

By the Committees on Appropriations; and Banking and Insurance;
and Senator Boyd

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1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; repealing s. 17.0315, F.S., relating to the
4 financial and cash management system and task force;
5 amending s. 48.151, F.S.; providing an exception to
6 service of process on public entities under certain
7 circumstances; deleting the Chief Financial Officer's
8 assistant or deputy or another person in charge of the
9 office as agents for service of process on insurers;
10 requiring the Department of Financial Services to
11 create a secure online portal as the sole means to
12 accept certain service of process; amending s.
13 110.123, F.S.; revising definitions; authorizing
14 specified persons relating to the Division of
15 Rehabilitation and Liquidation to purchase coverage in
16 a state group health insurance plan at specified
17 premium costs; providing that the enrollment period
18 for the state group insurance program begins with a
19 specified plan year for certain persons relating to
20 the division; amending s. 110.131, F.S.; conforming a
21 cross-reference; amending s. 215.34, F.S.; deleting
22 the requirement for specified entities receiving
23 certain charged-back items to prepare a journal
24 transfer; amending s. 215.93, F.S.; renaming a
25 subsystem of the Florida Financial Management
26 Information System; amending s. 215.94, F.S.;
27 conforming a provision to changes made by the act;
28 amending s. 216.102, F.S.; making technical changes;
29 amending s. 218.32, F.S.; revising legislative intent;

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30 providing functions of the Florida Open Financial
31 Statement System; requiring local governments to use
32 the system to file specified reports; providing
33 requirements for the system; revising the list of
34 entities with which the Chief Financial Officer may
35 consult with regard to the system; authorizing, rather
36 than requiring, certain local governmental financial
37 statements to be filed in a specified format; deleting
38 certain requirements for such statements; providing
39 construction; providing an exception; creating s.
40 395.1061, F.S.; defining terms; requiring certain
41 hospitals to demonstrate financial responsibility for
42 maintaining professional liability coverage;
43 specifying requirements for such financial
44 responsibility; requiring hospitals to provide
45 evidence of compliance and to remain in compliance;
46 prohibiting the Agency for Health Care Administration
47 from issuing or renewing licenses of hospitals under
48 certain circumstances; providing exemptions from
49 professional liability coverage requirements;
50 authorizing hospital systems to meet such professional
51 liability coverage requirements in a specified manner;
52 amending s. 440.02, F.S.; revising the definition of
53 the term "employer"; amending s. 440.05, F.S.;
54 revising information that must be submitted with the
55 notice of election to be exempt from workers'
56 compensation coverage; specifying the circumstances
57 under which the Department of Financial Services is
58 required to send certain notifications to workers'

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59 compensation carriers; requiring such notifications to
60 be electronic; requiring certificates of election to
61 be exempt to contain a specified notice; deleting a
62 provision requiring certain corporation officers to
63 maintain business records; revising applicability of
64 certificates of election to be exempt; amending s.
65 440.107, F.S.; revising the timeframe for certain
66 employers to produce specified records under certain
67 circumstances; prohibiting employers who failed to
68 secure payment of workers' compensation from entering
69 a payment agreement schedule with the department
70 unless a specified condition is met; revising
71 circumstances that result in immediate reinstatement
72 of stop-work orders; revising penalty assessments;
73 amending s. 440.185, F.S.; revising the timeline and
74 methods for workers' compensation carriers to send a
75 certain informational brochure to injured workers;
76 revising methods by which such informational brochure
77 is sent to employers; amending s. 440.381, F.S.;
78 specifying workers' compensation policies that require
79 physical onsite audits for a specified class; amending
80 s. 497.277, F.S.; deleting a cap on transferring
81 burial rights fees; amending s. 497.369, F.S.;
82 revising requirements for licenses by endorsement to
83 practice embalming; amending s. 497.372, F.S.;
84 revising the scope of funeral directing practice;
85 amending s. 497.374, F.S.; revising requirements for
86 licenses by endorsement to practice funeral directing;
87 amending s. 554.108, F.S.; requiring boilers

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88 manufactured after a specified date, rather than
89 boilers of certain heat input, to be stamped with a
90 specified code symbol; revising the boilers'
91 information that must be filed; requiring that
92 specified spaces and rooms be equipped with carbon
93 monoxide detector devices; amending s. 554.111, F.S.;
94 deleting a requirement for a specified fee for a
95 certificate of competency; requiring applications for
96 boiler permits to include a specified report; revising
97 the purpose for special trips that the department is
98 required to make for boiler inspections; amending s.
99 554.114, F.S.; revising the schedules of penalties
100 against boiler insurance companies, inspection
101 agencies, and other persons for specified violations;
102 amending s. 624.307, F.S.; providing that certain
103 regulated persons or unauthorized insurers are
104 required to appoint the Chief Financial Officer as
105 their agents, rather than as their attorneys, to
106 receive service of legal process; revising the method
107 by which the Chief Financial Officer makes the process
108 available; requiring the Chief Financial Officer to
109 promptly send notice of receipt of service of process;
110 revising requirements for the contents of such notice;
111 amending s. 624.422, F.S.; requiring insurers to file
112 with the department e-mail addresses, rather than
113 addresses, of specified persons; providing that a
114 specified method by which process is served upon the
115 Chief Financial Officer is the sole method of service;
116 conforming provisions to changes made by the act;

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117 amending s. 624.423, F.S.; revising procedures for
118 service of process; requiring the Chief Financial
119 Officer to promptly notify certain persons of the
120 process and to make the process available to such
121 persons through specified means; revising the method
122 by which records are retained; amending s. 624.610,
123 F.S.; conforming provisions to changes made by the
124 act; amending s. 626.015, F.S.; defining the term
125 "licensing authority"; revising the definition of the
126 term "unaffiliated insurance agent"; amending s.
127 626.171, F.S.; requiring fingerprints for certain
128 licenses to be processed in accordance with specified
129 laws; amending s. 626.172, F.S.; revising the method
130 by which fingerprints for applications for insurance
131 agency licenses are submitted; deleting a fingerprint
132 processing fee; creating s. 626.173, F.S.; providing
133 duties for certain insurance agency persons within a
134 specified timeframe after cessation of insurance
135 transactions; authorizing the department to impose
136 administrative fines against such persons for
137 specified violations; prohibiting the initiation of
138 certain proceedings and imposition of fines until
139 specified prerequisites are completed; providing a cap
140 on such fines; authorizing the department to suspend
141 or revoke licenses under certain circumstances;
142 providing requirements for determining penalties and
143 remedies; amending s. 626.201, F.S.; conforming a
144 provision to changes made by the act; providing
145 continuation of jurisdiction of the licensing

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146 authority to investigate and prosecute specified
147 violations under certain circumstances; amending s.
148 626.202, F.S.; conforming provisions to changes made
149 by the act; amending s. 626.221, F.S.; adding a
150 designation to the list of designations that allow
151 applicants for an all-lines adjuster license to be
152 exempt from an examination; amending s. 626.311, F.S.;
153 providing an exception to the prohibition against
154 unaffiliated insurance agents holding appointments
155 from insurers; authorizing certain adjusters to obtain
156 adjuster appointments while maintaining unaffiliated
157 insurance agent appointments and to adjust claims and
158 receive certain compensation; amending ss. 626.321 and
159 626.601, F.S.; conforming provisions to changes made
160 by the act; amending s. 626.7845, F.S.; conforming a
161 cross-reference; amending ss. 626.8411 and 626.8412,
162 F.S.; conforming provisions to changes made by the
163 act; amending s. 626.8417, F.S.; revising requirements
164 to qualify for title insurance agent licenses;
165 amending s. 626.8421, F.S.; requiring title agencies
166 to have separate appointments under certain
167 circumstances; amending s. 626.843, F.S.; providing
168 requirements for appointments of title insurance
169 agencies; amending s. 626.8433, F.S.; requiring title
170 insurers that terminate appointments of title
171 insurance agencies to file certain information with
172 the department; amending s. 626.8447, F.S.; providing
173 effects of suspension or revocation of title insurance
174 agency licenses; amending s. 626.854, F.S.; revising

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175 and providing restrictions on public adjuster
176 compensation; providing exceptions to such
177 restrictions; amending s. 626.8561, F.S.; revising the
178 definition of the term "public adjuster apprentice";
179 amending s. 626.865, F.S.; revising requirements to
180 qualify for public adjuster licenses; requiring that
181 certain bonds remain in effect for a specified period
182 after expiration of the license; amending s. 626.8651,
183 F.S.; requiring that certain bonds remain in effect
184 for a specified period after expiration of a public
185 adjuster apprentice license; revising requirements for
186 public adjuster apprentices to be, act as, or hold
187 themselves out to be public adjuster apprentices;
188 amending s. 626.8696, F.S.; revising requirements for
189 adjusting firm license applications; amending s.
190 626.8732, F.S.; requiring applicants for nonresident
191 public adjuster licenses to maintain certain bonds
192 after the expiration or termination of licenses;
193 amending ss. 626.8734, 626.906, 626.912, 626.937, and
194 626.9953, F.S.; conforming provisions to changes made
195 by the act; amending s. 633.135, F.S.; providing
196 additional uses for firefighter funds; amending s.
197 633.216, F.S.; revising requirements for renewal of
198 firesafety inspector certificates; amending s.
199 633.408, F.S.; revising requirements for the issuance
200 of a Firefighter Certificate of Compliance and Special
201 Certificate of Compliance; deleting provisions
202 relating to requirements to retain a Special
203 Certificate of Compliance; amending s. 633.414, F.S.;

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

226

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

228

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

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

231 Florida Statutes, are amended to read:

232 48.151 Service on statutory agents for certain persons.—

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

255 (3) The Chief Financial Officer ~~or his or her assistant or~~
256 ~~deputy or another person in charge of the office~~ is the agent
257 for service of process on all insurers applying for authority to
258 transact insurance in this state, all licensed nonresident
259 insurance agents, all nonresident disability insurance agents
260 licensed pursuant to s. 626.835, any unauthorized insurer under
261 s. 626.906 or s. 626.937, domestic reciprocal insurers,

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262 fraternal benefit societies under chapter 632, warranty
263 associations under chapter 634, prepaid limited health service
264 organizations under chapter 636, and persons required to file
265 statements under s. 628.461. ~~As an alternative to service of~~
266 ~~process made by mail or personal service on the Chief Financial~~
267 ~~Officer, on his or her assistant or deputy, or on another person~~
268 ~~in charge of the office,~~ The Department of Financial Services
269 shall may create a secure online portal as the sole means an
270 ~~Internet-based transmission system~~ to accept service of process
271 on the Chief Financial Officer under this section by electronic
272 ~~transmission of documents.~~

273 Section 3. Present subsections (9) through (13) of section
274 110.123, Florida Statutes, are redesignated as subsections (10)
275 through (14), respectively, a new subsection (9) is added to
276 that section, and paragraphs (b), (c), (f), (h), (i), and (o) of
277 subsection (2) and paragraph (i) of subsection (5) are amended,
278 to read:

279 110.123 State group insurance program.—

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

281 (b) "Enrollee" means all state officers and employees,
282 retired state officers and employees, surviving spouses of
283 deceased state officers and employees, and terminated employees
284 or individuals with continuation coverage who are enrolled in an
285 insurance plan offered by the state group insurance program. The
286 term "Enrollee" includes all state university officers and
287 employees, retired state university officers and employees,
288 surviving spouses of deceased state university officers and
289 employees, and terminated state university employees or
290 individuals with continuation coverage who are enrolled in an

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291 insurance plan offered by the state group insurance program. As
292 used in this paragraph, state employees and retired state
293 employees also include employees and retired employees of the
294 Division of Rehabilitation and Liquidation.

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

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

310 a. Has worked an average of at least 30 hours or more per
311 week during the initial measurement period from April 1, 2013,
312 through September 30, 2013; or

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

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

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

319 b. Has worked an average of at least 30 hours or more per

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320 week during the person's measurement period.

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

331 (h) "Retired state officer or employee" or "retiree" means
332 any state or state university officer or employee, or, beginning
333 with the 2023 plan year, an employee of the Division of
334 Rehabilitation and Liquidation, who retires under a state
335 retirement system or a state optional annuity or retirement
336 program or is placed on disability retirement, and who was
337 insured under the state group insurance program or the Division
338 of Rehabilitation and Liquidation's group insurance program at
339 the time of retirement, and who begins receiving retirement
340 benefits immediately after retirement from state or state
341 university office or employment. The term also includes any
342 state officer or state employee who retires under the Florida
343 Retirement System Investment Plan established under part II of
344 chapter 121 if he or she:

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

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

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349 (i) "State agency" or "agency" means any branch,
350 department, or agency of state government. "State agency" or
351 "agency" includes any state university and the Division of
352 Rehabilitation and Liquidation for purposes of this section
353 only.

