and agreed to remit
824 periodic payments of the remaining penalty amount pursuant to a
825 payment agreement schedule with the department or pay the
826 remaining penalty amount in full. An employer may not enter into
827 a payment agreement schedule unless the employer has fully paid
828 any previous penalty assessed under this section. If an order of
829 conditional release is issued, failure by the employer to pay
830 the penalty in full or enter into a payment agreement with the
831 department within 21 ~~28~~ days after service of the first penalty
832 assessment calculation ~~stop-work order~~ upon the employer, or to
833 meet any term or condition of such penalty payment agreement,
834 shall result in the immediate reinstatement of the stop-work
835 order and the entire unpaid balance of the penalty shall become
836 immediately due.

837 (d)1. In addition to any penalty, stop-work order, or
838 injunction, the department shall assess against an ~~any~~ employer



565284

576-03289-22

839 who has failed to secure the payment of compensation as required
840 by this chapter a penalty equal to 2 times the amount the
841 employer would have paid in premium when applying approved
842 manual rates to the employer's payroll during periods for which
843 it failed to secure the payment of workers' compensation
844 required by this chapter within the preceding 12-month 2-year
845 period or \$1,000, whichever is greater. However, for an employer
846 who is issued a stop-work order for materially understating or
847 concealing payroll or has been previously issued a stop-work
848 order or an order of penalty assessment, the preceding 24-month
849 period shall be used to calculate the penalty as specified in
850 this subparagraph.

851 a. For an employer ~~employers~~ who has ~~have~~ not been
852 previously issued a stop-work order or order of penalty
853 assessment, the department must allow the employer to receive a
854 credit for the initial payment of the estimated annual workers'
855 compensation policy premium, as determined by the carrier, to be
856 applied to the penalty. Before applying the credit to the
857 penalty, the employer must provide the department with
858 documentation reflecting that the employer has secured the
859 payment of compensation pursuant to s. 440.38 and proof of
860 payment to the carrier. In order for the department to apply a
861 credit for an employer that has secured workers' compensation
862 for leased employees by entering into an employee leasing
863 contract with a licensed employee leasing company, the employer
864 must provide the department with a written confirmation, by a
865 representative from the employee leasing company, of the dollar
866 or percentage amount attributable to the initial estimated
867 workers' compensation expense for leased employees, and proof of



565284

576-03289-22

868 payment to the employee leasing company. The credit may not be
869 applied unless the employer provides the documentation and proof
870 of payment to the department within 21 ~~28~~ days after the
871 employer's receipt of the written request to produce business
872 records for calculating the penalty under this subparagraph
873 ~~service of the stop-work order or first order of penalty~~
874 ~~assessment upon the employer.~~

875 b. For an employer ~~employers~~ who has ~~have~~ not been
876 previously issued a stop-work order or order of penalty
877 assessment, the department must reduce the final assessed
878 penalty by 25 percent if the employer has complied with
879 administrative rules adopted pursuant to subsection (5) and has
880 provided such business records to the department within 21 ~~40~~
881 ~~business~~ days after the employer's receipt of the written
882 request to produce business records for calculating the penalty
883 under this subparagraph.

884 c. For an employer who has not been previously issued a
885 stop-work order or an order of penalty assessment, the
886 department must reduce the final assessed penalty by 15 percent
887 if the employer correctly answers at least 80 percent of the
888 questions from an online workers' compensation coverage and
889 compliance tutorial, developed by the department, within 21 days
890 after the employer's receipt of the written request to produce
891 business records for calculating the penalty under this
892 subparagraph. The online tutorial must be taken in a department
893 office location identified by rule.

894
895 The \$1,000 penalty shall be assessed against the employer even
896 if the calculated penalty after the credit provided in sub-



565284

576-03289-22

897 subparagraph a., the ~~and~~ 25 percent reduction provided in sub-
898 subparagraph b., and the 15 percent reduction provided in sub-
899 subparagraph c., as applicable, have been applied is less than
900 \$1,000.

901 2. Any subsequent violation within 5 years after the most
902 recent violation shall, in addition to the penalties set forth
903 in this subsection, be deemed a knowing act within the meaning
904 of s. 440.105.

905 Section 15. Subsection (12) of section 440.13, Florida
906 Statutes, is amended to read:

907 440.13 Medical services and supplies; penalty for
908 violations; limitations.—

909 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
910 REIMBURSEMENT ALLOWANCES.—

911 (a) A three-member panel is created, consisting of the
912 Chief Financial Officer, or the Chief Financial Officer's
913 designee, and two members to be appointed by the Governor,
914 subject to confirmation by the Senate, one member who, on
915 account of present or previous vocation, employment, or
916 affiliation, shall be classified as a representative of
917 employers, the other member who, on account of previous
918 vocation, employment, or affiliation, shall be classified as a
919 representative of employees. The panel shall determine statewide
920 schedules of maximum reimbursement allowances for medically
921 necessary treatment, care, and attendance provided by
922 physicians, hospitals, ambulatory surgical centers, work-
923 hardening programs, pain programs, and durable medical
924 equipment. The maximum reimbursement allowances for inpatient
925 hospital care shall be based on a schedule of per diem rates, to



565284

576-03289-22

926 be approved by the three-member panel no later than March 1,
927 1994, to be used in conjunction with a precertification manual
928 as determined by the department, including maximum hours in
929 which an outpatient may remain in observation status, which
930 shall not exceed 23 hours. All compensable charges for hospital
931 outpatient care shall be reimbursed at 75 percent of usual and
932 customary charges, except as otherwise provided by this
933 subsection. Annually, the three-member panel shall adopt
934 schedules of maximum reimbursement allowances for physicians,
935 hospital inpatient care, hospital outpatient care, ambulatory
936 surgical centers, work-hardening programs, and pain programs. An
937 individual physician, hospital, ambulatory surgical center, pain
938 program, or work-hardening program shall be reimbursed:

- 939 1. ~~either~~ The agreed-upon contract price; or
940 2. If there is no agreed-upon contract price, the lesser of
941 the provider's billed charge or the maximum reimbursement
942 allowance in the appropriate schedule.

943 (b) It is the intent of the Legislature to increase the
944 schedule of maximum reimbursement allowances for selected
945 physicians effective January 1, 2004, and to pay for the
946 increases through reductions in payments to hospitals. Revisions
947 developed pursuant to this subsection are limited to the
948 following:

949 1. Payments for outpatient physical, occupational, and
950 speech therapy provided by hospitals shall be reduced to the
951 schedule of maximum reimbursement allowances for these services
952 which applies to nonhospital providers.

953 2. Payments for scheduled outpatient nonemergency
954 radiological and clinical laboratory services that are not



565284

576-03289-22

955 provided in conjunction with a surgical procedure shall be
956 reduced to the schedule of maximum reimbursement allowances for
957 these services which applies to nonhospital providers.

958 3. Outpatient reimbursement for scheduled surgeries shall
959 be reduced from 75 percent of charges to 60 percent of charges.

960 4. Maximum reimbursement for a physician licensed under
961 chapter 458 or chapter 459 shall be increased to 110 percent of
962 the reimbursement allowed by Medicare, using appropriate codes
963 and modifiers or the medical reimbursement level adopted by the
964 three-member panel as of January 1, 2003, whichever is greater.

965 5. Maximum reimbursement for surgical procedures shall be
966 increased to 140 percent of the reimbursement allowed by
967 Medicare or the medical reimbursement level adopted by the
968 three-member panel as of January 1, 2003, whichever is greater.

969 (c) As to reimbursement for a prescription medication, the
970 reimbursement amount for a prescription shall be the average
971 wholesale price plus \$4.18 for the dispensing fee. For
972 repackaged or relabeled prescription medications dispensed by a
973 dispensing practitioner as provided in s. 465.0276, the fee
974 schedule for reimbursement shall be 112.5 percent of the average
975 wholesale price, plus \$8.00 for the dispensing fee. For purposes
976 of this subsection, the average wholesale price shall be
977 calculated by multiplying the number of units dispensed times
978 the per-unit average wholesale price set by the original
979 manufacturer of the underlying drug dispensed by the
980 practitioner, based upon the published manufacturer's average
981 wholesale price published in the Medi-Span Master Drug Database
982 as of the date of dispensing. All pharmaceutical claims
983 submitted for repackaged or relabeled prescription medications



565284

576-03289-22

984 must include the National Drug Code of the original
985 manufacturer. Fees for pharmaceuticals and pharmaceutical
986 services shall be reimbursable at the applicable fee schedule
987 amount except where the employer or carrier, or a service
988 company, third party administrator, or any entity acting on
989 behalf of the employer or carrier directly contracts with the
990 provider seeking reimbursement for a lower amount.

991 (d) Reimbursement for all fees and other charges for such
992 treatment, care, and attendance, including treatment, care, and
993 attendance provided by any hospital or other health care
994 provider, ambulatory surgical center, work-hardening program, or
995 pain program, must not exceed the amounts provided by the
996 uniform schedule of maximum reimbursement allowances as
997 determined by the panel or as otherwise provided in this
998 section. This subsection also applies to independent medical
999 examinations performed by health care providers under this
1000 chapter. In determining the uniform schedule, the panel shall
1001 first approve the data which it finds representative of
1002 prevailing charges in the state for similar treatment, care, and
1003 attendance of injured persons. Each health care provider, health
1004 care facility, ambulatory surgical center, work-hardening
1005 program, or pain program receiving workers' compensation
1006 payments shall maintain records verifying their usual charges.
1007 In establishing the uniform schedule of maximum reimbursement
1008 allowances, the panel must consider:

1009 1. The levels of reimbursement for similar treatment, care,
1010 and attendance made by other health care programs or third-party
1011 providers;

1012 2. The impact upon cost to employers for providing a level



565284

576-03289-22

1013 of reimbursement for treatment, care, and attendance which will
1014 ensure the availability of treatment, care, and attendance
1015 required by injured workers;

1016 3. The financial impact of the reimbursement allowances
1017 upon health care providers and health care facilities, including
1018 trauma centers as defined in s. 395.4001, and its effect upon
1019 their ability to make available to injured workers such
1020 medically necessary remedial treatment, care, and attendance.
1021 The uniform schedule of maximum reimbursement allowances must be
1022 reasonable, must promote health care cost containment and
1023 efficiency with respect to the workers' compensation health care
1024 delivery system, and must be sufficient to ensure availability
1025 of such medically necessary remedial treatment, care, and
1026 attendance to injured workers; and

1027 4. The most recent average maximum allowable rate of
1028 increase for hospitals determined by the Health Care Board under
1029 chapter 408.

1030 (e) In addition to establishing the uniform schedule of
1031 maximum reimbursement allowances, the panel shall:

1032 1. Take testimony, receive records, and collect data to
1033 evaluate the adequacy of the workers' compensation fee schedule,
1034 nationally recognized fee schedules and alternative methods of
1035 reimbursement to health care providers and health care
1036 facilities for inpatient and outpatient treatment and care.

1037 2. Survey health care providers and health care facilities
1038 to determine the availability and accessibility of workers'
1039 compensation health care delivery systems for injured workers.

1040 3. Survey carriers to determine the estimated impact on
1041 carrier costs and workers' compensation premium rates by



565284

576-03289-22

1042 implementing changes to the carrier reimbursement schedule or
1043 implementing alternative reimbursement methods.

1044 4. Submit recommendations on or before January 15, 2017,
1045 and biennially thereafter, to the President of the Senate and
1046 the Speaker of the House of Representatives on methods to
1047 improve the workers' compensation health care delivery system.