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

369 (5) DEPARTMENT POWERS AND DUTIES.—The department is
370 responsible for the administration of the state group insurance
371 program. The department shall initiate and supervise the program
372 as established by this section and shall adopt such rules as are
373 necessary to perform its responsibilities. To implement this
374 program, the department shall, with prior approval by the
375 Legislature:

376 (i) Contract with a single custodian to provide services
377 necessary to implement and administer the health savings

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378 accounts authorized in subsection (13) ~~(12)~~.

379

380 Final decisions concerning enrollment, the existence of
381 coverage, or covered benefits under the state group insurance
382 program shall not be delegated or deemed to have been delegated
383 by the department.

384 (9) COVERAGE AND ENROLLMENT PERIOD FOR EMPLOYEES, RETIREES,
385 AND WIDOWS AND WIDOWERS OF EMPLOYEES AND RETIREES OF THE
386 DIVISION OF REHABILITATION AND LIQUIDATION.-

387 (a) Beginning with the 2023 plan year:

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

397 2. A terminated employee of the Division of Rehabilitation
398 and Liquidation or an individual with continuation coverage who
399 is insured under the Division of Rehabilitation and
400 Liquidation's group insurance program may purchase coverage in a
401 state group health insurance plan at the same premium cost as
402 that for a terminated employee or an individual with
403 continuation coverage, respectively, enrolled in the state group
404 insurance program.

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

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407 1. Current and retired employees of the Division of
408 Rehabilitation and Liquidation.

409 2. Widows and widowers of employees and of retired
410 employees of the Division of Rehabilitation and Liquidation.

411 3. Terminated employees of the Division of Rehabilitation
412 and Liquidation or individuals with continuation coverage who
413 are insured under the Division of Rehabilitation and
414 Liquidation's group insurance program.

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

417 110.131 Other-personal-services employment.—

418 (5) Beginning January 1, 2014, an other-personal-services
419 (OPS) employee who has worked an average of at least 30 or more
420 hours per week during the measurement period described in s.
421 110.123(14) (c) or (d) ~~s. 110.123(13) (c) or (d)~~, or who is
422 reasonably expected to work an average of at least 30 or more
423 hours per week following his or her employment, is eligible to
424 participate in the state group insurance program as provided
425 under s. 110.123.

426 Section 5. Subsection (1) of section 215.34, Florida
427 Statutes, is amended to read:

428 215.34 State funds; noncollectible items; procedure.—

429 (1) Any check, draft, or other order for the payment of
430 money in payment of any licenses, fees, taxes, commissions, or
431 charges of any sort authorized to be made under the laws of the
432 state and deposited in the State Treasury as provided herein,
433 which may be returned for any reason by the bank or other payor
434 upon which same shall have been drawn shall be forthwith
435 returned by the Chief Financial Officer for collection to the

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436 state officer, the state agency, or the entity of the judicial
437 branch making the deposit. In such case, the Chief Financial
438 Officer may issue a debit memorandum charging an account of the
439 agency, officer, or entity of the judicial branch which
440 originally received the payment. The original of the debit
441 memorandum shall state the reason for the return of the check,
442 draft, or other order and shall accompany the item being
443 returned to the officer, agency, or entity of the judicial
444 branch being charged. The officer, agency, or entity of the
445 judicial branch receiving the charged-back item shall ~~prepare a~~
446 ~~journal transfer which shall~~ debit the charge against the fund
447 or account to which the same shall have been originally
448 credited. Such procedure for handling noncollectible items shall
449 not be construed as paying funds out of the State Treasury
450 without an appropriation, but shall be considered as an
451 administrative procedure for the efficient handling of state
452 records and accounts.

453 Section 6. Paragraph (c) of subsection (1) of section
454 215.93, Florida Statutes, is amended to read:

455 215.93 Florida Financial Management Information System.—

456 (1) To provide the information necessary to carry out the
457 intent of the Legislature, there shall be a Florida Financial
458 Management Information System. The Florida Financial Management
459 Information System shall be fully implemented and shall be
460 upgraded as necessary to ensure the efficient operation of an
461 integrated financial management information system and to
462 provide necessary information for the effective operation of
463 state government. Upon the recommendation of the coordinating
464 council and approval of the board, the Florida Financial

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465 Management Information System may require data from any state
466 agency information system or information subsystem or may
467 request data from any judicial branch information system or
468 information subsystem that the coordinating council and board
469 have determined to have statewide financial management
470 significance. Each functional owner information subsystem within
471 the Florida Financial Management Information System shall be
472 developed in such a fashion as to allow for timely, positive,
473 preplanned, and prescribed data transfers between the Florida
474 Financial Management Information System functional owner
475 information subsystems and from other information systems. The
476 principal unit of the system shall be the functional owner
477 information subsystem, and the system shall include, but shall
478 not be limited to, the following:

479 (c) Financial ~~Cash~~ Management Subsystem.

480 Section 7. Subsection (3) of section 215.94, Florida
481 Statutes, is amended to read:

482 215.94 Designation, duties, and responsibilities of
483 functional owners.—

484 (3) The Chief Financial Officer shall be the functional
485 owner of the Financial ~~Cash~~ Management Subsystem. The Chief
486 Financial Officer shall design, implement, and operate the
487 subsystem in accordance with the provisions of ss. 215.90-
488 215.96. The subsystem shall include, but shall not be limited
489 to, functions for:

490 (a) Recording and reconciling credits and debits to
491 treasury fund accounts.

492 (b) Monitoring cash levels and activities in state bank
493 accounts.

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

495 (d) Administering the provisions of the Federal Cash
496 Management Improvement Act of 1990.

497 Section 8. Subsection (3) of section 216.102, Florida
498 Statutes, is amended to read:

499 216.102 Filing of financial information; handling by Chief
500 Financial Officer; penalty for noncompliance.—

501 (3) The Chief Financial Officer shall:

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

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

509 (c) Furnish the Governor, the President of the Senate, and
510 the Speaker of the House of Representatives with a copy of the
511 annual comprehensive ~~annual~~ financial report prepared pursuant
512 to paragraph (b).

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

516 (e) Provide reports, as requested, to executive or judicial
517 branch entities, the President of the Senate, the Speaker of the
518 House of Representatives, and the members of the Florida
519 Congressional Delegation, detailing the federal financial
520 assistance received and disbursed by state agencies and the
521 judicial branch.

522 (f) Consult with and elicit comments from the Executive

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523 Office of the Governor on changes to the Florida Accounting
524 Information Resource Subsystem which clearly affect the
525 accounting of federal funds, so as to ensure consistency of
526 information entered into the Federal Aid Tracking System by
527 state executive and judicial branch entities. While efforts
528 shall be made to ensure the compatibility of the Florida
529 Accounting Information Resource Subsystem and the Federal Aid
530 Tracking System, any successive systems serving identical or
531 similar functions shall preserve such compatibility.

532
533 The Chief Financial Officer may furnish and publish in
534 electronic form the financial statements and the annual
535 comprehensive ~~annual~~ financial report required under paragraphs
536 (a), (b), and (c).

537 Section 9. Paragraph (h) of subsection (1) of section
538 218.32, Florida Statutes, is amended, and paragraph (i) is added
539 to that subsection, to read:

540 218.32 Annual financial reports; local governmental
541 entities.—

542 (1)

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

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552 Chief Inspector General.

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

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

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

570 4. If the Chief Financial Officer deems the work products
571 adequate, all local governmental financial statements for fiscal
572 years ending on or after September 1, 2022, may ~~must~~ be filed in
573 XBRL format as prescribed by the Chief Financial Officer ~~and~~
574 ~~must meet the validation requirements of the relevant taxonomy.~~

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

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

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581 Section 10. Section 395.1061, Florida Statutes, is created
582 to read:

583 395.1061 Professional liability coverage.-

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

585 (a) "Committee" means a committee or board of a hospital
586 established to make recommendations, policies, or decisions
587 regarding patient institutional utilization, patient treatment,
588 or institutional staff privileges or to perform other
589 administrative or professional purposes or functions.

590 (b) "Covered individuals" means the officers; trustees;
591 volunteer workers; trainees; committee members, including
592 physicians, osteopathic physicians, podiatric physicians, and
593 dentists; and employees of the hospital other than employed
594 physicians licensed under chapter 458, physician assistants
595 licensed under chapter 458, osteopathic physicians licensed
596 under chapter 459, dentists licensed under chapter 466, and
597 podiatric physicians licensed under chapter 461. However, with
598 respect to a hospital, the term also includes house physicians,
599 interns, employed physician residents in a resident training
600 program, and physicians performing purely administrative duties
601 for the hospital instead of treating patients. The coverage
602 applies to the hospital and those included in the definition of
603 health care provider as provided in s. 985.6441(1).

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

606 (d) "House physician" means any physician, osteopathic
607 physician, podiatric physician, or dentist at a hospital,
608 except:

609 1. The physician, osteopathic physician, podiatric

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610 physician, or dentist who has staff privileges at a hospital,
611 provides emergency room services, or performs a medical or
612 dental service for a fee; or

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

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

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

619 (2) Each hospital, unless exempted under paragraph (3) (b),
620 must demonstrate financial responsibility for maintaining
621 professional liability coverage to pay claims and costs
622 ancillary thereto arising out of the rendering of or failure to
623 render medical care or services and for bodily injury or
624 property damage to the person or property of any patient arising
625 out of the activities of the hospital or arising out of the
626 activities of covered individuals, to the satisfaction of the
627 agency, by meeting one of the following requirements:

628 (a) Establish an escrow account in an amount equivalent to
629 \$10,000 per claim for each bed in such hospital, not to exceed a
630 \$2.5 million annual aggregate.

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

638 (3) (a) Each hospital, unless exempted under paragraph (b),

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639 shall provide evidence of compliance and remain in continuous
640 compliance with the professional liability coverage provisions
641 of this section. The agency may not issue or renew the license
642 of any hospital that does not provide evidence of compliance or
643 that provides evidence of insufficient coverage.

644 (b) Any hospital operated by an agency, subdivision, or
645 instrumentality of the state is exempt from the provisions of
646 this section.

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

652 Section 11. Paragraph (a) of subsection (16) of section
653 440.02, Florida Statutes, is amended to read:

654 440.02 Definitions.—When used in this chapter, unless the
655 context clearly requires otherwise, the following terms shall
656 have the following meanings:

657 (16) (a) "Employer" means the state and all political
658 subdivisions thereof, all public and quasi-public corporations
659 therein, every person carrying on any employment, and the legal
660 representative of a deceased person or the receiver or trustees
661 of any person. The term "Employer" also includes employment
662 agencies and, employee leasing companies that, and similar
663 agents who provide employees to other business entities or
664 persons. If the employer is a corporation, parties in actual
665 control of the corporation, including, but not limited to, the
666 president, officers who exercise broad corporate powers,
667 directors, and all shareholders who directly or indirectly own a

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668 controlling interest in the corporation, are considered the
669 employer for the purposes of ss. 440.105, 440.106, and 440.107.