1048
1049 The department, as requested, shall provide data to the panel,
1050 including, but not limited to, utilization trends in the
1051 workers' compensation health care delivery system. The
1052 department shall provide the panel with an annual report
1053 regarding the resolution of medical reimbursement disputes and
1054 any actions pursuant to subsection (8). The department shall
1055 provide administrative support and service to the panel to the
1056 extent requested by the panel and may adopt rules necessary to
1057 administer this subsection. For prescription medication
1058 purchased under the requirements of this subsection, a
1059 dispensing practitioner shall not possess such medication unless
1060 payment has been made by the practitioner, the practitioner's
1061 professional practice, or the practitioner's practice management
1062 company or employer to the supplying manufacturer, wholesaler,
1063 distributor, or drug repackager within 60 days of the dispensing
1064 practitioner taking possession of that medication.

1065 Section 16. Subsection (3) of section 440.185, Florida
1066 Statutes, is amended to read:

1067 440.185 Notice of injury or death; reports; penalties for
1068 violations.—

1069 (3) Within 3 business days after the employer or the
1070 employee informs the carrier of an injury, the carrier shall



565284

576-03289-22

1071 send by regular mail or e-mail to the injured worker an
1072 informational brochure approved by the department which sets
1073 forth in clear and understandable language an explanation of the
1074 rights, benefits, procedures for obtaining benefits and
1075 assistance, criminal penalties, and obligations of injured
1076 workers and their employers under the Florida Workers'
1077 Compensation Law. Annually, the carrier or its third-party
1078 administrator shall send by regular mail or e-mail to the
1079 employer an informational brochure approved by the department
1080 which sets forth in clear and understandable language an
1081 explanation of the rights, benefits, procedures for obtaining
1082 benefits and assistance, criminal penalties, and obligations of
1083 injured workers and their employers under the Florida Workers'
1084 Compensation Law. All such informational brochures shall contain
1085 a notice that clearly states in substance the following: "Any
1086 person who, knowingly and with intent to injure, defraud, or
1087 deceive any employer or employee, insurance company, or self-
1088 insured program, files a statement of claim containing any false
1089 or misleading information commits a felony of the third degree."

1090 Section 17. Subsection (3) of section 440.381, Florida
1091 Statutes, is amended to read:

1092 440.381 Application for coverage; reporting payroll;
1093 payroll audit procedures; penalties.—

1094 (3) The Financial Services Commission, in consultation with
1095 the department, shall establish by rule minimum requirements for
1096 audits of payroll and classifications ~~in order~~ to ensure that
1097 the appropriate premium is charged for workers' compensation
1098 coverage. The rules must ~~shall~~ ensure that audits performed by
1099 both carriers and employers are adequate to provide that all



565284

576-03289-22

1100 sources of payments to employees, subcontractors, and
1101 independent contractors are ~~have been~~ reviewed and that the
1102 accuracy of classification of employees is ~~has been~~ verified.
1103 The rules must require ~~shall provide~~ that employers in all
1104 classes other than the construction class be audited at least
1105 ~~not less frequently than~~ biennially and may provide for more
1106 frequent audits of employers in specified classifications based
1107 on factors such as amount of premium, type of business, loss
1108 ratios, or other relevant factors. ~~In no event shall~~ Employers
1109 in the construction class, ~~generating more than the amount of~~
1110 premium required to be experience rated must, ~~be~~ audited at
1111 least less than annually. The annual audits required for
1112 construction classes must ~~shall~~ consist of physical onsite
1113 audits for policies only if the estimated annual premium is
1114 \$10,000 or more. Payroll verification audit rules must include,
1115 but need not be limited to, the use of state and federal reports
1116 of employee income, payroll and other accounting records,
1117 certificates of insurance maintained by subcontractors, and
1118 duties of employees. At the completion of an audit, the employer
1119 or officer of the corporation and the auditor must print and
1120 sign their names on the audit document and attach proof of
1121 identification to the audit document.

1122 Section 18. Subsection (2) of section 497.277, Florida
1123 Statutes, is amended to read:

1124 497.277 Other charges.—Other than the fees for the sale of
1125 burial rights, burial merchandise, and burial services, no other
1126 fee may be directly or indirectly charged, contracted for, or
1127 received by a cemetery company as a condition for a customer to
1128 use any burial right, burial merchandise, or burial service,



565284

576-03289-22

1129 except for:

1130 (2) Charges paid for transferring burial rights from one
1131 purchaser to another; ~~however, no such fee may exceed \$50.~~

1132 Section 19. Paragraph (b) of subsection (1) of section
1133 497.369, Florida Statutes, is amended to read:

1134 497.369 Embalmers; licensure as an embalmer by endorsement;
1135 licensure of a temporary embalmer.-

1136 (1) The licensing authority shall issue a license by
1137 endorsement to practice embalming to an applicant who has
1138 remitted an examination fee set by rule of the licensing
1139 authority not to exceed \$200 and who the licensing authority
1140 certifies:

1141 (b)1. Holds a valid license in good standing to practice
1142 embalming in another state of the United States and has engaged
1143 in the full-time, licensed practice of embalming in that state
1144 for at least 5 years, ~~provided that, when the applicant secured~~
1145 ~~her or his original license, the requirements for licensure were~~
1146 ~~substantially equivalent to or more stringent than those~~
1147 ~~existing in this state; or~~

1148 2. Meets the qualifications for licensure in s. 497.368,
1149 except that the internship requirement shall be deemed to have
1150 been satisfied by 1 year's practice as a licensed embalmer in
1151 another state, and has, within 10 years before ~~prior to~~ the date
1152 of application, successfully completed a state, regional, or
1153 national examination in mortuary science, which, as determined
1154 by rule of the licensing authority, is substantially equivalent
1155 to or more stringent than the examination given by the licensing
1156 authority.

1157 Section 20. Paragraphs (b) and (f) of subsection (1) of



565284

576-03289-22

1158 section 497.372, Florida Statutes, are amended to read:

1159 497.372 Funeral directing; conduct constituting practice of
1160 funeral directing.—

1161 (1) The practice of funeral directing shall be construed to
1162 consist of the following functions, which may be performed only
1163 by a licensed funeral director:

1164 (b) Planning or arranging, on an at-need basis, the details
1165 of funeral services, embalming, cremation, or other services
1166 relating to the final disposition of human remains, and
1167 ~~including the removal of such remains from the state; setting~~
1168 ~~the time of the services; establishing the type of services to~~
1169 ~~be rendered; acquiring the services of the clergy; and obtaining~~
1170 ~~vital information for the filing of death certificates and~~
1171 ~~obtaining of burial transit permits.~~

1172 (f) Directing, being in charge or apparent charge of, or
1173 supervising, directly or indirectly, any memorial service ~~held~~
1174 ~~prior to or within 72 hours of the burial or cremation,~~ if such
1175 memorial service is sold or arranged by a licensee.

1176 Section 21. Paragraph (b) of subsection (1) of section
1177 497.374, Florida Statutes, is amended to read:

1178 497.374 Funeral directing; licensure as a funeral director
1179 by endorsement; licensure of a temporary funeral director.—

1180 (1) The licensing authority shall issue a license by
1181 endorsement to practice funeral directing to an applicant who
1182 has remitted a fee set by rule of the licensing authority not to
1183 exceed \$200 and who:

1184 (b)1. Holds a valid license in good standing to practice
1185 funeral directing in another state of the United States and has
1186 engaged in the full-time, licensed practice of funeral directing



565284

576-03289-22

1187 in that state for at least 5 years, ~~provided that, when the~~
1188 ~~applicant secured her or his original license, the requirements~~
1189 ~~for licensure were substantially equivalent to or more stringent~~
1190 ~~than those existing in this state; or~~

1191 2. Meets the qualifications for licensure in s. 497.373,
1192 except that the applicant need not hold an associate degree or
1193 higher if the applicant holds a diploma or certificate from an
1194 accredited program of mortuary science, and has successfully
1195 completed a state, regional, or national examination in mortuary
1196 science or funeral service arts, which, as determined by rule of
1197 the licensing authority, is substantially equivalent to or more
1198 stringent than the examination given by the licensing authority.

1199 Section 22. Present subsection (6) of section 554.108,
1200 Florida Statutes, is redesignated as subsection (7), a new
1201 subsection (6) is added to that section, and subsection (1) of
1202 that section is amended, to read:

1203 554.108 Inspection.—

1204 (1) The inspection requirements of this chapter apply only
1205 to boilers located in public assembly locations. A ~~potable hot~~
1206 ~~water supply~~ boiler with an a heat input of 200,000 British
1207 thermal units (Btu) per hour and above, up to an a heat input
1208 not exceeding 400,000 Btu per hour, is exempt from inspection;
1209 however, such an exempt boiler, if manufactured after July 1,
1210 2022, but must be stamped with the A.S.M.E. code symbol.
1211 Additionally, "HLW" and the boiler's A.S.M.E data report of a
1212 boiler with an input of 200,000 to 400,000 Btu per hour must be
1213 filed as required under s. 554.103(2).

1214 (6) Each enclosed space or room containing a boiler
1215 regulated under this chapter which is fired by the direct



565284

576-03289-22

1216 application of energy from the combustion of fuels and which is
1217 located in any portion of a public lodging establishment under
1218 s. 509.242 shall be equipped with one or more carbon monoxide
1219 detector devices.

1220 Section 23. Paragraphs (a) and (e) of subsection (1) and
1221 paragraph (a) of subsection (2) of section 554.111, Florida
1222 Statutes, are amended to read:

1223 554.111 Fees.—

1224 (1) The department shall charge the following fees:

1225 (a) For an applicant for a certificate of competency, the
1226 initial application fee shall be \$50, and the annual renewal fee
1227 shall be \$30. ~~The fee for examination shall be \$50.~~

1228 (e) An application for a boiler permit must include the
1229 manufacturer's data report ~~applicable certificate inspection fee~~
1230 ~~provided in paragraph (b).~~

1231 (2) Not more than an amount equal to one certificate
1232 inspection fee may be charged or collected for any and all
1233 boiler inspections in any inspection period, except as otherwise
1234 provided in this chapter.

1235 (a) When it is necessary to make a special trip for testing
1236 and verification inspections ~~to observe the application of a~~
1237 ~~hydrostatic test~~, an additional fee equal to the fee for a
1238 certificate inspection of the boiler must be charged.

1239 Section 24. Subsection (4) of section 554.114, Florida
1240 Statutes, is amended to read:

1241 554.114 Prohibitions; penalties.—

1242 (4) A boiler insurance company, authorized inspection
1243 agency, or other person in violation of this section for more
1244 than 30 days shall pay a fine of \$10 per day for the subsequent



565284

576-03289-22

1245 ~~first~~ 10 days of noncompliance, \$50 per day for the subsequent
1246 20 days of noncompliance, and \$100 per day for each subsequent
1247 day ~~over 20 days~~ of noncompliance thereafter.

1248 Section 25. Subsection (9) of section 624.307, Florida
1249 Statutes, is amended to read:

1250 624.307 General powers; duties.—

1251 (9) Upon receiving service of legal process issued in any
1252 civil action or proceeding in this state against any regulated
1253 person or any unauthorized insurer under s. 626.906 or s.
1254 626.937 that ~~which~~ is required to appoint the Chief Financial
1255 Officer as its agent ~~attorney~~ to receive service of all legal
1256 process, the Chief Financial Officer shall make the process
1257 available through a secure online portal, ~~as attorney, may, in~~
1258 ~~lieu of sending the process by registered or certified mail,~~
1259 ~~send the process or make it available by any other verifiable~~
1260 ~~means, including, but not limited to, making the documents~~
1261 ~~available by electronic transmission from a secure website~~
1262 established by the department to the person last designated by
1263 the regulated person or the unauthorized insurer to receive the
1264 process. When process documents are made available
1265 electronically, the Chief Financial Officer shall promptly send
1266 a notice of receipt of service of process to the person last
1267 designated by the regulated person or unauthorized insurer to
1268 receive legal process. The notice must state the date ~~and manner~~
1269 ~~in which the copy of the process was made available to the~~
1270 regulated person or unauthorized insurer being served and
1271 contain the uniform resource locator (URL) where ~~for a hyperlink~~
1272 ~~to access files and information on the department's website to~~
1273 ~~obtain a copy of the process~~ may be obtained.