670 Section 12. Effective January 1, 2023, subsections (3),
671 (4), (10), and (12) of section 440.05, Florida Statutes, are
672 amended to read:

673 440.05 Election of exemption; revocation of election;
674 notice; certification.—

675 (3) The notice of election to be exempt must be
676 electronically submitted to the department by the officer of a
677 corporation who is allowed to claim an exemption as provided by
678 this chapter and must list the name, date of birth, valid driver
679 license number or Florida identification card number, and all
680 certified or registered licenses issued pursuant to chapter 489
681 held by the person seeking the exemption, the registration
682 number of the corporation filed with the Division of
683 Corporations of the Department of State, and the percentage of
684 ownership evidencing the required ownership under this chapter.
685 The notice of election to be exempt must identify each
686 corporation that employs the person electing the exemption and
687 must list the ~~social security number or~~ federal tax
688 identification number of each such employer and the additional
689 documentation required by this section. In addition, the notice
690 of election to be exempt must provide that the officer electing
691 an exemption is not entitled to benefits under this chapter,
692 must provide that the election does not exceed exemption limits
693 for officers provided in s. 440.02, ~~and~~ must certify that any
694 employees of the corporation whose officer elects an exemption
695 are covered by workers' compensation insurance, and must certify
696 that the officer electing an exemption has completed an online

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697 workers' compensation coverage and compliance tutorial developed
698 by the department. Upon receipt of the notice of the election to
699 be exempt, receipt of all application fees, and a determination
700 by the department that the notice meets the requirements of this
701 subsection, the department shall issue a certification of the
702 election to the officer, unless the department determines that
703 the information contained in the notice is invalid. The
704 department shall revoke a certificate of election to be exempt
705 from coverage upon a determination by the department that the
706 person does not meet the requirements for exemption or that the
707 information contained in the notice of election to be exempt is
708 invalid. The certificate of election must list the name of the
709 corporation listed in the request for exemption. A new
710 certificate of election must be obtained each time the person is
711 employed by a new or different corporation that is not listed on
712 the certificate of election. Upon written request from a
713 workers' compensation carrier, the department shall send
714 thereafter an electronic notification to the carrier identifying
715 each of its policyholders for which a notice of election to be
716 exempt has been issued or for which a notice of revocation to be
717 exempt has been received ~~A notice of the certificate of election~~
718 ~~must be sent to each workers' compensation carrier identified in~~
719 ~~the request for exemption.~~ Upon filing a notice of revocation of
720 election, an officer who is a subcontractor or an officer of a
721 corporate subcontractor must notify her or his contractor. ~~Upon~~
722 ~~revocation of a certificate of election of exemption by the~~
723 ~~department, the department shall notify the workers'~~
724 ~~compensation carriers identified in the request for exemption.~~

725 (4) The notice of election to be exempt from the provisions

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726 of this chapter must contain a notice that clearly states in
727 substance the following: "Any person who, knowingly and with
728 intent to injure, defraud, or deceive the department or any
729 employer or employee, insurance company, or any other person,
730 files a notice of election to be exempt containing any false or
731 misleading information is guilty of a felony of the third
732 degree." Each person filing a notice of election to be exempt
733 shall personally sign the notice and attest that he or she has
734 reviewed, understands, and acknowledges the foregoing notice.
735 The certificate of election to be exempt must contain the
736 following notice: "This certificate of election to be exempt is
737 NOT a license issued by the Department of Business and
738 Professional Regulation (DBPR). To determine if the
739 certificateholder is required to have a license to perform work
740 or to verify the license of the certificateholder, go to (insert
741 DBPR's website address for where to find this information)."

742 ~~(10) Each officer of a corporation who is actively engaged~~
743 ~~in the construction industry and who elects an exemption from~~
744 ~~this chapter shall maintain business records as specified by the~~
745 ~~department by rule.~~

746 (11)~~(12)~~ Certificates of election to be exempt issued under
747 subsection (3) ~~shall~~ apply only to the corporate officer named
748 on the notice of election to be exempt ~~and apply only within the~~
749 ~~scope of the business or trade listed on the notice of election~~
750 ~~to be exempt.~~

751 Section 13. Effective January 1, 2023, paragraphs (a) and
752 (d) of subsection (7) of section 440.107, Florida Statutes, are
753 amended to read:

754 440.107 Department powers to enforce employer compliance

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755 with coverage requirements.—

756 (7) (a) Whenever the department determines that an employer
757 who is required to secure the payment to his or her employees of
758 the compensation provided for by this chapter has failed to
759 secure the payment of workers' compensation required by this
760 chapter or to produce the required business records under
761 subsection (5) within 21 ~~10-business~~ days after receipt of the
762 written request of the department, such failure shall be deemed
763 an immediate serious danger to public health, safety, or welfare
764 sufficient to justify service by the department of a stop-work
765 order on the employer, requiring the cessation of all business
766 operations. If the department makes such a determination, the
767 department shall issue a stop-work order within 72 hours. The
768 order shall take effect when served upon the employer or, for a
769 particular employer worksite, when served at that worksite. In
770 addition to serving a stop-work order at a particular worksite
771 which shall be effective immediately, the department shall
772 immediately proceed with service upon the employer which shall
773 be effective upon all employer worksites in the state for which
774 the employer is not in compliance. A stop-work order may be
775 served with regard to an employer's worksite by posting a copy
776 of the stop-work order in a conspicuous location at the
777 worksite. Information related to an employer's stop-work order
778 shall be made available on the division's website, ~~be updated~~
779 ~~daily~~, and remain on the website for at least 5 years. The order
780 shall remain in effect until the department issues an order
781 releasing the stop-work order upon a finding that the employer
782 has come into compliance with the coverage requirements of this
783 chapter and has paid any penalty assessed under this section.

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784 The department may issue an order of conditional release from a
785 stop-work order to an employer upon a finding that the employer
786 has complied with the coverage requirements of this chapter,
787 paid a penalty of \$1,000 as a down payment, and agreed to remit
788 periodic payments of the remaining penalty amount pursuant to a
789 payment agreement schedule with the department or pay the
790 remaining penalty amount in full. An employer may not enter into
791 a payment agreement schedule unless the employer has fully paid
792 any previous penalty assessed under this section. If an order of
793 conditional release is issued, failure by the employer to pay
794 the penalty in full or enter into a payment agreement with the
795 department within 21 ~~28~~ days after service of the first penalty
796 assessment calculation ~~stop-work order~~ upon the employer, or to
797 meet any term or condition of such penalty payment agreement,
798 shall result in the immediate reinstatement of the stop-work
799 order and the entire unpaid balance of the penalty shall become
800 immediately due.

801 (d)1. In addition to any penalty, stop-work order, or
802 injunction, the department shall assess against an ~~any~~ employer
803 who has failed to secure the payment of compensation as required
804 by this chapter a penalty equal to 2 times the amount the
805 employer would have paid in premium when applying approved
806 manual rates to the employer's payroll during periods for which
807 it failed to secure the payment of workers' compensation
808 required by this chapter within the preceding 12-month ~~2-year~~
809 period or \$1,000, whichever is greater. However, for an employer
810 who is issued a stop-work order for materially understating or
811 concealing payroll or has been previously issued a stop-work
812 order or an order of penalty assessment, the preceding 24-month

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813 period shall be used to calculate the penalty as specified in
814 this subparagraph.

815 a. For an employer ~~employers~~ who has ~~have~~ not been
816 previously issued a stop-work order or order of penalty
817 assessment, the department must allow the employer to receive a
818 credit for the initial payment of the estimated annual workers'
819 compensation policy premium, as determined by the carrier, to be
820 applied to the penalty. Before applying the credit to the
821 penalty, the employer must provide the department with
822 documentation reflecting that the employer has secured the
823 payment of compensation pursuant to s. 440.38 and proof of
824 payment to the carrier. In order for the department to apply a
825 credit for an employer that has secured workers' compensation
826 for leased employees by entering into an employee leasing
827 contract with a licensed employee leasing company, the employer
828 must provide the department with a written confirmation, by a
829 representative from the employee leasing company, of the dollar
830 or percentage amount attributable to the initial estimated
831 workers' compensation expense for leased employees, and proof of
832 payment to the employee leasing company. The credit may not be
833 applied unless the employer provides the documentation and proof
834 of payment to the department within 21 ~~28~~ days after the
835 employer's receipt of the written request to produce business
836 records for calculating the penalty under this subparagraph
837 ~~service of the stop-work order or first order of penalty~~
838 ~~assessment upon the employer.~~

839 b. For an employer ~~employers~~ who has ~~have~~ not been
840 previously issued a stop-work order or order of penalty
841 assessment, the department must reduce the final assessed

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842 penalty by 25 percent if the employer has complied with
843 administrative rules adopted pursuant to subsection (5) and has
844 provided such business records to the department within 21 ~~10~~
845 ~~business~~ days after the employer's receipt of the written
846 request to produce business records for calculating the penalty
847 under this subparagraph.

848 c. For an employer who has not been previously issued a
849 stop-work order or an order of penalty assessment, the
850 department must reduce the final assessed penalty by 15 percent
851 if the employer correctly answers at least 80 percent of the
852 questions from an online workers' compensation coverage and
853 compliance tutorial, developed by the department, within 21 days
854 after the employer's receipt of the written request to produce
855 business records for calculating the penalty under this
856 subparagraph. The online tutorial must be taken in a department
857 office location identified by rule.

858
859 The \$1,000 penalty shall be assessed against the employer even
860 if the calculated penalty after the credit provided in sub-
861 subparagraph a., the ~~and~~ 25 percent reduction provided in sub-
862 subparagraph b., and the 15 percent reduction provided in sub-
863 subparagraph c., as applicable, have been applied is less than
864 \$1,000.

865 2. Any subsequent violation within 5 years after the most
866 recent violation shall, in addition to the penalties set forth
867 in this subsection, be deemed a knowing act within the meaning
868 of s. 440.105.

869 Section 14. Subsection (3) of section 440.185, Florida
870 Statutes, is amended to read:

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871 440.185 Notice of injury or death; reports; penalties for
872 violations.-

873 (3) Within 3 business days after the employer or the
874 employee informs the carrier of an injury, the carrier shall
875 send by regular mail or e-mail to the injured worker an
876 informational brochure approved by the department which sets
877 forth in clear and understandable language an explanation of the
878 rights, benefits, procedures for obtaining benefits and
879 assistance, criminal penalties, and obligations of injured
880 workers and their employers under the Florida Workers'
881 Compensation Law. Annually, the carrier or its third-party
882 administrator shall send by regular mail or e-mail to the
883 employer an informational brochure approved by the department
884 which sets forth in clear and understandable language an
885 explanation of the rights, benefits, procedures for obtaining
886 benefits and assistance, criminal penalties, and obligations of
887 injured workers and their employers under the Florida Workers'
888 Compensation Law. All such informational brochures shall contain
889 a notice that clearly states in substance the following: "Any
890 person who, knowingly and with intent to injure, defraud, or
891 deceive any employer or employee, insurance company, or self-
892 insured program, files a statement of claim containing any false
893 or misleading information commits a felony of the third degree."

894 Section 15. Subsection (3) of section 440.381, Florida
895 Statutes, is amended to read:

896 440.381 Application for coverage; reporting payroll;
897 payroll audit procedures; penalties.-

898 (3) The Financial Services Commission, in consultation with
899 the department, shall establish by rule minimum requirements for

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900 audits of payroll and classifications ~~in order~~ to ensure that
901 the appropriate premium is charged for workers' compensation
902 coverage. The rules must ~~shall~~ ensure that audits performed by
903 both carriers and employers are adequate to provide that all
904 sources of payments to employees, subcontractors, and
905 independent contractors are ~~have been~~ reviewed and that the
906 accuracy of classification of employees is ~~has been~~ verified.
907 The rules must require ~~shall provide~~ that employers in all
908 classes other than the construction class be audited at least
909 ~~not less frequently than~~ biennially and may provide for more
910 frequent audits of employers in specified classifications based
911 on factors such as amount of premium, type of business, loss
912 ratios, or other relevant factors. ~~In no event shall~~ Employers
913 in the construction class, ~~generating more than the amount of~~
914 premium required to be experience rated must, ~~be~~ audited at
915 least ~~less than~~ annually. The annual audits required for
916 construction classes must ~~shall~~ consist of physical onsite
917 audits for policies only if the estimated annual premium is
918 \$10,000 or more. Payroll verification audit rules must include,
919 but need not be limited to, the use of state and federal reports
920 of employee income, payroll and other accounting records,
921 certificates of insurance maintained by subcontractors, and
922 duties of employees. At the completion of an audit, the employer
923 or officer of the corporation and the auditor must print and
924 sign their names on the audit document and attach proof of
925 identification to the audit document.

926 Section 16. Subsection (2) of section 497.277, Florida
927 Statutes, is amended to read:

928 497.277 Other charges.—Other than the fees for the sale of

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929 burial rights, burial merchandise, and burial services, no other
930 fee may be directly or indirectly charged, contracted for, or
931 received by a cemetery company as a condition for a customer to
932 use any burial right, burial merchandise, or burial service,
933 except for:

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

936 Section 17. Paragraph (b) of subsection (1) of section
937 497.369, Florida Statutes, is amended to read:

938 497.369 Embalmers; licensure as an embalmer by endorsement;
939 licensure of a temporary embalmer.—

940 (1) The licensing authority shall issue a license by
941 endorsement to practice embalming to an applicant who has
942 remitted an examination fee set by rule of the licensing
943 authority not to exceed \$200 and who the licensing authority
944 certifies:

945 (b)1. Holds a valid license in good standing to practice
946 embalming in another state of the United States and has engaged
947 in the full-time, licensed practice of embalming in that state
948 for at least 5 years, provided that, when the applicant secured
949 her or his original license, the requirements for licensure were
950 substantially equivalent to or more stringent than those
951 existing in this state; or

952 2. Meets the qualifications for licensure in s. 497.368,
953 except that the internship requirement shall be deemed to have
954 been satisfied by 1 year's practice as a licensed embalmer in
955 another state, and has, within 10 years before ~~prior to~~ the date
956 of application, successfully completed a state, regional, or
957 national examination in mortuary science, which, as determined

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958 by rule of the licensing authority, is substantially equivalent
959 to or more stringent than the examination given by the licensing
960 authority.

961 Section 18. Paragraphs (b) and (f) of subsection (1) of
962 section 497.372, Florida Statutes, are amended to read:

963 497.372 Funeral directing; conduct constituting practice of
964 funeral directing.—

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

968 (b) Planning or arranging, on an at-need basis, the details
969 of funeral services, embalming, cremation, or other services
970 relating to the final disposition of human remains, and
971 ~~including the removal of such remains from the state; setting~~
972 ~~the time of the services; establishing the type of services to~~
973 ~~be rendered; acquiring the services of the clergy; and obtaining~~
974 ~~vital information for the filing of death certificates and~~
975 ~~obtaining of burial transit permits.~~

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

980 Section 19. Paragraph (b) of subsection (1) of section
981 497.374, Florida Statutes, is amended to read:

982 497.374 Funeral directing; licensure as a funeral director
983 by endorsement; licensure of a temporary funeral director.—

984 (1) The licensing authority shall issue a license by
985 endorsement to practice funeral directing to an applicant who
986 has remitted a fee set by rule of the licensing authority not to

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987 exceed \$200 and who:

988 (b)1. Holds a valid license in good standing to practice
989 funeral directing in another state of the United States and has
990 engaged in the full-time, licensed practice of funeral directing
991 in that state for at least 5 years, ~~provided that, when the~~
992 ~~applicant secured her or his original license, the requirements~~
993 ~~for licensure were substantially equivalent to or more stringent~~
994 ~~than those existing in this state; or~~

995 2. Meets the qualifications for licensure in s. 497.373,
996 except that the applicant need not hold an associate degree or
997 higher if the applicant holds a diploma or certificate from an
998 accredited program of mortuary science, and has successfully
999 completed a state, regional, or national examination in mortuary
1000 science or funeral service arts, which, as determined by rule of
1001 the licensing authority, is substantially equivalent to or more
1002 stringent than the examination given by the licensing authority.

1003 Section 20. Present subsection (6) of section 554.108,
1004 Florida Statutes, is redesignated as subsection (7), a new
1005 subsection (6) is added to that section, and subsection (1) of
1006 that section is amended, to read:

1007 554.108 Inspection.—

1008 (1) The inspection requirements of this chapter apply only
1009 to boilers located in public assembly locations. A ~~potable hot~~
1010 ~~water supply~~ boiler with an a heat input of 200,000 British
1011 thermal units (Btu) per hour and above, up to an a heat input
1012 not exceeding 400,000 Btu per hour, is exempt from inspection;
1013 however, such an exempt boiler, if manufactured after July 1,
1014 2022, but must be stamped with the A.S.M.E. code symbol.
1015 Additionally, "HLW" and the boiler's A.S.M.E data report of a

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1016 boiler with an input of 200,000 to 400,000 Btu per hour must be
1017 filed as required under s. 554.103(2).

1018 (6) Each enclosed space or room containing a boiler
1019 regulated under this chapter which is fired by the direct
1020 application of energy from the combustion of fuels and which is
1021 located in any portion of a public lodging establishment under
1022 s. 509.242 shall be equipped with one or more carbon monoxide
1023 detector devices.

1024 Section 21. Paragraphs (a) and (e) of subsection (1) and
1025 paragraph (a) of subsection (2) of section 554.111, Florida
1026 Statutes, are amended to read:

1027 554.111 Fees.—

1028 (1) The department shall charge the following fees:

1029 (a) For an applicant for a certificate of competency, the
1030 initial application fee shall be \$50, and the annual renewal fee
1031 shall be \$30. ~~The fee for examination shall be \$50.~~

1032 (e) An application for a boiler permit must include the
1033 manufacturer's data report ~~applicable certificate inspection fee~~
1034 ~~provided in paragraph (b).~~

1035 (2) Not more than an amount equal to one certificate
1036 inspection fee may be charged or collected for any and all
1037 boiler inspections in any inspection period, except as otherwise
1038 provided in this chapter.

1039 (a) When it is necessary to make a special trip for testing
1040 and verification inspections ~~to observe the application of a~~
1041 ~~hydrostatic test~~, an additional fee equal to the fee for a
1042 certificate inspection of the boiler must be charged.

1043 Section 22. Subsection (4) of section 554.114, Florida
1044 Statutes, is amended to read:

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1045 554.114 Prohibitions; penalties.—

1046 (4) A boiler insurance company, authorized inspection
1047 agency, or other person in violation of this section for more
1048 than 30 days shall pay a fine of \$10 per day for the subsequent
1049 ~~first~~ 10 days of noncompliance, \$50 per day for the subsequent
1050 20 days of noncompliance, and \$100 per day for each subsequent
1051 day ~~over 20 days~~ of noncompliance thereafter.

1052 Section 23. Subsection (9) of section 624.307, Florida
1053 Statutes, is amended to read:

1054 624.307 General powers; duties.—

1055 (9) Upon receiving service of legal process issued in any
1056 civil action or proceeding in this state against any regulated
1057 person or any unauthorized insurer under s. 626.906 or s.
1058 626.937 that ~~which~~ is required to appoint the Chief Financial
1059 Officer as its agent ~~attorney~~ to receive service of all legal
1060 process, the Chief Financial Officer shall make the process
1061 available through a secure online portal, ~~as attorney, may, in~~
1062 ~~lieu of sending the process by registered or certified mail,~~
1063 ~~send the process or make it available by any other verifiable~~
1064 ~~means, including, but not limited to, making the documents~~
1065 ~~available by electronic transmission from a secure website~~
1066 established by the department to the person last designated by
1067 the regulated person or the unauthorized insurer to receive the
1068 process. When process documents are made available
1069 electronically, the Chief Financial Officer shall promptly send
1070 a notice of receipt of service of process to the person last
1071 designated by the regulated person or unauthorized insurer to
1072 receive legal process. The notice must state the date ~~and manner~~
1073 ~~in which the copy of~~ the process was made available to the

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1074 regulated person or unauthorized insurer being served and
1075 contain the uniform resource locator (URL) where ~~for a hyperlink~~
1076 ~~to access files and information on the department's website to~~
1077 ~~obtain a copy of the process~~ may be obtained.

1078 Section 24. Section 624.422, Florida Statutes, is amended
1079 to read:

1080 624.422 Service of process; appointment of Chief Financial
1081 Officer as process agent.—

1082 (1) Each licensed insurer, whether domestic, foreign, or
1083 alien, shall be deemed to have appointed the Chief Financial
1084 Officer and her or his successors in office as its agent
1085 ~~attorney~~ to receive service of all legal process issued against
1086 it in any civil action or proceeding in this state; and process
1087 so served shall be valid and binding upon the insurer.

1088 (2) Before ~~Prior to~~ its authorization to transact insurance
1089 in this state, each insurer shall file with the department
1090 designation of the name and e-mail address of the person to whom
1091 process against it served upon the Chief Financial Officer is to
1092 be made available through the department's secure online portal
1093 ~~forwarded~~. Each insurer shall also file with the department
1094 designation of the name and e-mail address of the person to whom
1095 the department shall forward civil remedy notices filed under s.
1096 624.155. The insurer may change a designation at any time by a
1097 new filing.

1098 (3) Service of process submitted through the department's
1099 secure online portal upon the Chief Financial Officer as the
1100 insurer's agent ~~attorney~~ pursuant to such an appointment shall
1101 be the sole method of service of process upon an authorized
1102 domestic, foreign, or alien insurer in this state.

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1103 Section 25. Subsection (1) of section 624.423, Florida
1104 Statutes, is amended to read:

1105 624.423 Serving process.—

1106 (1) Service of process upon the Chief Financial Officer as
1107 process agent of the insurer under s. 624.422 and s. 626.937
1108 shall be made ~~by serving a copy of the process upon the Chief~~
1109 ~~Financial Officer or upon her or his assistant, deputy, or other~~
1110 ~~person in charge of her or his office. Service may also be made~~
1111 ~~by mail or electronically as provided in s. 48.151(3) s. 48.151.~~
1112 Upon receiving such service, the Chief Financial Officer shall
1113 retain a record of the process copy and promptly notify and make
1114 ~~forward one copy of the process~~ available through the
1115 department's secure online portal ~~by registered or certified~~
1116 ~~mail or by other verifiable means~~, as provided under s.
1117 624.307(9), to the person last designated by the insurer to
1118 receive the same, as provided under s. 624.422(2). For purposes
1119 of this section, records shall ~~may~~ be retained electronically ~~as~~
1120 ~~paper or electronic copies.~~

1121 Section 26. Paragraph (f) of subsection (3) and paragraph
1122 (d) of subsection (4) of section 624.610, Florida Statutes, are
1123 amended to read:

1124 624.610 Reinsurance.—

1125 (3)

1126 (f) If the assuming insurer is not authorized or accredited
1127 to transact insurance or reinsurance in this state pursuant to
1128 paragraph (a) or paragraph (b), the credit permitted by
1129 paragraph (c) or paragraph (d) must not be allowed unless the
1130 assuming insurer agrees in the reinsurance agreements:

1131 1.a. That in the event of the failure of the assuming

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1132 insurer to perform its obligations under the terms of the
1133 reinsurance agreement, the assuming insurer, at the request of
1134 the ceding insurer, shall submit to the jurisdiction of any
1135 court of competent jurisdiction in any state of the United
1136 States, will comply with all requirements necessary to give the
1137 court jurisdiction, and will abide by the final decision of the
1138 court or of any appellate court in the event of an appeal; and

1139 b. To designate the Chief Financial Officer, pursuant to s.
1140 48.151(3) ~~s. 48.151~~, as its true and lawful agent ~~attorney~~ upon
1141 whom may be served any lawful process in any action, suit, or
1142 proceeding instituted by or on behalf of the ceding company.

1143 2. This paragraph is not intended to conflict with or
1144 override the obligation of the parties to a reinsurance
1145 agreement to arbitrate their disputes, if this obligation is
1146 created in the agreement.

1147 (4) Credit must be allowed when the reinsurance is ceded to
1148 an assuming insurer meeting the requirements of this subsection.

1149 (d) The assuming insurer must, in a form specified by the
1150 commission:

1151 1. Agree to provide prompt written notice and explanation
1152 to the office if the assuming insurer falls below the minimum
1153 requirements set forth in paragraph (b) or paragraph (c), or if
1154 any regulatory action is taken against it for serious
1155 noncompliance with applicable law of any jurisdiction.

1156 2. Consent in writing to the jurisdiction of the courts of
1157 this state and to the designation of the Chief Financial
1158 Officer, pursuant to s. 48.151(3) ~~s. 48.151~~, as its true and
1159 lawful agent ~~attorney~~ upon whom may be served any lawful process
1160 in any action, suit, or proceeding instituted by or on behalf of

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1161 the ceding insurer. This subparagraph does not limit or alter in
1162 any way the capacity of parties to a reinsurance agreement to
1163 agree to an alternative dispute resolution mechanism, except to
1164 the extent that such agreement is unenforceable under applicable
1165 insolvency or delinquency laws.

1166 3. Consent in writing to pay all final judgments, wherever
1167 enforcement is sought, obtained by a ceding insurer or its legal
1168 successor which have been declared enforceable in the
1169 jurisdiction where the judgment was obtained.