565284

576-03289-22

1274 Section 26. Section 624.422, Florida Statutes, is amended
1275 to read:

1276 624.422 Service of process; appointment of Chief Financial
1277 Officer as process agent.—

1278 (1) Each licensed insurer, whether domestic, foreign, or
1279 alien, shall be deemed to have appointed the Chief Financial
1280 Officer and her or his successors in office as its agent
1281 ~~attorney~~ to receive service of all legal process issued against
1282 it in any civil action or proceeding in this state; and process
1283 so served shall be valid and binding upon the insurer.

1284 (2) Before ~~Prior to~~ its authorization to transact insurance
1285 in this state, each insurer shall file with the department
1286 designation of the name and e-mail address of the person to whom
1287 process against it served upon the Chief Financial Officer is to
1288 be made available through the department's secure online portal
1289 ~~forwarded~~. Each insurer shall also file with the department
1290 designation of the name and e-mail address of the person to whom
1291 the department shall forward civil remedy notices filed under s.
1292 624.155. The insurer may change a designation at any time by a
1293 new filing.

1294 (3) Service of process submitted through the department's
1295 secure online portal upon the Chief Financial Officer as the
1296 insurer's agent ~~attorney~~ pursuant to such an appointment shall
1297 be the sole method of service of process upon an authorized
1298 domestic, foreign, or alien insurer in this state.

1299 Section 27. Subsection (1) of section 624.423, Florida
1300 Statutes, is amended to read:

1301 624.423 Serving process.—

1302 (1) Service of process upon the Chief Financial Officer as



565284

576-03289-22

1303 process agent of the insurer under s. 624.422 and s. 626.937
1304 shall be made ~~by serving a copy of the process upon the Chief~~
1305 ~~Financial Officer or upon her or his assistant, deputy, or other~~
1306 ~~person in charge of her or his office. Service may also be made~~
1307 ~~by mail or electronically as provided in s. 48.151(3) s. 48.151.~~
1308 Upon receiving such service, the Chief Financial Officer shall
1309 retain a record of the process copy and promptly notify and make
1310 ~~forward one copy of the process~~ available through the
1311 department's secure online portal ~~by registered or certified~~
1312 ~~mail or by other verifiable means,~~ as provided under s.
1313 624.307(9), to the person last designated by the insurer to
1314 receive the same, as provided under s. 624.422(2). For purposes
1315 of this section, records shall ~~may~~ be retained electronically ~~as~~
1316 ~~paper or electronic copies.~~

1317 Section 28. Paragraph (f) of subsection (3) and paragraph
1318 (d) of subsection (4) of section 624.610, Florida Statutes, are
1319 amended to read:

1320 624.610 Reinsurance.—

1321 (3)

1322 (f) If the assuming insurer is not authorized or accredited
1323 to transact insurance or reinsurance in this state pursuant to
1324 paragraph (a) or paragraph (b), the credit permitted by
1325 paragraph (c) or paragraph (d) must not be allowed unless the
1326 assuming insurer agrees in the reinsurance agreements:

1327 1.a. That in the event of the failure of the assuming
1328 insurer to perform its obligations under the terms of the
1329 reinsurance agreement, the assuming insurer, at the request of
1330 the ceding insurer, shall submit to the jurisdiction of any
1331 court of competent jurisdiction in any state of the United



565284

576-03289-22

1332 States, will comply with all requirements necessary to give the
1333 court jurisdiction, and will abide by the final decision of the
1334 court or of any appellate court in the event of an appeal; and

1335 b. To designate the Chief Financial Officer, pursuant to s.
1336 48.151(3) ~~s. 48.151~~, as its true and lawful agent ~~attorney~~ upon
1337 whom may be served any lawful process in any action, suit, or
1338 proceeding instituted by or on behalf of the ceding company.

1339 2. This paragraph is not intended to conflict with or
1340 override the obligation of the parties to a reinsurance
1341 agreement to arbitrate their disputes, if this obligation is
1342 created in the agreement.

1343 (4) Credit must be allowed when the reinsurance is ceded to
1344 an assuming insurer meeting the requirements of this subsection.

1345 (d) The assuming insurer must, in a form specified by the
1346 commission:

1347 1. Agree to provide prompt written notice and explanation
1348 to the office if the assuming insurer falls below the minimum
1349 requirements set forth in paragraph (b) or paragraph (c), or if
1350 any regulatory action is taken against it for serious
1351 noncompliance with applicable law of any jurisdiction.

1352 2. Consent in writing to the jurisdiction of the courts of
1353 this state and to the designation of the Chief Financial
1354 Officer, pursuant to s. 48.151(3) ~~s. 48.151~~, as its true and
1355 lawful agent ~~attorney~~ upon whom may be served any lawful process
1356 in any action, suit, or proceeding instituted by or on behalf of
1357 the ceding insurer. This subparagraph does not limit or alter in
1358 any way the capacity of parties to a reinsurance agreement to
1359 agree to an alternative dispute resolution mechanism, except to
1360 the extent that such agreement is unenforceable under applicable



565284

576-03289-22

1361 insolvency or delinquency laws.

1362 3. Consent in writing to pay all final judgments, wherever
1363 enforcement is sought, obtained by a ceding insurer or its legal
1364 successor which have been declared enforceable in the
1365 jurisdiction where the judgment was obtained.

1366 4. Confirm in writing that it will include in each
1367 reinsurance agreement a provision requiring the assuming insurer
1368 to provide security in an amount equal to 100 percent of the
1369 assuming insurer's liabilities attributable to reinsurance ceded
1370 pursuant to that agreement, if the assuming insurer resists
1371 enforcement of a final judgment that is enforceable under the
1372 law of the jurisdiction in which it was obtained or enforcement
1373 of a properly enforceable arbitration award, whether obtained by
1374 the ceding insurer or by its legal successor on behalf of its
1375 resolution estate.

1376 5. Confirm in writing that it is not presently
1377 participating in any solvent scheme of arrangement which
1378 involves this state's ceding insurers, and agree to notify the
1379 ceding insurer and the office and to provide security in an
1380 amount equal to 100 percent of the assuming insurer's
1381 liabilities to the ceding insurer if the assuming insurer enters
1382 into such a solvent scheme of arrangement. Such security must be
1383 consistent with subsection (5) or as specified by commission
1384 rule.

1385 Section 29. Present subsections (12) through (21) of
1386 section 626.015, Florida Statutes, are redesignated as
1387 subsections (13) through (22), respectively, a new subsection
1388 (12) is added to that section, and present subsection (20) of
1389 that section is amended, to read:



565284

576-03289-22

1390 626.015 Definitions.—As used in this part:

1391 (12) "Licensing authority" means the respective
1392 jurisdiction of the department or the office, as provided by
1393 law.

1394 (21)-(20) "Unaffiliated insurance agent" means a licensed
1395 insurance agent, except a limited lines agent, who is self-
1396 appointed and who practices as an independent consultant in the
1397 business of analyzing or abstracting insurance policies,
1398 providing insurance advice or counseling, or making specific
1399 recommendations or comparisons of insurance products for a fee
1400 established in advance by written contract signed by the
1401 parties. An unaffiliated insurance agent may not be affiliated
1402 with an insurer, insurer-appointed insurance agent, or insurance
1403 agency contracted with or employing insurer-appointed insurance
1404 agents. A licensed adjuster who is also an unaffiliated
1405 insurance agent may obtain an adjuster appointment in order to
1406 adjust claims while holding an unaffiliated appointment on the
1407 agent license.

1408 Section 30. Subsection (4) of section 626.171, Florida
1409 Statutes, is amended to read:

1410 626.171 Application for license as an agent, customer
1411 representative, adjuster, service representative, or reinsurance
1412 intermediary.—

1413 (4) An applicant for a license issued by the department
1414 under this chapter as an agent, customer representative,
1415 adjuster, service representative, or reinsurance intermediary
1416 must submit a set of the individual applicant's fingerprints,
1417 or, if the applicant is not an individual, a set of the
1418 fingerprints of the sole proprietor, majority owner, partners,



565284

576-03289-22

1419 officers, and directors, to the department and must pay the
1420 fingerprint processing fee set forth in s. 624.501. Fingerprints
1421 must be processed in accordance with s. 624.34 and used to
1422 investigate the applicant's qualifications pursuant to s.
1423 626.201. The fingerprints must be taken by a law enforcement
1424 agency, designated examination center, or other department-
1425 approved entity. The department shall require all designated
1426 examination centers to have fingerprinting equipment and to take
1427 fingerprints from any applicant or prospective applicant who
1428 pays the applicable fee. The department may not approve an
1429 application for licensure as an agent, customer service
1430 representative, adjuster, service representative, or reinsurance
1431 intermediary if fingerprints have not been submitted.

1432 Section 31. Paragraph (f) of subsection (2) of section
1433 626.172, Florida Statutes, is amended to read:

1434 626.172 Application for insurance agency license.—

1435 (2) An application for an insurance agency license must be
1436 signed by an individual required to be listed in the application
1437 under paragraph (a). An insurance agency may permit a third
1438 party to complete, submit, and sign an application on the
1439 insurance agency's behalf; however, the insurance agency is
1440 responsible for ensuring that the information on the application
1441 is true and correct and is accountable for any misstatements or
1442 misrepresentations. The application for an insurance agency
1443 license must include:

1444 (f) The fingerprints submitted in accordance with s.
1445 626.171(4) of each of the following:

- 1446 1. A sole proprietor;
1447 2. Each individual required to be listed in the application



565284

576-03289-22

1448 under paragraph (a); and

1449 3. Each individual who directs or participates in the
1450 management or control of an incorporated agency whose shares are
1451 not traded on a securities exchange.

1452
1453 ~~Fingerprints must be taken by a law enforcement agency or other~~
1454 ~~entity approved by the department and must be accompanied by the~~
1455 ~~fingerprint processing fee specified in s. 624.501. Fingerprints~~
1456 ~~must be processed in accordance with s. 624.34. However,~~
1457 Fingerprints need not be filed for an individual who is
1458 currently licensed and appointed under this chapter. This
1459 paragraph does not apply to corporations whose voting shares are
1460 traded on a securities exchange.

1461 Section 32. Section 626.173, Florida Statutes, is created
1462 to read:

1463 626.173 Insurance agency closure; cancellation of
1464 licenses.-

1465 (1) If a licensed insurance agency permanently ceases the
1466 transaction of insurance or ceases the transaction of insurance
1467 for more than 30 days, the agent in charge, the director of the
1468 agency, or other officer listed on the original application for
1469 licensure must, within 35 days after the agency first ceases the
1470 transaction of insurance, do all of the following:

1471 (a) Cancel the insurance agency's license by completing and
1472 submitting a form prescribed by the department to notify the
1473 department of the cancellation of the license.

1474 (b) Notify all insurers by which the agency or agent in
1475 charge is appointed of the agency's cessation of operations, the
1476 date on which operations ceased, the identity of any agency or



565284

576-03289-22

1477 agent to which the agency's current book of business has been
1478 transferred, and the method by which agency records may be
1479 obtained during the time periods specified in ss. 626.561 and
1480 626.748.

1481 (c) Notify all policyholders currently insured by a policy
1482 written, produced, or serviced by the agency of the agency's
1483 cessation of operations; the date on which operations ceased;
1484 and the identity of the agency or agent to which the agency's
1485 current book of business has been transferred or, if no transfer
1486 has occurred, a statement directing the policyholder to contact
1487 the insurance company for assistance in locating a licensed
1488 agent to service the policy.

1489 (d) Notify all premium finance companies through which
1490 active policies are financed of the agency's cessation of
1491 operations, the date on which operations ceased, and the
1492 identity of the agency or agent to which the agency's current
1493 book of business has been transferred.

1494 (e) Ensure that all funds held in a fiduciary capacity are
1495 properly distributed to the rightful owners.

1496 (2) (a) The department may, in a proceeding initiated
1497 pursuant to chapter 120, impose an administrative fine against
1498 the agent in charge or director or officer of the agency found
1499 in the proceeding to have violated any provision of this
1500 section. A proceeding may not be initiated and a fine may not
1501 accrue until after the person has been notified in writing of
1502 the nature of the violation, has been afforded 10 business days
1503 to correct the violation, and has failed to do so.

1504 (b) A fine imposed under this subsection may not exceed the
1505 amounts specified in s. 626.681 per violation.



565284

576-03289-22

1506 (c) The department may, in addition to the imposition of an
1507 administrative fine under this subsection, suspend or revoke the
1508 license of a licensee fined under this subsection.

1509 (d) In imposing any administrative penalty or remedy
1510 provided under this subsection, the department shall take into
1511 account the appropriateness of the penalty with respect to the
1512 size of the financial resources and the good faith of the person
1513 charged, the gravity of the violation, the history of previous
1514 violations, and other matters as justice may require.

1515 Section 33. Subsection (3) of section 626.201, Florida
1516 Statutes, is amended, and subsection (4) is added to that
1517 section, to read:

1518 626.201 Investigation.—

1519 (3) An inquiry or investigation of the applicant's
1520 qualifications, character, experience, background, and fitness
1521 must include submission of the applicant's fingerprints, in
1522 accordance with s. 626.171(4), to the Department of Law
1523 Enforcement and the Federal Bureau of Investigation and
1524 consideration of any state criminal records, federal criminal
1525 records, or local criminal records obtained from these agencies
1526 or from local law enforcement agencies.

1527 (4) The expiration, nonrenewal, or surrender of a license
1528 under this chapter does not eliminate jurisdiction of the
1529 licensing authority to investigate and prosecute for a violation
1530 committed by the licensee while licensed under this chapter. The
1531 prosecution of any matter may be initiated or continued
1532 notwithstanding the withdrawal of a complaint.

1533 Section 34. Section 626.202, Florida Statutes, is amended
1534 to read:



565284

576-03289-22

1535 626.202 Fingerprinting requirements.-

1536 (1) The requirements for completion and submission of
1537 fingerprints under this chapter in accordance with s. 626.171(4)
1538 are deemed to be met when an individual currently licensed under
1539 this chapter seeks additional licensure and has previously
1540 submitted fingerprints to the department within the past 48
1541 months. However, the department may require the individual to
1542 file fingerprints if it has reason to believe that an applicant
1543 or licensee has been found guilty of, or pleaded guilty or nolo
1544 contendere to, a felony or a crime related to the business of
1545 insurance in this state or any other state or jurisdiction.

1546 (2) If there is a change in ownership or control of any
1547 entity licensed under this chapter, or if a new partner,
1548 officer, or director is employed or appointed, a set of
1549 fingerprints of the new owner, partner, officer, or director
1550 must be filed with the department or office within 30 days after
1551 the change. The acquisition of 10 percent or more of the voting
1552 securities of a licensed entity is considered a change of
1553 ownership or control. The fingerprints must be submitted in
1554 accordance with s. 626.171(4) ~~taken by a law enforcement agency~~
1555 ~~or other department-approved entity and be accompanied by the~~
1556 ~~fingerprint processing fee in s. 624.501.~~

1557 Section 35. Paragraph (j) of subsection (2) of section
1558 626.221, Florida Statutes, is amended to read:

1559 626.221 Examination requirement; exemptions.-

1560 (2) However, an examination is not necessary for any of the
1561 following:

1562 (j) An applicant for license as an all-lines adjuster who
1563 has the designation of Accredited Claims Adjuster (ACA) from a



565284

576-03289-22

1564 regionally accredited postsecondary institution in this state,
1565 Certified All Lines Adjuster (CALA) from Kaplan Financial
1566 Education, Associate in Claims (AIC) from the Insurance
1567 Institute of America, Professional Claims Adjuster (PCA) from
1568 the Professional Career Institute, Professional Property
1569 Insurance Adjuster (PPIA) from the HurriClaim Training Academy,
1570 Certified Adjuster (CA) from ALL LINES Training, Certified
1571 Claims Adjuster (CCA) from AE21 Incorporated, Claims Adjuster
1572 Certified Professional (CACP) from WebCE, Inc., Accredited
1573 Insurance Claims Specialist (AICS) from Encore Claim Services,
1574 or Universal Claims Certification (UCC) from Claims and
1575 Litigation Management Alliance (CLM) whose curriculum has been
1576 approved by the department and which includes comprehensive
1577 analysis of basic property and casualty lines of insurance and
1578 testing at least equal to that of standard department testing
1579 for the all-lines adjuster license. The department shall adopt
1580 rules establishing standards for the approval of curriculum.

1581 Section 36. Subsection (6) of section 626.311, Florida
1582 Statutes, is amended to read:

1583 626.311 Scope of license.—

1584 (6) An agent who appoints his or her license as an
1585 unaffiliated insurance agent may not hold an appointment from an
1586 insurer for any license he or she holds, with the exception of
1587 an adjuster license; transact, solicit, or service an insurance
1588 contract on behalf of an insurer; interfere with commissions
1589 received or to be received by an insurer-appointed insurance
1590 agent or an insurance agency contracted with or employing
1591 insurer-appointed insurance agents; or receive compensation or
1592 any other thing of value from an insurer, an insurer-appointed



565284

576-03289-22

1593 insurance agent, or an insurance agency contracted with or
1594 employing insurer-appointed insurance agents for any transaction
1595 or referral occurring after the date of appointment as an
1596 unaffiliated insurance agent. An unaffiliated insurance agent
1597 may continue to receive commissions on sales that occurred
1598 before the date of appointment as an unaffiliated insurance
1599 agent if the receipt of such commissions is disclosed when
1600 making recommendations or evaluating products for a client that
1601 involve products of the entity from which the commissions are
1602 received. An adjuster who holds an adjuster license and who is
1603 also an unaffiliated insurance agent may obtain an adjuster
1604 appointment while maintaining his or her unaffiliated insurance
1605 agent appointment and may adjust claims and receive compensation
1606 in accordance with the authority granted by the adjuster license
1607 and appointment.

1608 Section 37. Paragraph (h) of subsection (1) of section
1609 626.321, Florida Statutes, is amended to read:

1610 626.321 Limited licenses and registration.—

1611 (1) The department shall issue to a qualified applicant a
1612 license as agent authorized to transact a limited class of
1613 business in any of the following categories of limited lines
1614 insurance:

1615 (h) *Portable electronics insurance.*—License for property
1616 insurance or inland marine insurance that covers only loss,
1617 theft, mechanical failure, malfunction, or damage for portable
1618 electronics.

1619 1. The license may be issued only to:

1620 a. Employees or authorized representatives of a licensed
1621 general lines agent; or



565284

576-03289-22

1622 b. The lead business location of a retail vendor that sells
1623 portable electronics insurance. The lead business location must
1624 have a contractual relationship with a general lines agent.

1625 2. Employees or authorized representatives of a licensee
1626 under subparagraph 1. may sell or offer for sale portable
1627 electronics coverage without being subject to licensure as an
1628 insurance agent if:

1629 a. Such insurance is sold or offered for sale at a licensed
1630 location or at one of the licensee's branch locations if the
1631 branch location is appointed by the licensed lead business
1632 location or its appointing insurers;

1633 b. The insurer issuing the insurance directly supervises or
1634 appoints a general lines agent to supervise the sale of such
1635 insurance, including the development of a training program for
1636 the employees and authorized representatives of vendors that are
1637 directly engaged in the activity of selling or offering the
1638 insurance; and

1639 c. At each location where the insurance is offered,
1640 brochures or other written materials that provide the
1641 information required by this subparagraph are made available to
1642 all prospective customers. The brochures or written materials
1643 may include information regarding portable electronics
1644 insurance, service warranty agreements, or other incidental
1645 services or benefits offered by a licensee.

1646 3. Individuals not licensed to sell portable electronics
1647 insurance may not be paid commissions based on the sale of such
1648 coverage. However, a licensee who uses a compensation plan for
1649 employees and authorized representatives which includes
1650 supplemental compensation for the sale of noninsurance products,



565284

576-03289-22

1651 in addition to a regular salary or hourly wages, may include
1652 incidental compensation for the sale of portable electronics
1653 insurance as a component of the overall compensation plan.

1654 4. Brochures or other written materials related to portable
1655 electronics insurance must:

1656 a. Disclose that such insurance may duplicate coverage
1657 already provided by a customer's homeowners insurance policy,
1658 renters insurance policy, or other source of coverage;

1659 b. State that enrollment in insurance coverage is not
1660 required in order to purchase or lease portable electronics or
1661 services;

1662 c. Summarize the material terms of the insurance coverage,
1663 including the identity of the insurer, the identity of the
1664 supervising entity, the amount of any applicable deductible and
1665 how it is to be paid, the benefits of coverage, and key terms
1666 and conditions of coverage, such as whether portable electronics
1667 may be repaired or replaced with similar make and model
1668 reconditioned or nonoriginal manufacturer parts or equipment;

1669 d. Summarize the process for filing a claim, including a
1670 description of how to return portable electronics and the
1671 maximum fee applicable if the customer fails to comply with
1672 equipment return requirements; and

1673 e. State that an enrolled customer may cancel coverage at
1674 any time and that the person paying the premium will receive a
1675 refund of any unearned premium.

1676 5. A licensed and appointed general lines agent is not
1677 required to obtain a portable electronics insurance license to
1678 offer or sell portable electronics insurance at locations
1679 already licensed as an insurance agency, but may apply for a



565284

576-03289-22

1680 portable electronics insurance license for branch locations not
1681 otherwise licensed to sell insurance.

1682 6. A portable electronics license authorizes the sale of
1683 individual policies or certificates under a group or master
1684 insurance policy. The license also authorizes the sale of
1685 service warranty agreements covering only portable electronics
1686 to the same extent as if licensed under s. 634.419 or s.
1687 634.420.

1688 7. A licensee may bill and collect the premium for the
1689 purchase of portable electronics insurance provided that:

1690 a. If the insurance is included with the purchase or lease
1691 of portable electronics or related services, the licensee
1692 clearly and conspicuously discloses that insurance coverage is
1693 included with the purchase. Disclosure of the stand-alone cost
1694 of the premium for same or similar insurance must be made on the
1695 customer's bill and in any marketing materials made available at
1696 the point of sale. If the insurance is not included, the charge
1697 to the customer for the insurance must be separately itemized on
1698 the customer's bill.

1699 b. Premiums are incidental to other fees collected, are
1700 maintained in a manner that is readily identifiable, and are
1701 accounted for and remitted to the insurer or supervising entity
1702 within 60 days of receipt. Licensees are not required to
1703 maintain such funds in a segregated account.