1170 4. Confirm in writing that it will include in each
1171 reinsurance agreement a provision requiring the assuming insurer
1172 to provide security in an amount equal to 100 percent of the
1173 assuming insurer's liabilities attributable to reinsurance ceded
1174 pursuant to that agreement, if the assuming insurer resists
1175 enforcement of a final judgment that is enforceable under the
1176 law of the jurisdiction in which it was obtained or enforcement
1177 of a properly enforceable arbitration award, whether obtained by
1178 the ceding insurer or by its legal successor on behalf of its
1179 resolution estate.

1180 5. Confirm in writing that it is not presently
1181 participating in any solvent scheme of arrangement which
1182 involves this state's ceding insurers, and agree to notify the
1183 ceding insurer and the office and to provide security in an
1184 amount equal to 100 percent of the assuming insurer's
1185 liabilities to the ceding insurer if the assuming insurer enters
1186 into such a solvent scheme of arrangement. Such security must be
1187 consistent with subsection (5) or as specified by commission
1188 rule.

1189 Section 27. Present subsections (12) through (21) of

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1190 section 626.015, Florida Statutes, are redesignated as
1191 subsections (13) through (22), respectively, a new subsection
1192 (12) is added to that section, and present subsection (20) of
1193 that section is amended, to read:

1194 626.015 Definitions.—As used in this part:

1195 (12) "Licensing authority" means the respective
1196 jurisdiction of the department or the office, as provided by
1197 law.

1198 (21)-(20) "Unaffiliated insurance agent" means a licensed
1199 insurance agent, except a limited lines agent, who is self-
1200 appointed and who practices as an independent consultant in the
1201 business of analyzing or abstracting insurance policies,
1202 providing insurance advice or counseling, or making specific
1203 recommendations or comparisons of insurance products for a fee
1204 established in advance by written contract signed by the
1205 parties. An unaffiliated insurance agent may not be affiliated
1206 with an insurer, insurer-appointed insurance agent, or insurance
1207 agency contracted with or employing insurer-appointed insurance
1208 agents. A licensed adjuster who is also an unaffiliated
1209 insurance agent may obtain an adjuster appointment in order to
1210 adjust claims while holding an unaffiliated appointment on the
1211 agent license.

1212 Section 28. Subsection (4) of section 626.171, Florida
1213 Statutes, is amended to read:

1214 626.171 Application for license as an agent, customer
1215 representative, adjuster, service representative, or reinsurance
1216 intermediary.—

1217 (4) An applicant for a license issued by the department
1218 under this chapter ~~as an agent, customer representative,~~

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1219 ~~adjuster, service representative, or reinsurance intermediary~~
1220 must submit a set of the individual applicant's fingerprints,
1221 or, if the applicant is not an individual, a set of the
1222 fingerprints of the sole proprietor, majority owner, partners,
1223 officers, and directors, to the department and must pay the
1224 fingerprint processing fee set forth in s. 624.501. Fingerprints
1225 must be processed in accordance with s. 624.34 and used to
1226 investigate the applicant's qualifications pursuant to s.
1227 626.201. The fingerprints must be taken by a law enforcement
1228 agency, designated examination center, or other department-
1229 approved entity. The department shall require all designated
1230 examination centers to have fingerprinting equipment and to take
1231 fingerprints from any applicant or prospective applicant who
1232 pays the applicable fee. The department may not approve an
1233 application for licensure as an agent, customer service
1234 representative, adjuster, service representative, or reinsurance
1235 intermediary if fingerprints have not been submitted.

1236 Section 29. Paragraph (f) of subsection (2) of section
1237 626.172, Florida Statutes, is amended to read:

1238 626.172 Application for insurance agency license.—

1239 (2) An application for an insurance agency license must be
1240 signed by an individual required to be listed in the application
1241 under paragraph (a). An insurance agency may permit a third
1242 party to complete, submit, and sign an application on the
1243 insurance agency's behalf; however, the insurance agency is
1244 responsible for ensuring that the information on the application
1245 is true and correct and is accountable for any misstatements or
1246 misrepresentations. The application for an insurance agency
1247 license must include:

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1248 (f) The fingerprints submitted in accordance with s.
1249 626.171(4) of each of the following:
1250 1. A sole proprietor;
1251 2. Each individual required to be listed in the application
1252 under paragraph (a); and
1253 3. Each individual who directs or participates in the
1254 management or control of an incorporated agency whose shares are
1255 not traded on a securities exchange.

1256

1257 ~~Fingerprints must be taken by a law enforcement agency or other~~
1258 ~~entity approved by the department and must be accompanied by the~~
1259 ~~fingerprint processing fee specified in s. 624.501. Fingerprints~~
1260 ~~must be processed in accordance with s. 624.34. However,~~
1261 Fingerprints need not be filed for an individual who is
1262 currently licensed and appointed under this chapter. This
1263 paragraph does not apply to corporations whose voting shares are
1264 traded on a securities exchange.

1265 Section 30. Section 626.173, Florida Statutes, is created
1266 to read:

1267 626.173 Insurance agency closure; cancellation of
1268 licenses.-

1269 (1) If a licensed insurance agency permanently ceases the
1270 transaction of insurance or ceases the transaction of insurance
1271 for more than 30 days, the agent in charge, the director of the
1272 agency, or other officer listed on the original application for
1273 licensure must, within 35 days after the agency first ceases the
1274 transaction of insurance, do all of the following:

1275 (a) Cancel the insurance agency's license by completing and
1276 submitting a form prescribed by the department to notify the

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1277 department of the cancellation of the license.

1278 (b) Notify all insurers by which the agency or agent in
1279 charge is appointed of the agency's cessation of operations, the
1280 date on which operations ceased, the identity of any agency or
1281 agent to which the agency's current book of business has been
1282 transferred, and the method by which agency records may be
1283 obtained during the time periods specified in ss. 626.561 and
1284 626.748.

1285 (c) Notify all policyholders currently insured by a policy
1286 written, produced, or serviced by the agency of the agency's
1287 cessation of operations; the date on which operations ceased;
1288 and the identity of the agency or agent to which the agency's
1289 current book of business has been transferred or, if no transfer
1290 has occurred, a statement directing the policyholder to contact
1291 the insurance company for assistance in locating a licensed
1292 agent to service the policy.

1293 (d) Notify all premium finance companies through which
1294 active policies are financed of the agency's cessation of
1295 operations, the date on which operations ceased, and the
1296 identity of the agency or agent to which the agency's current
1297 book of business has been transferred.

1298 (e) Ensure that all funds held in a fiduciary capacity are
1299 properly distributed to the rightful owners.

1300 (2) (a) The department may, in a proceeding initiated
1301 pursuant to chapter 120, impose an administrative fine against
1302 the agent in charge or director or officer of the agency found
1303 in the proceeding to have violated any provision of this
1304 section. A proceeding may not be initiated and a fine may not
1305 accrue until after the person has been notified in writing of

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1306 the nature of the violation, has been afforded 10 business days
1307 to correct the violation, and has failed to do so.

1308 (b) A fine imposed under this subsection may not exceed the
1309 amounts specified in s. 626.681 per violation.

1310 (c) The department may, in addition to the imposition of an
1311 administrative fine under this subsection, suspend or revoke the
1312 license of a licensee fined under this subsection.

1313 (d) In imposing any administrative penalty or remedy
1314 provided under this subsection, the department shall take into
1315 account the appropriateness of the penalty with respect to the
1316 size of the financial resources and the good faith of the person
1317 charged, the gravity of the violation, the history of previous
1318 violations, and other matters as justice may require.

1319 Section 31. Subsection (3) of section 626.201, Florida
1320 Statutes, is amended, and subsection (4) is added to that
1321 section, to read:

1322 626.201 Investigation.-

1323 (3) An inquiry or investigation of the applicant's
1324 qualifications, character, experience, background, and fitness
1325 must include submission of the applicant's fingerprints, in
1326 accordance with s. 626.171(4), to the Department of Law
1327 Enforcement and the Federal Bureau of Investigation and
1328 consideration of any state criminal records, federal criminal
1329 records, or local criminal records obtained from these agencies
1330 or from local law enforcement agencies.

1331 (4) The expiration, nonrenewal, or surrender of a license
1332 under this chapter does not eliminate jurisdiction of the
1333 licensing authority to investigate and prosecute for a violation
1334 committed by the licensee while licensed under this chapter. The

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1335 prosecution of any matter may be initiated or continued
1336 notwithstanding the withdrawal of a complaint.

1337 Section 32. Section 626.202, Florida Statutes, is amended
1338 to read:

1339 626.202 Fingerprinting requirements.—

1340 (1) The requirements for completion and submission of
1341 fingerprints under this chapter in accordance with s. 626.171(4)
1342 are deemed to be met when an individual currently licensed under
1343 this chapter seeks additional licensure and has previously
1344 submitted fingerprints to the department within the past 48
1345 months. However, the department may require the individual to
1346 file fingerprints if it has reason to believe that an applicant
1347 or licensee has been found guilty of, or pleaded guilty or nolo
1348 contendere to, a felony or a crime related to the business of
1349 insurance in this state or any other state or jurisdiction.

1350 (2) If there is a change in ownership or control of any
1351 entity licensed under this chapter, or if a new partner,
1352 officer, or director is employed or appointed, a set of
1353 fingerprints of the new owner, partner, officer, or director
1354 must be filed with the department or office within 30 days after
1355 the change. The acquisition of 10 percent or more of the voting
1356 securities of a licensed entity is considered a change of
1357 ownership or control. The fingerprints must be submitted in
1358 accordance with s. 626.171(4) ~~taken by a law enforcement agency~~
1359 ~~or other department-approved entity and be accompanied by the~~
1360 ~~fingerprint processing fee in s. 624.501.~~

1361 Section 33. Paragraph (j) of subsection (2) of section
1362 626.221, Florida Statutes, is amended to read:

1363 626.221 Examination requirement; exemptions.—

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1364 (2) However, an examination is not necessary for any of the
1365 following:

1366 (j) An applicant for license as an all-lines adjuster who
1367 has the designation of Accredited Claims Adjuster (ACA) from a
1368 regionally accredited postsecondary institution in this state,
1369 Certified All Lines Adjuster (CALA) from Kaplan Financial
1370 Education, Associate in Claims (AIC) from the Insurance
1371 Institute of America, Professional Claims Adjuster (PCA) from
1372 the Professional Career Institute, Professional Property
1373 Insurance Adjuster (PPIA) from the HurriClaim Training Academy,
1374 Certified Adjuster (CA) from ALL LINES Training, Certified
1375 Claims Adjuster (CCA) from AE21 Incorporated, Claims Adjuster
1376 Certified Professional (CACP) from WebCE, Inc., Accredited
1377 Insurance Claims Specialist (AICS) from Encore Claim Services,
1378 or Universal Claims Certification (UCC) from Claims and
1379 Litigation Management Alliance (CLM) whose curriculum has been
1380 approved by the department and which includes comprehensive
1381 analysis of basic property and casualty lines of insurance and
1382 testing at least equal to that of standard department testing
1383 for the all-lines adjuster license. The department shall adopt
1384 rules establishing standards for the approval of curriculum.

1385 Section 34. Subsection (6) of section 626.311, Florida
1386 Statutes, is amended to read:

1387 626.311 Scope of license.—

1388 (6) An agent who appoints his or her license as an
1389 unaffiliated insurance agent may not hold an appointment from an
1390 insurer for any license he or she holds, with the exception of
1391 an adjuster license; transact, solicit, or service an insurance
1392 contract on behalf of an insurer; interfere with commissions

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1393 received or to be received by an insurer-appointed insurance
1394 agent or an insurance agency contracted with or employing
1395 insurer-appointed insurance agents; or receive compensation or
1396 any other thing of value from an insurer, an insurer-appointed
1397 insurance agent, or an insurance agency contracted with or
1398 employing insurer-appointed insurance agents for any transaction
1399 or referral occurring after the date of appointment as an
1400 unaffiliated insurance agent. An unaffiliated insurance agent
1401 may continue to receive commissions on sales that occurred
1402 before the date of appointment as an unaffiliated insurance
1403 agent if the receipt of such commissions is disclosed when
1404 making recommendations or evaluating products for a client that
1405 involve products of the entity from which the commissions are
1406 received. An adjuster who holds an adjuster license and who is
1407 also an unaffiliated insurance agent may obtain an adjuster
1408 appointment while maintaining his or her unaffiliated insurance
1409 agent appointment and may adjust claims and receive compensation
1410 in accordance with the authority granted by the adjuster license
1411 and appointment.