1704 c. All funds received by a licensee from an enrolled
1705 customer for the sale of the insurance are considered funds held
1706 in trust by the licensee in a fiduciary capacity for the benefit
1707 of the insurer. Licensees may receive compensation for billing
1708 and collection services.



565284

576-03289-22

1709 8. Notwithstanding any other provision of law, the terms
1710 for the termination or modification of coverage under a policy
1711 of portable electronics insurance are those set forth in the
1712 policy.

1713 9. Notice or correspondence required by the policy, or
1714 otherwise required by law, may be provided by electronic means
1715 if the insurer or licensee maintains proof that the notice or
1716 correspondence was sent. Such notice or correspondence may be
1717 sent on behalf of the insurer or licensee by the general lines
1718 agent appointed by the insurer to supervise the administration
1719 of the program. For purposes of this subparagraph, an enrolled
1720 customer's provision of an electronic mail address to the
1721 insurer or licensee is deemed to be consent to receive notices
1722 and correspondence by electronic means if a conspicuously
1723 located disclosure is provided to the customer indicating the
1724 same.

1725 10. The ~~provisions of this chapter requiring submission of~~
1726 fingerprints requirements in s. 626.171(4) do not apply to
1727 licenses issued to qualified entities under this paragraph.

1728 11. A branch location that sells portable electronics
1729 insurance may, in lieu of obtaining an appointment from an
1730 insurer or warranty association, obtain a single appointment
1731 from the associated lead business location licensee and pay the
1732 prescribed appointment fee under s. 624.501 if the lead business
1733 location has a single appointment from each insurer or warranty
1734 association represented and such appointment applies to the lead
1735 business location and all of its branch locations. Branch
1736 location appointments shall be renewed 24 months after the
1737 initial appointment date of the lead business location and every



565284

576-03289-22

1738 24 months thereafter. Notwithstanding s. 624.501, the renewal
1739 fee applicable to such branch location appointments is \$30 per
1740 appointment.

1741 12. For purposes of this paragraph:

1742 a. "Branch location" means any physical location in this
1743 state at which a licensee offers its products or services for
1744 sale.

1745 b. "Portable electronics" means personal, self-contained,
1746 easily carried by an individual, battery-operated electronic
1747 communication, viewing, listening, recording, gaming, computing
1748 or global positioning devices, including cell or satellite
1749 phones, pagers, personal global positioning satellite units,
1750 portable computers, portable audio listening, video viewing or
1751 recording devices, digital cameras, video camcorders, portable
1752 gaming systems, docking stations, automatic answering devices,
1753 and other similar devices and their accessories, and service
1754 related to the use of such devices.

1755 c. "Portable electronics transaction" means the sale or
1756 lease of portable electronics or a related service, including
1757 portable electronics insurance.

1758 Section 38. Subsection (5) of section 626.601, Florida
1759 Statutes, is amended to read:

1760 626.601 Improper conduct; inquiry; fingerprinting.—

1761 (5) If the department or office, after investigation, has
1762 reason to believe that an individual may have been found guilty
1763 of or pleaded guilty or nolo contendere to a felony or a crime
1764 related to the business of insurance in this or any other state
1765 or jurisdiction, the department or office may require the
1766 individual to file with the department or office a complete set



565284

576-03289-22

1767 of his or her fingerprints, in accordance with s. 626.171(4),
1768 which shall be accompanied by the fingerprint processing fee set
1769 forth in s. 624.501. The fingerprints shall be taken by an
1770 authorized law enforcement agency or other department-approved
1771 entity.

1772 Section 39. Subsection (2) of section 626.7845, Florida
1773 Statutes, is amended to read:

1774 626.7845 Prohibition against unlicensed transaction of life
1775 insurance.—

1776 (2) Except as provided in s. 626.112(6), with respect to
1777 any line of authority specified in s. 626.015(13) ~~s.~~
1778 ~~626.015(12)~~, an individual may not, unless licensed as a life
1779 agent:

1780 (a) Solicit insurance or annuities or procure applications;

1781 (b) In this state, engage or hold himself or herself out as
1782 engaging in the business of analyzing or abstracting insurance
1783 policies or of counseling or advising or giving opinions to
1784 persons relative to insurance or insurance contracts, unless the
1785 individual is:

1786 1. A consulting actuary advising insurers;

1787 2. An employee of a labor union, association, employer, or
1788 other business entity, or the subsidiaries and affiliates of
1789 each, who counsels and advises such entity or entities relative
1790 to their interests and those of their members or employees under
1791 insurance benefit plans; or

1792 3. A trustee advising a settlor, a beneficiary, or a person
1793 regarding his or her interests in a trust, relative to insurance
1794 benefit plans; or

1795 (c) In this state, from this state, or with a resident of



565284

576-03289-22

1796 this state, offer or attempt to negotiate on behalf of another
1797 person a viatical settlement contract as defined in s. 626.9911.

1798 Section 40. Paragraph (d) of subsection (2) of section
1799 626.8411, Florida Statutes, is amended, and paragraph (f) is
1800 added to subsection (1) of that section, to read:

1801 626.8411 Application of Florida Insurance Code provisions
1802 to title insurance agents or agencies.-

1803 (1) The following provisions applicable to general lines
1804 agents or agencies also apply to title insurance agents or
1805 agencies:

1806 (f) Section 626.172(2)(f), relating to fingerprints.

1807 (2) The following provisions of part I do not apply to
1808 title insurance agents or title insurance agencies:

1809 (d) Section 626.172, except for paragraph (2)(f) of that
1810 section, relating to agent in full-time charge.

1811 Section 41. Paragraph (b) of subsection (1) of section
1812 626.8412, Florida Statutes, is amended to read:

1813 626.8412 License and appointments required.-

1814 (1) Except as otherwise provided in this part:

1815 (b) A title insurance agent may not sell a title insurance
1816 policy issued by an insurer for which the agent and the agency
1817 do ~~does~~ not hold a current appointment.

1818 Section 42. Paragraph (a) of subsection (3) of section
1819 626.8417, Florida Statutes, is amended to read:

1820 626.8417 Title insurance agent licensure; exemptions.-

1821 (3) The department may not grant or issue a license as a
1822 title insurance agent to an individual who is found by the
1823 department to be untrustworthy or incompetent, who does not meet
1824 the qualifications for examination specified in s. 626.8414, or



565284

576-03289-22

1825 who does not meet the following qualifications:

1826 (a) Within the 4 years immediately preceding the date of
1827 the application for license, the applicant must have completed a
1828 40-hour ~~classroom~~ course in title insurance, 3 hours of which
1829 are on the subject matter of ethics, as approved by the
1830 department, or must have had at least 12 months of experience in
1831 responsible title insurance duties, under the supervision of a
1832 licensed title insurance agent, title insurer, or attorney while
1833 working in the title insurance business as a substantially full-
1834 time, bona fide employee of a title insurance agency, title
1835 insurance agent, title insurer, or attorney who conducts real
1836 estate closing transactions and issues title insurance policies
1837 but who is exempt from licensure under subsection (4). If an
1838 applicant's qualifications are based upon the periods of
1839 employment at responsible title insurance duties, the applicant
1840 must submit, with the license application, an affidavit of the
1841 applicant and of the employer affirming the period of such
1842 employment, that the employment was substantially full time, and
1843 giving a brief abstract of the nature of the duties performed by
1844 the applicant.

1845 Section 43. Section 626.8421, Florida Statutes, is amended
1846 to read:

1847 626.8421 Number of appointments permitted or required.—A
1848 title agent and a title agency shall be required to have a
1849 separate appointment as to each insurer by which they are ~~he or~~
1850 ~~she is~~ appointed as agents ~~agent~~. As a part of each appointment
1851 there shall be a certified statement or affidavit of an
1852 appropriate officer or official of the appointing insurer
1853 stating that to the best of the insurer's knowledge and belief



565284

576-03289-22

1854 the applicant, or its principals in the case of a corporation or
1855 other legal entity, has met the requirements of s. 626.8417.

1856 Section 44. Subsections (1) and (2) of section 626.843,
1857 Florida Statutes, are amended to read:

1858 626.843 Renewal, continuation, reinstatement, termination
1859 of title insurance agent's and title insurance agency's
1860 appointments appointment.—

1861 (1) Appointments ~~the appointment~~ of a title insurance agent
1862 and a title insurance agency shall continue in force until
1863 suspended, revoked, or otherwise terminated, but subject to a
1864 renewed request filed by the insurer every 24 months after the
1865 original issue dates ~~date~~ of the appointments ~~appointment~~,
1866 accompanied by payments ~~payment~~ of the renewal appointment fees
1867 ~~fee~~ and taxes as prescribed in s. 624.501.

1868 (2) Title insurance agent and title insurance agency
1869 appointments shall be renewed pursuant to s. 626.381 for
1870 insurance representatives in general.

1871 Section 45. Subsection (1) of section 626.8433, Florida
1872 Statutes, is amended to read:

1873 626.8433 Filing of reasons for terminating appointment of
1874 title insurance agent and title insurance agency; confidential
1875 information.—

1876 (1) Any title insurer that is terminating the appointment
1877 of a title insurance agent or title insurance agency, whether
1878 such termination is by direct action of the appointing title
1879 insurer or by failure to renew or continue the appointment as
1880 provided, shall file with the department a statement of the
1881 reasons, if any, for, and the facts relative to, such
1882 termination.



565284

576-03289-22

1883 Section 46. Section 626.8447, Florida Statutes, is amended
1884 to read:

1885 626.8447 Effect of suspension or revocation upon other
1886 licensees, appointees.—In case of the suspension or revocation
1887 of the license and appointment of any title insurance agent or
1888 title insurance agency, the licenses and appointments of all
1889 other title insurance agents who knowingly were parties to the
1890 act that ~~which~~ formed the ground for such suspension or
1891 revocation may likewise be suspended or revoked for the same
1892 period as that of the offending title insurance agent or title
1893 insurance agency, but such suspension or revocation does ~~shall~~
1894 not prevent any title insurance agent, except the one whose
1895 license and appointment was first suspended or revoked, from
1896 being issued an appointment for some other title insurer.

1897 Section 47. Subsection (10) of section 626.854, Florida
1898 Statutes, is amended to read:

1899 626.854 "Public adjuster" defined; prohibitions.—The
1900 Legislature finds that it is necessary for the protection of the
1901 public to regulate public insurance adjusters and to prevent the
1902 unauthorized practice of law.

1903 (10) (a) If a public adjuster enters into a contract with an
1904 insured or claimant to reopen a claim or file a supplemental
1905 claim that seeks additional payments for a claim that has been
1906 previously paid in part or in full or settled by the insurer,
1907 the public adjuster may not charge, agree to, or accept from any
1908 source compensation, payment, commission, fee, or any other
1909 thing of value based on a previous settlement or previous claim
1910 payments by the insurer for the same cause of loss. The charge,
1911 compensation, payment, commission, fee, or any other thing of



565284

576-03289-22

1912 value must be based only on the recovery allocated to the
1913 insured for covered damages, exclusive of attorney fees and
1914 costs, ~~claim payments or settlement~~ obtained through the work of
1915 the public adjuster after entering into the contract with the
1916 insured or claimant. Compensation for the reopened or
1917 supplemental claim may not exceed 20 percent of the reopened or
1918 supplemental claim payment. In no event shall the contracts
1919 described in this paragraph exceed the limitations in paragraph
1920 (b).

1921 (b) A public adjuster may not charge, agree to, or accept
1922 from any source compensation, payment, commission, fee, or any
1923 other thing of value in excess of:

1924 1. Ten percent of the amount of insurance recovery
1925 allocated to the insured for covered damages, exclusive of
1926 attorney fees and costs, ~~claim payments made~~ by the insurer for
1927 claims based on events that are the subject of a declaration of
1928 a state of emergency by the Governor. This provision applies to
1929 claims made during the year after the declaration of emergency.
1930 After that year, the limitations in subparagraph 2. apply.

1931 2. Twenty percent of the amount of insurance recovery
1932 allocated to the insured for covered damages, exclusive of
1933 attorney fees and costs, ~~claim payments made~~ by the insurer for
1934 claims that are not based on events that are the subject of a
1935 declaration of a state of emergency by the Governor.

1936 (c) Insurance claim payments made by the insurer do not
1937 include policy deductibles, and public adjuster compensation may
1938 not be based on the deductible portion of a claim.

1939 (d) Public adjuster compensation may not be based on
1940 amounts attributable to additional living expenses unless such



565284

576-03289-22

1941 compensation is affirmatively agreed to in a separate agreement
1942 that includes a disclosure in substantially the following form:
1943 "I agree to retain and compensate the public adjuster for
1944 adjusting my additional living expenses and securing payment
1945 from my insurer for amounts attributable to additional living
1946 expenses payable under the policy issued on my (home/mobile
1947 home/condominium unit)."

1948 (e) Public adjuster compensation may not be increased based
1949 on a claim being resolved by litigation.

1950 (f) Any maneuver, shift, or device through which the limits
1951 on compensation set forth in this subsection are exceeded is a
1952 violation of this chapter punishable as provided under s.
1953 626.8698.

1954 Section 48. Section 626.8561, Florida Statutes, is amended
1955 to read:

1956 626.8561 "Public adjuster apprentice" defined.—The term
1957 "public adjuster apprentice" means a person licensed as an all-
1958 lines adjuster who:

1959 (1) Is appointed and employed or contracted by ~~a public~~
1960 ~~adjuster or~~ a public adjusting firm;

1961 (2) Assists the ~~public adjuster or~~ public adjusting firm in
1962 ascertaining and determining the amount of any claim, loss, or
1963 damage payable under an insurance contract, or who undertakes to
1964 effect settlement of such claim, loss, or damage; and

1965 (3) Satisfies the requirements of s. 626.8651.

1966 Section 49. Paragraph (e) of subsection (1) and subsection
1967 (2) of section 626.865, Florida Statutes, are amended to read:

1968 626.865 Public adjuster's qualifications, bond.—

1969 (1) The department shall issue a license to an applicant



565284

576-03289-22

1970 for a public adjuster's license upon determining that the
1971 applicant has paid the applicable fees specified in s. 624.501
1972 and possesses the following qualifications:

1973 (e) Has been licensed and appointed in this state as a
1974 nonresident public adjuster on a continual basis for the
1975 previous 6 months, or has been licensed as an all-lines
1976 adjuster, and has been appointed on a continual basis for the
1977 previous 6 months as a public adjuster apprentice under s.
1978 626.8561, as an independent adjuster under s. 626.855, or as a
1979 company employee adjuster under s. 626.856.

1980 (2) At the time of application for license as a public
1981 adjuster, the applicant shall file with the department a bond
1982 executed and issued by a surety insurer authorized to transact
1983 such business in this state, in the amount of \$50,000,
1984 conditioned for the faithful performance of his or her duties as
1985 a public adjuster under the license for which the applicant has
1986 applied, and thereafter maintain the bond unimpaired throughout
1987 the existence of the license ~~and for at least 1 year after~~
1988 ~~termination of the license.~~

1989 (a) The bond must ~~shall~~ be in favor of the department and
1990 must ~~shall~~ specifically authorize recovery by the department of
1991 the damages sustained in case the licensee is guilty of fraud or
1992 unfair practices in connection with his or her business as
1993 public adjuster.

1994 (b) The bond must remain in effect for 1 year after the
1995 expiration or termination of the license.

1996 (c) The aggregate liability of the surety for all such
1997 damages may not ~~shall in no event~~ exceed the amount of the bond.
1998 The ~~Such~~ bond may ~~shall~~ not be terminated unless at least 30



565284

576-03289-22

1999 days' written notice is given to the licensee and filed with the
2000 department.

2001 Section 50. Paragraph (a) of subsection (1) and subsection
2002 (3) of section 626.8651, Florida Statutes, are amended to read:

2003 626.8651 Public adjuster apprentice appointment;
2004 qualifications.—

2005 (1) (a) The department shall issue an appointment as a
2006 public adjuster apprentice to a licensee who:

2007 1. Is licensed as an all-lines adjuster under s. 626.866;

2008 2. Has filed with the department a bond executed and issued
2009 by a surety insurer that is authorized to transact such business
2010 in this state in the amount of \$50,000, which is conditioned
2011 upon the faithful performance of his or her duties as a public
2012 adjuster apprentice; and

2013 3. Maintains such bond unimpaired throughout the existence
2014 of the appointment. The bond must remain in effect for 1 year
2015 after the expiration or termination of the license and for at
2016 least 1 year after termination of the appointment.

2017 (3) A public adjuster apprentice has the same authority as
2018 the licensed public adjuster or public adjusting firm that
2019 employs the apprentice except that an apprentice may not execute
2020 contracts for the services of a public adjuster or public
2021 adjusting firm. An individual may not be, act as, or hold
2022 himself or herself out to be a public adjuster apprentice unless
2023 the individual is licensed as an all-lines adjuster and holds a
2024 current appointment by a licensed ~~public all-lines adjuster or a~~
2025 public adjusting firm that has designated with the department a
2026 primary ~~employs a licensed public adjuster as required by s.~~
2027 626.8695.



565284

576-03289-22

2028 Section 51. Section 626.8696, Florida Statutes, is amended
2029 to read:

2030 626.8696 Application for adjusting firm license.—

2031 (1) The application for an adjusting firm license must
2032 include:

2033 (a) The name of each majority owner, partner, officer, and
2034 director of the adjusting firm.

2035 (b) The resident address of each person required to be
2036 listed in the application under paragraph (a).

2037 (c) The name of the adjusting firm and its principal
2038 business address.

2039 (d) The location of each adjusting firm office and the name
2040 under which each office conducts or will conduct business.

2041 (e) The name and license number of the designated primary
2042 adjuster for each adjusting firm location as required in s.
2043 626.8695.

2044 (f) The fingerprints of each individual required to be
2045 listed in the application under paragraph (a), filed in
2046 accordance with s. 626.171(4). However, fingerprints need not be
2047 filed for an individual who is currently licensed and appointed
2048 under this chapter.

2049 (g) Any additional information that the department
2050 requires.

2051 (2) An application for an adjusting firm license must be
2052 signed by one of the individuals required to be listed in the
2053 application under paragraph (1)(a) each owner of the firm. If
2054 the firm is incorporated, the application must be signed by the
2055 president and secretary of the corporation.

2056 ~~(3) Each application must be accompanied by payment of any~~



565284

576-03289-22

2057 ~~applicable fee as prescribed in s. 624.501.~~

2058 ~~(4) License fees are not refundable.~~

2059 ~~(5) An adjusting firm required to be licensed pursuant to~~
2060 ~~s. 626.8695 must remain so licensed for a period of 3 years from~~
2061 ~~the date of licensure, unless the license is suspended or~~
2062 ~~revoked. The department may suspend or revoke the adjusting~~
2063 ~~firm's authority to do business for activities occurring during~~
2064 ~~the time the firm is licensed, regardless of whether the~~
2065 ~~licensing period has terminated.~~

2066 Section 52. Subsection (3) of section 626.8732, Florida
2067 Statutes, is amended to read:

2068 626.8732 Nonresident public adjuster's qualifications,
2069 bond.—

2070 (3) At the time of application for license as a nonresident
2071 public adjuster, the applicant shall file with the department a
2072 bond executed and issued by a surety insurer authorized to
2073 transact surety business in this state, in the amount of
2074 \$50,000, conditioned for the faithful performance of his or her
2075 duties as a nonresident public adjuster under the license
2076 applied for. Thereafter, the applicant shall maintain the bond
2077 unimpaired throughout the existence of the license and for 1
2078 year after the expiration or termination of the license.

2079 (a) The bond must be in favor of the department and must
2080 specifically authorize recovery by the department of the damages
2081 sustained if the licensee commits fraud or unfair practices in
2082 connection with his or her business as nonresident public
2083 adjuster.

2084 (b) The aggregate liability of the surety for all the
2085 damages may not exceed the amount of the bond. The bond may not



565284

576-03289-22

2086 be terminated unless at least 30 days' written notice is given
2087 to the licensee and filed with the department.

2088 Section 53. Paragraph (a) of subsection (2) of section
2089 626.8734, Florida Statutes, is amended to read:

2090 626.8734 Nonresident all-lines adjuster license
2091 qualifications.—

2092 (2) The applicant must furnish the following with his or
2093 her application:

2094 (a) A complete set of his or her fingerprints in accordance
2095 with s. 626.171(4). ~~The applicant's fingerprints must be~~
2096 ~~certified by an authorized law enforcement officer.~~

2097 Section 54. Section 626.906, Florida Statutes, is amended
2098 to read:

2099 626.906 Acts constituting Chief Financial Officer as
2100 process agent.—Any of the following acts in this state, effected
2101 by mail or otherwise, by an unauthorized foreign insurer, alien
2102 insurer, or person representing or aiding such an insurer is
2103 equivalent to and shall constitute an appointment by such
2104 insurer or person representing or aiding such insurer of the
2105 Chief Financial Officer to be its true and lawful agent
2106 ~~attorney~~, upon whom may be served all lawful process in any
2107 action, suit, or proceeding instituted by or on behalf of an
2108 insured or beneficiary, arising out of any such contract of
2109 insurance; and any such act shall be signification of the
2110 insurer's or person's agreement that such service of process is
2111 of the same legal force and validity as personal service of
2112 process in this state upon such insurer or person representing
2113 or aiding such insurer:

2114 (1) The issuance or delivery of contracts of insurance to



565284

576-03289-22

2115 residents of this state or to corporations authorized to do
2116 business therein;

2117 (2) The solicitation of applications for such contracts;

2118 (3) The collection of premiums, membership fees,
2119 assessments, or other considerations for such contracts; or

2120 (4) Any other transaction of insurance.

2121 Section 55. Subsection (4) of section 626.912, Florida
2122 Statutes, is amended to read:

2123 626.912 Exemptions from ss. 626.904-626.911.—The provisions
2124 of ss. 626.904-626.911 do not apply to any action, suit, or
2125 proceeding against any unauthorized foreign insurer, alien
2126 insurer, or person representing or aiding such an insurer
2127 arising out of any contract of insurance:

2128 (4) Issued under and in accordance with the Surplus Lines
2129 Law, when such insurer or person representing or aiding such
2130 insurer enters a general appearance or when such contract of
2131 insurance contains a provision designating the Chief Financial
2132 Officer or designating a Florida resident agent to be the true
2133 and lawful agent ~~attorney~~ of such unauthorized insurer or person
2134 representing or aiding such insurer upon whom may be served all
2135 lawful process in any action, suit, or proceeding instituted by
2136 or on behalf of an insured or person representing or aiding such
2137 insurer or beneficiary arising out of any such contract of
2138 insurance; and service of process effected on such Chief
2139 Financial Officer or such resident agent shall be deemed to
2140 confer complete jurisdiction over such unauthorized insurer or
2141 person representing or aiding such insurer in such action.