1412 Section 35. Paragraph (h) of subsection (1) of section
1413 626.321, Florida Statutes, is amended to read:

1414 626.321 Limited licenses and registration.—

1415 (1) The department shall issue to a qualified applicant a
1416 license as agent authorized to transact a limited class of
1417 business in any of the following categories of limited lines
1418 insurance:

1419 (h) *Portable electronics insurance.*—License for property
1420 insurance or inland marine insurance that covers only loss,
1421 theft, mechanical failure, malfunction, or damage for portable

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1422 electronics.

1423 1. The license may be issued only to:

1424 a. Employees or authorized representatives of a licensed
1425 general lines agent; or

1426 b. The lead business location of a retail vendor that sells
1427 portable electronics insurance. The lead business location must
1428 have a contractual relationship with a general lines agent.

1429 2. Employees or authorized representatives of a licensee
1430 under subparagraph 1. may sell or offer for sale portable
1431 electronics coverage without being subject to licensure as an
1432 insurance agent if:

1433 a. Such insurance is sold or offered for sale at a licensed
1434 location or at one of the licensee's branch locations if the
1435 branch location is appointed by the licensed lead business
1436 location or its appointing insurers;

1437 b. The insurer issuing the insurance directly supervises or
1438 appoints a general lines agent to supervise the sale of such
1439 insurance, including the development of a training program for
1440 the employees and authorized representatives of vendors that are
1441 directly engaged in the activity of selling or offering the
1442 insurance; and

1443 c. At each location where the insurance is offered,
1444 brochures or other written materials that provide the
1445 information required by this subparagraph are made available to
1446 all prospective customers. The brochures or written materials
1447 may include information regarding portable electronics
1448 insurance, service warranty agreements, or other incidental
1449 services or benefits offered by a licensee.

1450 3. Individuals not licensed to sell portable electronics

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1451 insurance may not be paid commissions based on the sale of such
1452 coverage. However, a licensee who uses a compensation plan for
1453 employees and authorized representatives which includes
1454 supplemental compensation for the sale of noninsurance products,
1455 in addition to a regular salary or hourly wages, may include
1456 incidental compensation for the sale of portable electronics
1457 insurance as a component of the overall compensation plan.

1458 4. Brochures or other written materials related to portable
1459 electronics insurance must:

1460 a. Disclose that such insurance may duplicate coverage
1461 already provided by a customer's homeowners insurance policy,
1462 renters insurance policy, or other source of coverage;

1463 b. State that enrollment in insurance coverage is not
1464 required in order to purchase or lease portable electronics or
1465 services;

1466 c. Summarize the material terms of the insurance coverage,
1467 including the identity of the insurer, the identity of the
1468 supervising entity, the amount of any applicable deductible and
1469 how it is to be paid, the benefits of coverage, and key terms
1470 and conditions of coverage, such as whether portable electronics
1471 may be repaired or replaced with similar make and model
1472 reconditioned or nonoriginal manufacturer parts or equipment;

1473 d. Summarize the process for filing a claim, including a
1474 description of how to return portable electronics and the
1475 maximum fee applicable if the customer fails to comply with
1476 equipment return requirements; and

1477 e. State that an enrolled customer may cancel coverage at
1478 any time and that the person paying the premium will receive a
1479 refund of any unearned premium.

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1480 5. A licensed and appointed general lines agent is not
1481 required to obtain a portable electronics insurance license to
1482 offer or sell portable electronics insurance at locations
1483 already licensed as an insurance agency, but may apply for a
1484 portable electronics insurance license for branch locations not
1485 otherwise licensed to sell insurance.

1486 6. A portable electronics license authorizes the sale of
1487 individual policies or certificates under a group or master
1488 insurance policy. The license also authorizes the sale of
1489 service warranty agreements covering only portable electronics
1490 to the same extent as if licensed under s. 634.419 or s.
1491 634.420.

1492 7. A licensee may bill and collect the premium for the
1493 purchase of portable electronics insurance provided that:

1494 a. If the insurance is included with the purchase or lease
1495 of portable electronics or related services, the licensee
1496 clearly and conspicuously discloses that insurance coverage is
1497 included with the purchase. Disclosure of the stand-alone cost
1498 of the premium for same or similar insurance must be made on the
1499 customer's bill and in any marketing materials made available at
1500 the point of sale. If the insurance is not included, the charge
1501 to the customer for the insurance must be separately itemized on
1502 the customer's bill.

1503 b. Premiums are incidental to other fees collected, are
1504 maintained in a manner that is readily identifiable, and are
1505 accounted for and remitted to the insurer or supervising entity
1506 within 60 days of receipt. Licensees are not required to
1507 maintain such funds in a segregated account.

1508 c. All funds received by a licensee from an enrolled

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1509 customer for the sale of the insurance are considered funds held
1510 in trust by the licensee in a fiduciary capacity for the benefit
1511 of the insurer. Licensees may receive compensation for billing
1512 and collection services.

1513 8. Notwithstanding any other provision of law, the terms
1514 for the termination or modification of coverage under a policy
1515 of portable electronics insurance are those set forth in the
1516 policy.

1517 9. Notice or correspondence required by the policy, or
1518 otherwise required by law, may be provided by electronic means
1519 if the insurer or licensee maintains proof that the notice or
1520 correspondence was sent. Such notice or correspondence may be
1521 sent on behalf of the insurer or licensee by the general lines
1522 agent appointed by the insurer to supervise the administration
1523 of the program. For purposes of this subparagraph, an enrolled
1524 customer's provision of an electronic mail address to the
1525 insurer or licensee is deemed to be consent to receive notices
1526 and correspondence by electronic means if a conspicuously
1527 located disclosure is provided to the customer indicating the
1528 same.

1529 10. The ~~provisions of this chapter requiring submission of~~
1530 ~~fingerprints~~ requirements in s. 626.171(4) do not apply to
1531 licenses issued to qualified entities under this paragraph.

1532 11. A branch location that sells portable electronics
1533 insurance may, in lieu of obtaining an appointment from an
1534 insurer or warranty association, obtain a single appointment
1535 from the associated lead business location licensee and pay the
1536 prescribed appointment fee under s. 624.501 if the lead business
1537 location has a single appointment from each insurer or warranty

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1538 association represented and such appointment applies to the lead
1539 business location and all of its branch locations. Branch
1540 location appointments shall be renewed 24 months after the
1541 initial appointment date of the lead business location and every
1542 24 months thereafter. Notwithstanding s. 624.501, the renewal
1543 fee applicable to such branch location appointments is \$30 per
1544 appointment.

1545 12. For purposes of this paragraph:

1546 a. "Branch location" means any physical location in this
1547 state at which a licensee offers its products or services for
1548 sale.

1549 b. "Portable electronics" means personal, self-contained,
1550 easily carried by an individual, battery-operated electronic
1551 communication, viewing, listening, recording, gaming, computing
1552 or global positioning devices, including cell or satellite
1553 phones, pagers, personal global positioning satellite units,
1554 portable computers, portable audio listening, video viewing or
1555 recording devices, digital cameras, video camcorders, portable
1556 gaming systems, docking stations, automatic answering devices,
1557 and other similar devices and their accessories, and service
1558 related to the use of such devices.

1559 c. "Portable electronics transaction" means the sale or
1560 lease of portable electronics or a related service, including
1561 portable electronics insurance.

1562 Section 36. Subsection (5) of section 626.601, Florida
1563 Statutes, is amended to read:

1564 626.601 Improper conduct; inquiry; fingerprinting.—

1565 (5) If the department or office, after investigation, has
1566 reason to believe that an individual may have been found guilty

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1567 of or pleaded guilty or nolo contendere to a felony or a crime
1568 related to the business of insurance in this or any other state
1569 or jurisdiction, the department or office may require the
1570 individual to file with the department or office a complete set
1571 of his or her fingerprints, in accordance with s. 626.171(4),
1572 which shall be accompanied by the fingerprint processing fee set
1573 forth in s. 624.501. The fingerprints shall be taken by an
1574 authorized law enforcement agency or other department-approved
1575 entity.

1576 Section 37. Subsection (2) of section 626.7845, Florida
1577 Statutes, is amended to read:

1578 626.7845 Prohibition against unlicensed transaction of life
1579 insurance.—

1580 (2) Except as provided in s. 626.112(6), with respect to
1581 any line of authority specified in s. 626.015(13) ~~s.~~

1582 ~~626.015(12)~~, an individual may not, unless licensed as a life
1583 agent:

1584 (a) Solicit insurance or annuities or procure applications;

1585 (b) In this state, engage or hold himself or herself out as
1586 engaging in the business of analyzing or abstracting insurance
1587 policies or of counseling or advising or giving opinions to
1588 persons relative to insurance or insurance contracts, unless the
1589 individual is:

1590 1. A consulting actuary advising insurers;

1591 2. An employee of a labor union, association, employer, or
1592 other business entity, or the subsidiaries and affiliates of
1593 each, who counsels and advises such entity or entities relative
1594 to their interests and those of their members or employees under
1595 insurance benefit plans; or

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1596 3. A trustee advising a settlor, a beneficiary, or a person
1597 regarding his or her interests in a trust, relative to insurance
1598 benefit plans; or

1599 (c) In this state, from this state, or with a resident of
1600 this state, offer or attempt to negotiate on behalf of another
1601 person a viatical settlement contract as defined in s. 626.9911.

1602 Section 38. Paragraph (d) of subsection (2) of section
1603 626.8411, Florida Statutes, is amended, and paragraph (f) is
1604 added to subsection (1) of that section, to read:

1605 626.8411 Application of Florida Insurance Code provisions
1606 to title insurance agents or agencies.—

1607 (1) The following provisions applicable to general lines
1608 agents or agencies also apply to title insurance agents or
1609 agencies:

1610 (f) Section 626.172(2)(f), relating to fingerprints.

1611 (2) The following provisions of part I do not apply to
1612 title insurance agents or title insurance agencies:

1613 (d) Section 626.172, except for paragraph (2)(f) of that
1614 section, relating to agent in full-time charge.

1615 Section 39. Paragraph (b) of subsection (1) of section
1616 626.8412, Florida Statutes, is amended to read:

1617 626.8412 License and appointments required.—

1618 (1) Except as otherwise provided in this part:

1619 (b) A title insurance agent may not sell a title insurance
1620 policy issued by an insurer for which the agent and the agency
1621 do ~~does~~ not hold a current appointment.

1622 Section 40. Paragraph (a) of subsection (3) of section
1623 626.8417, Florida Statutes, is amended to read:

1624 626.8417 Title insurance agent licensure; exemptions.—

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1625 (3) The department may not grant or issue a license as a
1626 title insurance agent to an individual who is found by the
1627 department to be untrustworthy or incompetent, who does not meet
1628 the qualifications for examination specified in s. 626.8414, or
1629 who does not meet the following qualifications:

1630 (a) Within the 4 years immediately preceding the date of
1631 the application for license, the applicant must have completed a
1632 40-hour ~~classroom~~ course in title insurance, 3 hours of which
1633 are on the subject matter of ethics, as approved by the
1634 department, or must have had at least 12 months of experience in
1635 responsible title insurance duties, under the supervision of a
1636 licensed title insurance agent, title insurer, or attorney while
1637 working in the title insurance business as a substantially full-
1638 time, bona fide employee of a title insurance agency, title
1639 insurance agent, title insurer, or attorney who conducts real
1640 estate closing transactions and issues title insurance policies
1641 but who is exempt from licensure under subsection (4). If an
1642 applicant's qualifications are based upon the periods of
1643 employment at responsible title insurance duties, the applicant
1644 must submit, with the license application, an affidavit of the
1645 applicant and of the employer affirming the period of such
1646 employment, that the employment was substantially full time, and
1647 giving a brief abstract of the nature of the duties performed by
1648 the applicant.

1649 Section 41. Section 626.8421, Florida Statutes, is amended
1650 to read:

1651 626.8421 Number of appointments permitted or required.—A
1652 title agent and a title agency shall be required to have a
1653 separate appointment as to each insurer by which they are ~~he or~~

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1654 ~~she is~~ appointed as agents agent. As a part of each appointment
1655 there shall be a certified statement or affidavit of an
1656 appropriate officer or official of the appointing insurer
1657 stating that to the best of the insurer's knowledge and belief
1658 the applicant, or its principals in the case of a corporation or
1659 other legal entity, has met the requirements of s. 626.8417.