2142 Section 56. Subsections (3) and (4) of section 626.937,
2143 Florida Statutes, are amended to read:



565284

576-03289-22

2144 626.937 Actions against insurer; service of process.-

2145 (3) Each unauthorized insurer requesting eligibility
2146 pursuant to s. 626.918 shall file with the department its
2147 appointment of the Chief Financial Officer, on a form as
2148 furnished by the department, as its agent ~~attorney~~ to receive
2149 service of all legal process issued against it in any civil
2150 action or proceeding in this state, and agreeing that process so
2151 served shall be valid and binding upon the insurer. The
2152 appointment shall be irrevocable, shall bind the insurer and any
2153 successor in interest as to the assets or liabilities of the
2154 insurer, and shall remain in effect as long as there is
2155 outstanding in this state any obligation or liability of the
2156 insurer resulting from its insurance transactions therein.

2157 (4) At the time of such appointment of the Chief Financial
2158 Officer as its process agent, the insurer shall file with the
2159 department designation of the name and e-mail address of the
2160 person to whom process against it served upon the Chief
2161 Financial Officer is to be made available through the
2162 department's secure online portal ~~forwarded~~. The insurer may
2163 change the designation at any time by a new filing.

2164 Section 57. Subsection (5) of section 626.9953, Florida
2165 Statutes, is amended to read:

2166 626.9953 Qualifications for registration; application
2167 required.-

2168 (5) An applicant must submit a set of his or her
2169 fingerprints in accordance with s. 626.171(4) ~~to the department~~
2170 ~~and pay the processing fee established under s. 624.501(23)~~. The
2171 department shall submit the applicant's fingerprints to the
2172 Department of Law Enforcement for processing state criminal



565284

576-03289-22

2173 history records checks and local criminal records checks through
2174 local law enforcement agencies and for forwarding to the Federal
2175 Bureau of Investigation for national criminal history records
2176 checks. The fingerprints shall be taken by a law enforcement
2177 agency, a designated examination center, or another department-
2178 approved entity. The department may not approve an application
2179 for registration as a navigator if fingerprints have not been
2180 submitted.

2181 Section 58. Paragraphs (e) and (f) are added to subsection
2182 (4) of section 633.135, Florida Statutes, to read:

2183 633.135 Firefighter Assistance Grant Program.—

2184 (4) Funds shall be used to:

2185 (e) Purchase other equipment and tools that improve
2186 firesafety and fire rescue capabilities for firefighters.

2187 (f) Purchase protective clothing and equipment compliant
2188 with NFPA 1977, "Standard on Protective Clothing and Equipment
2189 for Wildland Fire Fighting and Urban Interface Fire Fighting."

2190 Section 59. Subsections (4) and (5) of section 633.216,
2191 Florida Statutes, are amended to read:

2192 633.216 Inspection of buildings and equipment; orders;
2193 firesafety inspection training requirements; certification;
2194 disciplinary action.—The State Fire Marshal and her or his
2195 agents or persons authorized to enforce laws and rules of the
2196 State Fire Marshal shall, at any reasonable hour, when the State
2197 Fire Marshal has reasonable cause to believe that a violation of
2198 this chapter or s. 509.215, or a rule adopted thereunder, or a
2199 minimum firesafety code adopted by the State Fire Marshal or a
2200 local authority, may exist, inspect any and all buildings and
2201 structures which are subject to the requirements of this chapter



565284

576-03289-22

2202 or s. 509.215 and rules adopted thereunder. The authority to
2203 inspect shall extend to all equipment, vehicles, and chemicals
2204 which are located on or within the premises of any such building
2205 or structure.

2206 (4) Every firesafety inspector certificate is valid for a
2207 period of 4 years from the date of issuance. Renewal of
2208 certification is subject to the affected person's completing
2209 proper application for renewal and meeting all of the
2210 requirements for renewal as established under this chapter or by
2211 rule adopted under this chapter, which must include completion
2212 of at least 54 hours during the preceding 4-year period of
2213 continuing education as required by the rule of the department
2214 ~~or, in lieu thereof, successful passage of an examination as~~
2215 ~~established by the department.~~

2216 ~~(5) A previously certified firesafety inspector whose~~
2217 ~~certification has lapsed for 8 years or more must repeat the~~
2218 ~~fire safety inspector training as specified by the division.~~

2219 Section 60. Paragraph (b) of subsection (4) and paragraphs
2220 (a) and (c) of subsection (6) of section 633.408, Florida
2221 Statutes, are amended to read:

2222 633.408 Firefighter and volunteer firefighter training and
2223 certification.—

2224 (4) The division shall issue a Firefighter Certificate of
2225 Compliance to an individual who does all of the following:

2226 (b) Passes the Minimum Standards Course certification
2227 ~~examination~~ within 12 months after completing the required
2228 courses.

2229 (6) (a) The division may issue a Special Certificate of
2230 Compliance to an individual who does all of the following:



565284

576-03289-22

2231 1. Satisfactorily completes the course established by rule
2232 by the division and successfully passes any examination
2233 corresponding to such course in paragraph (1)(b) to obtain a
2234 Special Certificate of Compliance.

2235 ~~2. Passes the examination established in paragraph (1)(b)~~
2236 ~~to obtain a Special Certificate of Compliance.~~

2237 ~~3.~~ Possesses the qualifications in s. 633.412.

2238 ~~(c) In order to retain a Special Certificate of Compliance,~~
2239 ~~every 4 years an individual must:~~

2240 ~~1. Be active as a firefighter;~~

2241 ~~2. Maintain a current and valid fire service instructor~~
2242 ~~certificate, instruct at least 40 hours during the 4-year~~
2243 ~~period, and provide proof of such instruction to the division,~~
2244 ~~which proof must be registered in an electronic database~~
2245 ~~designated by the division; or~~

2246 ~~3. Within 6 months before the 4-year period expires,~~
2247 ~~successfully complete a Firefighter Retention Refresher Course~~
2248 ~~consisting of a minimum of 40 hours of training as prescribed by~~
2249 ~~rule.~~

2250 Section 61. Subsections (1) and (4) of section 633.414,
2251 Florida Statutes, are amended to read:

2252 633.414 Retention of firefighter and volunteer firefighter
2253 certifications.—

2254 (1) In order for a firefighter to retain her or his
2255 Firefighter Certificate of Compliance or Special Certificate of
2256 Compliance, every 4 years he or she must meet the requirements
2257 for renewal provided in this chapter and by rule, which must
2258 include at least one of the following:

2259 (a) Be active as a firefighter. As used in this section,



565284

576-03289-22

2260 the term "active" means being employed as a firefighter or
2261 providing service as a volunteer firefighter as evidenced by the
2262 individual's name appearing on a fire service provider's
2263 employment roster in the Florida State Fire College database or
2264 a letter by the fire service provider attesting to dates of
2265 employment.

2266 (b) Maintain a current and valid fire service instructor
2267 certificate, instruct at least 40 hours during the 4-year
2268 period, and provide proof of such instruction to the division,
2269 which proof must be registered in an electronic database
2270 designated by the division.

2271 (c) Before the expiration of the certificate ~~Within 6~~
2272 ~~months before the 4-year period expires,~~ successfully complete a
2273 Firefighter Retention Refresher Course consisting of a minimum
2274 of 40 hours of training to be prescribed by rule.

2275 (d) Before the expiration of the certificate ~~Within 6~~
2276 ~~months before the 4-year period expires,~~ successfully retake and
2277 pass the Minimum Standards Course examination pursuant to s.
2278 633.408.

2279 ~~(4) For the purposes of this section, the term "active"~~
2280 ~~means being employed as a firefighter or providing service as a~~
2281 ~~volunteer firefighter for a cumulative period of 6 months within~~
2282 ~~a 4-year period.~~

2283
2284 The 4-year period may, in the discretion of the department, be
2285 extended to 12 months after discharge from military service if
2286 the military service does not exceed 3 years, but in no event
2287 more than 6 years from the date of issue or renewal, if
2288 applicable, for an honorably discharged veteran of the United



565284

576-03289-22

2289 States Armed Forces or the spouse of such a veteran. A qualified
2290 individual must provide a copy of a military identification
2291 card, military dependent identification card, military service
2292 record, military personnel file, veteran record, discharge
2293 paper, or separation document that indicates such member is
2294 currently in good standing or such veteran is honorably
2295 discharged.

2296 Section 62. Subsection (4) of section 648.34, Florida
2297 Statutes, is amended to read:

2298 648.34 Bail bond agents; qualifications.—

2299 (4) The applicant shall furnish, with his or her
2300 application, a complete set of his or her fingerprints in
2301 accordance with s. 626.171(4) and a recent credential-sized,
2302 fullface photograph of the applicant. ~~The applicant's~~
2303 ~~fingerprints shall be certified by an authorized law enforcement~~
2304 ~~officer.~~ The department shall not authorize an applicant to take
2305 the required examination until the department has received a
2306 report from the Department of Law Enforcement and the Federal
2307 Bureau of Investigation relative to the existence or
2308 nonexistence of a criminal history report based on the
2309 applicant's fingerprints.

2310 Section 63. Subsection (4) of section 648.355, Florida
2311 Statutes, is amended to read:

2312 648.355 Temporary limited license as limited surety agent
2313 or professional bail bond agent; pending examination.—

2314 (4) The applicant shall furnish, with the application for
2315 temporary license, a complete set of the applicant's
2316 fingerprints in accordance with s. 626.171(4) and a recent
2317 credential-sized, fullface photograph of the applicant. ~~The~~



565284

576-03289-22

2318 ~~applicant's fingerprints shall be certified by an authorized law~~
2319 ~~enforcement officer.~~ The department shall not issue a temporary
2320 license under this section until the department has received a
2321 report from the Department of Law Enforcement and the Federal
2322 Bureau of Investigation relative to the existence or
2323 nonexistence of a criminal history report based on the
2324 applicant's fingerprints.

2325 Section 64. Subsection (4) is added to section 648.46,
2326 Florida Statutes, to read:

2327 648.46 Procedure for disciplinary action against
2328 licensees.—

2329 (4) The expiration, nonrenewal, or surrender of licensure
2330 under this chapter does not eliminate the jurisdiction of the
2331 licensing authority to investigate and prosecute for a violation
2332 committed by a licensee while licensed under this chapter. The
2333 prosecution of any matter may be initiated or continued
2334 notwithstanding the withdrawal of a complaint.

2335 Section 65. Paragraph (d) of subsection (2) and paragraphs
2336 (b), (c), and (e) of subsection (3) of section 766.105, Florida
2337 Statutes, are amended, and paragraph (i) is added to subsection
2338 (3) and subsection (4) is added to that section, to read:

2339 766.105 Florida Patient's Compensation Fund.—

2340 (2) COVERAGE.—

2341 (d)1. Any health care provider who participates in the fund
2342 and who does not meet the provisions of paragraph (b) shall not
2343 be covered by the fund.

2344 2. Annually, the Agency for Health Care Administration
2345 shall require documentation by each hospital that such hospital
2346 is in compliance, and will remain in compliance, with the



565284

576-03289-22

2347 ~~provisions of this section. The agency shall review the~~
2348 ~~documentation and then deliver the documentation to the board of~~
2349 ~~governors. At least 60 days before the time a license will be~~
2350 ~~issued or renewed, the agency shall request from the board of~~
2351 ~~governors a certification that each hospital is in compliance~~
2352 ~~with the provisions of this section. The board of governors~~
2353 ~~shall not be liable under the law for any erroneous~~
2354 ~~certification. The agency may not issue or renew the license of~~
2355 ~~any hospital which has not been certified by the board of~~
2356 ~~governors. The license of any hospital that fails to remain in~~
2357 ~~compliance or fails to provide such documentation shall be~~
2358 ~~revoked or suspended by the agency.~~

2359 (3) THE FUND.—

2360 (b) *Fund administration and operation.*—

2361 1. The fund shall operate subject to the supervision and
2362 approval of the Chief Financial Officer or his or her designee a
2363 ~~board of governors consisting of a representative of the~~
2364 ~~insurance industry appointed by the Chief Financial Officer, an~~
2365 ~~attorney appointed by The Florida Bar, a representative of~~
2366 ~~physicians appointed by the Florida Medical Association, a~~
2367 ~~representative of physicians' insurance appointed by the Chief~~
2368 ~~Financial Officer, a representative of physicians' self-~~
2369 ~~insurance appointed by the Chief Financial Officer, two~~
2370 ~~representatives of hospitals appointed by the Florida Hospital~~
2371 ~~Association, a representative of hospital insurance appointed by~~
2372 ~~the Chief Financial Officer, a representative of hospital self-~~
2373 ~~insurance appointed by the Chief Financial Officer, a~~
2374 ~~representative of the osteopathic physicians' or podiatric~~
2375 ~~physicians' insurance or self-insurance appointed by the Chief~~



565284

576-03289-22

2376 ~~Financial Officer, and a representative of the general public~~
2377 ~~appointed by the Chief Financial Officer. The board of governors~~
2378 ~~shall, during the first meeting after June 30 of each year,~~
2379 ~~choose one of its members to serve as chair of the board and~~
2380 ~~another member to serve as vice chair of the board. The members~~
2381 ~~of the board shall be appointed to serve terms of 4 years,~~
2382 ~~except that the initial appointments of a representative of the~~
2383 ~~general public by the Chief Financial Officer, an attorney by~~
2384 ~~The Florida Bar, a representative of physicians by the Florida~~
2385 ~~Medical Association, and one of the two representatives of the~~
2386 ~~Florida Hospital Association shall be for terms of 3 years;~~
2387 ~~thereafter, such representatives shall be appointed for terms of~~
2388 ~~4 years. Subsequent to initial appointments for 4 year terms,~~
2389 ~~the representative of the osteopathic physicians' or podiatric~~
2390 ~~physicians' insurance or self-insurance appointed by the Chief~~
2391 ~~Financial Officer and the representative of hospital self-~~
2392 ~~insurance appointed by the Chief Financial Officer shall be~~
2393 ~~appointed for 2-year terms; thereafter, such representatives~~
2394 ~~shall be appointed for terms of 4 years. Each appointed member~~
2395 ~~may designate in writing to the chair an alternate to act in the~~
2396 ~~member's absence or incapacity. A member of the board, or the~~
2397 ~~member's alternate, may be reimbursed from the assets of the~~
2398 ~~fund for expenses incurred by him or her as a member, or~~
2399 ~~alternate member, of the board and for committee work, but he or~~
2400 ~~she may not otherwise be compensated by the fund for his or her~~
2401 ~~service as a board member or alternate.~~

2402 2. There shall be no liability on the part of, and no cause
2403 of action of any nature shall arise against, the fund or its
2404 agents or employees, professional advisers or consultants, the



565284

576-03289-22

2405 Chief Financial Officer or his or her designee ~~members of the~~
2406 ~~board of governors or their alternates,~~ or the Department of
2407 Financial Services or the Office of Insurance Regulation of the
2408 Financial Services Commission or their representatives for any
2409 action taken by them in the performance of their powers and
2410 duties pursuant to this section.

2411 (c) *Powers of the fund.*—The fund has the power to:

2412 1. Sue and be sued, and appear and defend, in all actions
2413 and proceedings in its name to the same extent as a natural
2414 person.

2415 2. Adopt, change, amend, and repeal a plan of operation,
2416 not inconsistent with law, for the regulation and administration
2417 of the affairs of the fund. The plan and any changes thereto
2418 shall be filed with the Office of Insurance Regulation of the
2419 Financial Services Commission and are all subject to its
2420 approval before implementation by the fund. All fund members,
2421 board members, and employees shall comply with the plan of
2422 operation.

2423 3. Have and exercise all powers necessary or convenient to
2424 effect any or all of the purposes for which the fund is created.

2425 4. Enter into such contracts as are necessary or proper to
2426 carry out the provisions and purposes of this section.

2427 5. Employ or retain such persons as are necessary to
2428 perform the administrative and financial transactions and
2429 responsibilities of the fund and to perform other necessary or
2430 proper functions unless prohibited by law.

2431 6. Take such legal action as may be necessary to avoid
2432 payment of improper claims.

2433 7. Indemnify any ~~employee, agent, member of the board of~~



565284

576-03289-22

2434 ~~governors or his or her alternate,~~ or person acting on behalf of
2435 the fund in an official capacity, for expenses, including
2436 attorney's fees, judgments, fines, and amounts paid in
2437 settlement actually and reasonably incurred by him or her in
2438 connection with any action, suit, or proceeding, including any
2439 appeal thereof, arising out of his or her capacity in acting on
2440 behalf of the fund, if he or she acted in good faith and in a
2441 manner he or she reasonably believed to be in, or not opposed
2442 to, the best interests of the fund and, with respect to any
2443 criminal action or proceeding, he or she had reasonable cause to
2444 believe his or her conduct was lawful.

2445 (e) *Fund accounting and audit.*—

2446 1. Money shall be withdrawn from the fund only upon a
2447 voucher as authorized by the Chief Financial Officer or his or
2448 her designee ~~board of governors.~~

2449 2. All books, records, and audits of the fund shall be open
2450 for reasonable inspection to the general public, except that a
2451 claim file in possession of the fund, fund members, and their
2452 insurers is confidential and exempt from the provisions of s.
2453 119.07(1) and s. 24(a), Art. I of the State Constitution until
2454 termination of litigation or settlement of the claim, although
2455 medical records and other portions of the claim file may remain
2456 confidential and exempt as otherwise provided by law. Any book,
2457 record, document, audit, or asset acquired by, prepared for, or
2458 paid for by the fund is subject to the authority of the Chief
2459 Financial Officer or his or her designee ~~board of governors,~~
2460 which shall be responsible therefor.

2461 3. Persons authorized to receive deposits, issue vouchers,
2462 or withdraw or otherwise disburse any fund moneys shall post a



565284

576-03289-22

2463 blanket fidelity bond in an amount reasonably sufficient to
2464 protect fund assets. The cost of such bond shall be paid from
2465 the fund.

2466 4. Annually, the fund shall furnish, upon request, audited
2467 financial reports to any fund participant and to the Office of
2468 Insurance Regulation and the Joint Legislative Auditing
2469 Committee. The reports shall be prepared in accordance with
2470 accepted accounting procedures and shall include income and such
2471 other information as may be required by the Office of Insurance
2472 Regulation or the Joint Legislative Auditing Committee.

2473 5. Any money held in the fund shall be invested in
2474 interest-bearing investments ~~by the board of governors of the~~
2475 ~~fund as administrator~~. However, in no case may any such money be
2476 invested in the stock of any insurer participating in the Joint
2477 Underwriting Association authorized by s. 627.351(4) or in the
2478 parent company of, or company owning a controlling interest in,
2479 such insurer. All income derived from such investments shall be
2480 credited to the fund.

2481 6. Any health care provider participating in the fund may
2482 withdraw from such participation only at the end of a fiscal
2483 year; however, such health care provider shall remain subject to
2484 any assessment or any refund pertaining to any year in which
2485 such member participated in the fund.

2486 (i) Dissolution of the fund.—The fund shall operate subject
2487 to the supervision of the Chief Financial Officer or his or her
2488 designee, pursuant to the policies and procedures and under the
2489 auspices of the Department of Financial Services, Division of
2490 Rehabilitation and Liquidation, until the department executes a
2491 legal dissolution of the fund on or before December 31, 2023.



565284

576-03289-22

2492 Before the legal dissolution of the fund, the Department of
2493 Financial Services must:
2494 1. Obtain all existing records and retain necessary records
2495 of the fund pursuant to law.
2496 2. Identify all remaining property held by the fund and
2497 attempt to return such property to its owners and, for property
2498 that cannot be returned to the owner, transfer such property to
2499 the Department of Financial Services, Division of Unclaimed
2500 Property.
2501 3. Make a final accounting of the finances of the fund.
2502 4. Ensure that the fund has met all its obligations
2503 pursuant to structured settlements, annuities, or other
2504 instruments established to pay covered claims, and, if the fund
2505 has not done so, attempt to meet such obligations before final
2506 and complete dissolution of the fund.
2507 5. Sell or otherwise dispose of all physical assets of the
2508 fund.
2509 6. Execute a legal dissolution of the fund.
2510 7. Transfer any remaining money or assets of the fund to
2511 the Chief Financial Officer for deposit in the General Revenue
2512 Fund.
2513 (4) REPEAL.—This section is repealed January 1, 2024.
2514 Section 66. Paragraph (b) of subsection (1) of section
2515 945.6041, Florida Statutes, is amended to read:
2516 945.6041 Inmate medical services.—
2517 (1) As used in this section, the term:
2518 (b) "Health care provider" means:
2519 1. A hospital licensed under chapter 395.
2520 2. A physician or physician assistant licensed under



565284

576-03289-22

2521 chapter 458.
2522 3. An osteopathic physician or physician assistant licensed
2523 under chapter 459.
2524 4. A podiatric physician licensed under chapter 461.
2525 5. A health maintenance organization certificated under
2526 part I of chapter 641.
2527 6. An ambulatory surgical center licensed under chapter
2528 395.
2529 7. A professional association, partnership, corporation,
2530 joint venture, or other association established by the
2531 individuals set forth in subparagraphs 2., 3., and 4. for
2532 professional activity.
2533 8. Other medical facility.
2534 a. As used in this subparagraph, the term "other medical
2535 facility" means:
2536 (I) A facility the primary purpose of which is to provide
2537 human medical diagnostic services, or a facility providing
2538 nonsurgical human medical treatment which discharges patients on
2539 the same working day that the patients are admitted; and
2540 (II) A facility that is not part of a hospital.
2541 b. The term does not include a facility existing for the
2542 primary purpose of performing terminations of pregnancy, or an
2543 office maintained by a physician or dentist for the practice of
2544 medicine has the same meaning as provided in s. 766.105.
2545 Section 67. Paragraph (a) of subsection (1) of section
2546 985.6441, Florida Statutes, is amended to read:
2547 985.6441 Health care services.—
2548 (1) As used in this section, the term:
2549 (a) "Health care provider" means:



565284

576-03289-22

- 2550 1. A hospital licensed under chapter 395.
- 2551 2. A physician or physician assistant licensed under
2552 chapter 458.
- 2553 3. An osteopathic physician or physician assistant licensed
2554 under chapter 459.
- 2555 4. A podiatric physician licensed under chapter 461.
- 2556 5. A health maintenance organization certificated under
2557 part I of chapter 641.
- 2558 6. An ambulatory surgical center licensed under chapter
2559 395.
- 2560 7. A professional association, partnership, corporation,
2561 joint venture, or other association established by the
2562 individuals set forth in subparagraphs 2., 3., and 4. for
2563 professional activity.
- 2564 8. Other medical facility.
- 2565 a. As used in this subparagraph, the term "other medical
2566 facility" means:
- 2567 (I) A facility the primary purpose of which is to provide
2568 human medical diagnostic services, or a facility providing
2569 nonsurgical human medical treatment which discharges patients on
2570 the same working day that the patients are admitted; and
- 2571 (II) A facility that is not part of a hospital.
- 2572 b. The term does not include a facility existing for the
2573 primary purpose of performing terminations of pregnancy, or an
2574 office maintained by a physician or dentist for the practice of
2575 medicine has the same meaning as provided in s. 766.105.
- 2576 Section 68. Except as otherwise expressly provided in this
2577 act, this act shall take effect July 1, 2022.