1660 Section 42. Subsections (1) and (2) of section 626.843,
1661 Florida Statutes, are amended to read:

1662 626.843 Renewal, continuation, reinstatement, termination
1663 of title insurance agent's and title insurance agency's
1664 appointments appointment.-

1665 (1) Appointments ~~the appointment~~ of a title insurance agent
1666 and a title insurance agency shall continue in force until
1667 suspended, revoked, or otherwise terminated, but subject to a
1668 renewed request filed by the insurer every 24 months after the
1669 original issue dates ~~date~~ of the appointments ~~appointment~~,
1670 accompanied by payments ~~payment~~ of the renewal appointment fees
1671 ~~fee~~ and taxes as prescribed in s. 624.501.

1672 (2) Title insurance agent and title insurance agency
1673 appointments shall be renewed pursuant to s. 626.381 for
1674 insurance representatives in general.

1675 Section 43. Subsection (1) of section 626.8433, Florida
1676 Statutes, is amended to read:

1677 626.8433 Filing of reasons for terminating appointment of
1678 title insurance agent and title insurance agency; confidential
1679 information.-

1680 (1) Any title insurer that is terminating the appointment
1681 of a title insurance agent or title insurance agency, whether
1682 such termination is by direct action of the appointing title

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1683 insurer or by failure to renew or continue the appointment as
1684 provided, shall file with the department a statement of the
1685 reasons, if any, for, and the facts relative to, such
1686 termination.

1687 Section 44. Section 626.8447, Florida Statutes, is amended
1688 to read:

1689 626.8447 Effect of suspension or revocation upon other
1690 licensees, appointees.—In case of the suspension or revocation
1691 of the license and appointment of any title insurance agent or
1692 title insurance agency, the licenses and appointments of all
1693 other title insurance agents who knowingly were parties to the
1694 act that ~~which~~ formed the ground for such suspension or
1695 revocation may likewise be suspended or revoked for the same
1696 period as that of the offending title insurance agent or title
1697 insurance agency, but such suspension or revocation does ~~shall~~
1698 not prevent any title insurance agent, except the one whose
1699 license and appointment was first suspended or revoked, from
1700 being issued an appointment for some other title insurer.

1701 Section 45. Subsection (10) of section 626.854, Florida
1702 Statutes, is amended to read:

1703 626.854 "Public adjuster" defined; prohibitions.—The
1704 Legislature finds that it is necessary for the protection of the
1705 public to regulate public insurance adjusters and to prevent the
1706 unauthorized practice of law.

1707 (10) (a) If a public adjuster enters into a contract with an
1708 insured or claimant to reopen a claim or file a supplemental
1709 claim that seeks additional payments for a claim that has been
1710 previously paid in part or in full or settled by the insurer,
1711 the public adjuster may not charge, agree to, or accept from any

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1712 source compensation, payment, commission, fee, or any other
1713 thing of value based on a previous settlement or previous claim
1714 payments by the insurer for the same cause of loss. The charge,
1715 compensation, payment, commission, fee, or any other thing of
1716 value must be based only on the recovery allocated to the
1717 insured for covered damages, exclusive of attorney fees and
1718 costs, ~~claim payments or settlement~~ obtained through the work of
1719 the public adjuster after entering into the contract with the
1720 insured or claimant. Compensation for the reopened or
1721 supplemental claim may not exceed 20 percent of the reopened or
1722 supplemental claim payment. In no event shall the contracts
1723 described in this paragraph exceed the limitations in paragraph
1724 (b).

1725 (b) A public adjuster may not charge, agree to, or accept
1726 from any source compensation, payment, commission, fee, or any
1727 other thing of value in excess of:

1728 1. Ten percent of the amount of insurance recovery
1729 allocated to the insured for covered damages, exclusive of
1730 attorney fees and costs, ~~claim payments made~~ by the insurer for
1731 claims based on events that are the subject of a declaration of
1732 a state of emergency by the Governor. This provision applies to
1733 claims made during the year after the declaration of emergency.
1734 After that year, the limitations in subparagraph 2. apply.

1735 2. Twenty percent of the amount of insurance recovery
1736 allocated to the insured for covered damages, exclusive of
1737 attorney fees and costs, ~~claim payments made~~ by the insurer for
1738 claims that are not based on events that are the subject of a
1739 declaration of a state of emergency by the Governor.

1740 (c) Insurance claim payments made by the insurer do not

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1741 include policy deductibles, and public adjuster compensation may
1742 not be based on the deductible portion of a claim.

1743 (d) Public adjuster compensation may not be based on
1744 amounts attributable to additional living expenses unless such
1745 compensation is affirmatively agreed to in a separate agreement
1746 that includes a disclosure in substantially the following form:
1747 "I agree to retain and compensate the public adjuster for
1748 adjusting my additional living expenses and securing payment
1749 from my insurer for amounts attributable to additional living
1750 expenses payable under the policy issued on my (home/mobile
1751 home/condominium unit)."

1752 (e) Public adjuster compensation may not be increased based
1753 on a claim being resolved by litigation.

1754 (f) Any maneuver, shift, or device through which the limits
1755 on compensation set forth in this subsection are exceeded is a
1756 violation of this chapter punishable as provided under s.
1757 626.8698.

1758 Section 46. Section 626.8561, Florida Statutes, is amended
1759 to read:

1760 626.8561 "Public adjuster apprentice" defined.—The term
1761 "public adjuster apprentice" means a person licensed as an all-
1762 lines adjuster who:

1763 (1) Is appointed and employed or contracted by ~~a public~~
1764 ~~adjuster or~~ a public adjusting firm;

1765 (2) Assists the ~~public adjuster or~~ public adjusting firm in
1766 ascertaining and determining the amount of any claim, loss, or
1767 damage payable under an insurance contract, or who undertakes to
1768 effect settlement of such claim, loss, or damage; and

1769 (3) Satisfies the requirements of s. 626.8651.

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1770 Section 47. Paragraph (e) of subsection (1) and subsection
1771 (2) of section 626.865, Florida Statutes, are amended to read:

1772 626.865 Public adjuster's qualifications, bond.—

1773 (1) The department shall issue a license to an applicant
1774 for a public adjuster's license upon determining that the
1775 applicant has paid the applicable fees specified in s. 624.501
1776 and possesses the following qualifications:

1777 (e) Has been licensed and appointed in this state as a
1778 nonresident public adjuster on a continual basis for the
1779 previous 6 months, or has been licensed as an all-lines
1780 adjuster, and has been appointed on a continual basis for the
1781 previous 6 months as a public adjuster apprentice under s.
1782 626.8561, as an independent adjuster under s. 626.855, or as a
1783 company employee adjuster under s. 626.856.

1784 (2) At the time of application for license as a public
1785 adjuster, the applicant shall file with the department a bond
1786 executed and issued by a surety insurer authorized to transact
1787 such business in this state, in the amount of \$50,000,
1788 conditioned for the faithful performance of his or her duties as
1789 a public adjuster under the license for which the applicant has
1790 applied, and thereafter maintain the bond unimpaired throughout
1791 the existence of the license ~~and for at least 1 year after~~
1792 ~~termination of the license.~~

1793 (a) The bond must ~~shall~~ be in favor of the department and
1794 must ~~shall~~ specifically authorize recovery by the department of
1795 the damages sustained in case the licensee is guilty of fraud or
1796 unfair practices in connection with his or her business as
1797 public adjuster.

1798 (b) The bond must remain in effect for 1 year after the

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1799 expiration or termination of the license.

1800 (c) The aggregate liability of the surety for all such
1801 damages may not ~~shall in no event~~ exceed the amount of the bond.
1802 The ~~Such~~ bond may ~~shall~~ not be terminated unless at least 30
1803 days' written notice is given to the licensee and filed with the
1804 department.

1805 Section 48. Paragraph (a) of subsection (1) and subsection
1806 (3) of section 626.8651, Florida Statutes, are amended to read:

1807 626.8651 Public adjuster apprentice appointment;
1808 qualifications.—

1809 (1) (a) The department shall issue an appointment as a
1810 public adjuster apprentice to a licensee who:

1811 1. Is licensed as an all-lines adjuster under s. 626.866;

1812 2. Has filed with the department a bond executed and issued
1813 by a surety insurer that is authorized to transact such business
1814 in this state in the amount of \$50,000, which is conditioned
1815 upon the faithful performance of his or her duties as a public
1816 adjuster apprentice; and

1817 3. Maintains such bond unimpaired throughout the existence
1818 of the appointment. The bond must remain in effect for 1 year
1819 after the expiration or termination of the license ~~and for at~~
1820 ~~least 1 year after termination of the appointment.~~

1821 (3) A public adjuster apprentice has the same authority as
1822 the licensed public adjuster or public adjusting firm that
1823 employs the apprentice except that an apprentice may not execute
1824 contracts for the services of a public adjuster or public
1825 adjusting firm. An individual may not be, act as, or hold
1826 himself or herself out to be a public adjuster apprentice unless
1827 the individual is licensed as an all-lines adjuster and holds a

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1828 current appointment by a licensed ~~public all-lines adjuster or a~~
1829 public adjusting firm that has designated with the department a
1830 primary ~~employs a licensed public~~ adjuster as required by s.
1831 626.8695.

1832 Section 49. Section 626.8696, Florida Statutes, is amended
1833 to read:

1834 626.8696 Application for adjusting firm license.—

1835 (1) The application for an adjusting firm license must
1836 include:

1837 (a) The name of each majority owner, partner, officer, and
1838 director of the adjusting firm.

1839 (b) The resident address of each person required to be
1840 listed in the application under paragraph (a).

1841 (c) The name of the adjusting firm and its principal
1842 business address.

1843 (d) The location of each adjusting firm office and the name
1844 under which each office conducts or will conduct business.

1845 (e) The name and license number of the designated primary
1846 adjuster for each adjusting firm location as required in s.
1847 626.8695.

1848 (f) The fingerprints of each individual required to be
1849 listed in the application under paragraph (a), filed in
1850 accordance with s. 626.171(4). However, fingerprints need not be
1851 filed for an individual who is currently licensed and appointed
1852 under this chapter.

1853 (g) Any additional information that the department
1854 requires.

1855 (2) An application for an adjusting firm license must be
1856 signed by one of the individuals required to be listed in the

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1857 ~~application under paragraph (1)(a) each owner of the firm. If~~
1858 ~~the firm is incorporated, the application must be signed by the~~
1859 ~~president and secretary of the corporation.~~

1860 ~~(3) Each application must be accompanied by payment of any~~
1861 ~~applicable fee as prescribed in s. 624.501.~~

1862 ~~(4) License fees are not refundable.~~

1863 ~~(5) An adjusting firm required to be licensed pursuant to~~
1864 ~~s. 626.8695 must remain so licensed for a period of 3 years from~~
1865 ~~the date of licensure, unless the license is suspended or~~
1866 ~~revoked. The department may suspend or revoke the adjusting~~
1867 ~~firm's authority to do business for activities occurring during~~
1868 ~~the time the firm is licensed, regardless of whether the~~
1869 ~~licensing period has terminated.~~

1870 Section 50. Subsection (3) of section 626.8732, Florida
1871 Statutes, is amended to read:

1872 626.8732 Nonresident public adjuster's qualifications,
1873 bond.—

1874 (3) At the time of application for license as a nonresident
1875 public adjuster, the applicant shall file with the department a
1876 bond executed and issued by a surety insurer authorized to
1877 transact surety business in this state, in the amount of
1878 \$50,000, conditioned for the faithful performance of his or her
1879 duties as a nonresident public adjuster under the license
1880 applied for. Thereafter, the applicant shall maintain the bond
1881 unimpaired throughout the existence of the license and for 1
1882 year after the expiration or termination of the license.

1883 (a) The bond must be in favor of the department and must
1884 specifically authorize recovery by the department of the damages
1885 sustained if the licensee commits fraud or unfair practices in

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1886 connection with his or her business as nonresident public
1887 adjuster.

1888 (b) The aggregate liability of the surety for all the
1889 damages may not exceed the amount of the bond. The bond may not
1890 be terminated unless at least 30 days' written notice is given
1891 to the licensee and filed with the department.

1892 Section 51. Paragraph (a) of subsection (2) of section
1893 626.8734, Florida Statutes, is amended to read:

1894 626.8734 Nonresident all-lines adjuster license
1895 qualifications.—

1896 (2) The applicant must furnish the following with his or
1897 her application:

1898 (a) A complete set of his or her fingerprints in accordance
1899 with s. 626.171(4). ~~The applicant's fingerprints must be~~
1900 ~~certified by an authorized law enforcement officer.~~

1901 Section 52. Section 626.906, Florida Statutes, is amended
1902 to read:

1903 626.906 Acts constituting Chief Financial Officer as
1904 process agent.—Any of the following acts in this state, effected
1905 by mail or otherwise, by an unauthorized foreign insurer, alien
1906 insurer, or person representing or aiding such an insurer is
1907 equivalent to and shall constitute an appointment by such
1908 insurer or person representing or aiding such insurer of the
1909 Chief Financial Officer to be its true and lawful agent
1910 ~~attorney~~, upon whom may be served all lawful process in any
1911 action, suit, or proceeding instituted by or on behalf of an
1912 insured or beneficiary, arising out of any such contract of
1913 insurance; and any such act shall be signification of the
1914 insurer's or person's agreement that such service of process is

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1915 of the same legal force and validity as personal service of
1916 process in this state upon such insurer or person representing
1917 or aiding such insurer:

1918 (1) The issuance or delivery of contracts of insurance to
1919 residents of this state or to corporations authorized to do
1920 business therein;

1921 (2) The solicitation of applications for such contracts;

1922 (3) The collection of premiums, membership fees,
1923 assessments, or other considerations for such contracts; or

1924 (4) Any other transaction of insurance.

1925 Section 53. Subsection (4) of section 626.912, Florida
1926 Statutes, is amended to read:

1927 626.912 Exemptions from ss. 626.904-626.911.—The provisions
1928 of ss. 626.904-626.911 do not apply to any action, suit, or
1929 proceeding against any unauthorized foreign insurer, alien
1930 insurer, or person representing or aiding such an insurer
1931 arising out of any contract of insurance:

1932 (4) Issued under and in accordance with the Surplus Lines
1933 Law, when such insurer or person representing or aiding such
1934 insurer enters a general appearance or when such contract of
1935 insurance contains a provision designating the Chief Financial
1936 Officer or designating a Florida resident agent to be the true
1937 and lawful agent ~~attorney~~ of such unauthorized insurer or person
1938 representing or aiding such insurer upon whom may be served all
1939 lawful process in any action, suit, or proceeding instituted by
1940 or on behalf of an insured or person representing or aiding such
1941 insurer or beneficiary arising out of any such contract of
1942 insurance; and service of process effected on such Chief
1943 Financial Officer or such resident agent shall be deemed to

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1944 confer complete jurisdiction over such unauthorized insurer or
1945 person representing or aiding such insurer in such action.

1946 Section 54. Subsections (3) and (4) of section 626.937,
1947 Florida Statutes, are amended to read:

1948 626.937 Actions against insurer; service of process.—

1949 (3) Each unauthorized insurer requesting eligibility
1950 pursuant to s. 626.918 shall file with the department its
1951 appointment of the Chief Financial Officer, on a form as
1952 furnished by the department, as its agent ~~attorney~~ to receive
1953 service of all legal process issued against it in any civil
1954 action or proceeding in this state, and agreeing that process so
1955 served shall be valid and binding upon the insurer. The
1956 appointment shall be irrevocable, shall bind the insurer and any
1957 successor in interest as to the assets or liabilities of the
1958 insurer, and shall remain in effect as long as there is
1959 outstanding in this state any obligation or liability of the
1960 insurer resulting from its insurance transactions therein.

1961 (4) At the time of such appointment of the Chief Financial
1962 Officer as its process agent, the insurer shall file with the
1963 department designation of the name and e-mail address of the
1964 person to whom process against it served upon the Chief
1965 Financial Officer is to be made available through the
1966 department's secure online portal ~~forwarded~~. The insurer may
1967 change the designation at any time by a new filing.

1968 Section 55. Subsection (5) of section 626.9953, Florida
1969 Statutes, is amended to read:

1970 626.9953 Qualifications for registration; application
1971 required.—

1972 (5) An applicant must submit a set of his or her

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1973 fingerprints in accordance with s. 626.171(4) ~~to the department~~
1974 ~~and pay the processing fee established under s. 624.501(23)~~. The
1975 department shall submit the applicant's fingerprints to the
1976 Department of Law Enforcement for processing state criminal
1977 history records checks and local criminal records checks through
1978 local law enforcement agencies and for forwarding to the Federal
1979 Bureau of Investigation for national criminal history records
1980 checks. The fingerprints shall be taken by a law enforcement
1981 agency, a designated examination center, or another department-
1982 approved entity. The department may not approve an application
1983 for registration as a navigator if fingerprints have not been
1984 submitted.

1985 Section 56. Paragraphs (e) and (f) are added to subsection
1986 (4) of section 633.135, Florida Statutes, to read:

1987 633.135 Firefighter Assistance Grant Program.—

1988 (4) Funds shall be used to:

1989 (e) Purchase other equipment and tools that improve
1990 firesafety and fire rescue capabilities for firefighters.

1991 (f) Purchase protective clothing and equipment compliant
1992 with NFPA 1977, "Standard on Protective Clothing and Equipment
1993 for Wildland Fire Fighting and Urban Interface Fire Fighting."

1994 Section 57. Subsections (4) and (5) of section 633.216,
1995 Florida Statutes, are amended to read:

1996 633.216 Inspection of buildings and equipment; orders;
1997 firesafety inspection training requirements; certification;
1998 disciplinary action.—The State Fire Marshal and her or his
1999 agents or persons authorized to enforce laws and rules of the
2000 State Fire Marshal shall, at any reasonable hour, when the State
2001 Fire Marshal has reasonable cause to believe that a violation of

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2002 this chapter or s. 509.215, or a rule adopted thereunder, or a
2003 minimum firesafety code adopted by the State Fire Marshal or a
2004 local authority, may exist, inspect any and all buildings and
2005 structures which are subject to the requirements of this chapter
2006 or s. 509.215 and rules adopted thereunder. The authority to
2007 inspect shall extend to all equipment, vehicles, and chemicals
2008 which are located on or within the premises of any such building
2009 or structure.

2010 (4) Every firesafety inspector certificate is valid for a
2011 period of 4 years from the date of issuance. Renewal of
2012 certification is subject to the affected person's completing
2013 proper application for renewal and meeting all of the
2014 requirements for renewal as established under this chapter or by
2015 rule adopted under this chapter, which must include completion
2016 of at least 54 hours during the preceding 4-year period of
2017 continuing education as required by the rule of the department
2018 ~~or, in lieu thereof, successful passage of an examination as~~
2019 ~~established by the department.~~

2020 ~~(5) A previously certified firesafety inspector whose~~
2021 ~~certification has lapsed for 8 years or more must repeat the~~
2022 ~~fire safety inspector training as specified by the division.~~

2023 Section 58. Paragraph (b) of subsection (4) and paragraphs
2024 (a) and (c) of subsection (6) of section 633.408, Florida
2025 Statutes, are amended to read:

2026 633.408 Firefighter and volunteer firefighter training and
2027 certification.—

2028 (4) The division shall issue a Firefighter Certificate of
2029 Compliance to an individual who does all of the following:

2030 (b) Passes the Minimum Standards Course certification

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2031 ~~examination~~ within 12 months after completing the required
2032 courses.

2033 (6) (a) The division may issue a Special Certificate of
2034 Compliance to an individual who does all of the following:

2035 1. Satisfactorily completes the course established by rule
2036 by the division and successfully passes any examination
2037 corresponding to such course ~~in paragraph (1) (b)~~ to obtain a
2038 Special Certificate of Compliance.

2039 2. ~~Passes the examination established in paragraph (1) (b)~~
2040 ~~to obtain a Special Certificate of Compliance.~~

2041 3. ~~Possesses the qualifications in s. 633.412.~~

2042 ~~(c) In order to retain a Special Certificate of Compliance,~~
2043 ~~every 4 years an individual must:~~

2044 1. ~~Be active as a firefighter;~~

2045 2. ~~Maintain a current and valid fire service instructor~~
2046 ~~certificate, instruct at least 40 hours during the 4-year~~
2047 ~~period, and provide proof of such instruction to the division,~~
2048 ~~which proof must be registered in an electronic database~~
2049 ~~designated by the division; or~~

2050 3. ~~Within 6 months before the 4-year period expires,~~
2051 ~~successfully complete a Firefighter Retention Refresher Course~~
2052 ~~consisting of a minimum of 40 hours of training as prescribed by~~
2053 ~~rule.~~

2054 Section 59. Subsections (1) and (4) of section 633.414,
2055 Florida Statutes, are amended to read:

2056 633.414 Retention of firefighter and volunteer firefighter
2057 certifications.—

2058 (1) In order for a firefighter to retain her or his
2059 Firefighter Certificate of Compliance or Special Certificate of

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2060 Compliance, every 4 years he or she must meet the requirements
2061 for renewal provided in this chapter and by rule, which must
2062 include at least one of the following:

2063 (a) Be active as a firefighter. As used in this section,
2064 the term "active" means being employed as a firefighter or
2065 providing service as a volunteer firefighter as evidenced by the
2066 individual's name appearing on a fire service provider's
2067 employment roster in the Florida State Fire College database or
2068 a letter by the fire service provider attesting to dates of
2069 employment.

2070 (b) Maintain a current and valid fire service instructor
2071 certificate, instruct at least 40 hours during the 4-year
2072 period, and provide proof of such instruction to the division,
2073 which proof must be registered in an electronic database
2074 designated by the division.

2075 (c) Before the expiration of the certificate ~~Within 6~~
2076 ~~months before the 4-year period expires,~~ successfully complete a
2077 Firefighter Retention Refresher Course consisting of a minimum
2078 of 40 hours of training to be prescribed by rule.

2079 (d) Before the expiration of the certificate ~~Within 6~~
2080 ~~months before the 4-year period expires,~~ successfully retake and
2081 pass the Minimum Standards Course examination pursuant to s.
2082 633.408.

2083 ~~(4) For the purposes of this section, the term "active"~~
2084 ~~means being employed as a firefighter or providing service as a~~
2085 ~~volunteer firefighter for a cumulative period of 6 months within~~
2086 ~~a 4-year period.~~

2087
2088 The 4-year period may, in the discretion of the department, be

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2089 extended to 12 months after discharge from military service if
2090 the military service does not exceed 3 years, but in no event
2091 more than 6 years from the date of issue or renewal, if
2092 applicable, for an honorably discharged veteran of the United
2093 States Armed Forces or the spouse of such a veteran. A qualified
2094 individual must provide a copy of a military identification
2095 card, military dependent identification card, military service
2096 record, military personnel file, veteran record, discharge
2097 paper, or separation document that indicates such member is
2098 currently in good standing or such veteran is honorably
2099 discharged.

2100 Section 60. Subsection (4) of section 648.34, Florida
2101 Statutes, is amended to read:

2102 648.34 Bail bond agents; qualifications.—

2103 (4) The applicant shall furnish, with his or her
2104 application, a complete set of his or her fingerprints in
2105 accordance with s. 626.171(4) and a recent credential-sized,
2106 fullface photograph of the applicant. ~~The applicant's~~
2107 ~~fingerprints shall be certified by an authorized law enforcement~~
2108 ~~officer.~~ The department shall not authorize an applicant to take
2109 the required examination until the department has received a
2110 report from the Department of Law Enforcement and the Federal
2111 Bureau of Investigation relative to the existence or
2112 nonexistence of a criminal history report based on the
2113 applicant's fingerprints.

2114 Section 61. Subsection (4) of section 648.355, Florida
2115 Statutes, is amended to read:

2116 648.355 Temporary limited license as limited surety agent
2117 or professional bail bond agent; pending examination.—

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2118 (4) The applicant shall furnish, with the application for
2119 temporary license, a complete set of the applicant's
2120 fingerprints in accordance with s. 626.171(4) and a recent
2121 credential-sized, fullface photograph of the applicant. ~~The~~
2122 ~~applicant's fingerprints shall be certified by an authorized law~~
2123 ~~enforcement officer.~~ The department shall not issue a temporary
2124 license under this section until the department has received a
2125 report from the Department of Law Enforcement and the Federal
2126 Bureau of Investigation relative to the existence or
2127 nonexistence of a criminal history report based on the
2128 applicant's fingerprints.

2129 Section 62. Subsection (4) is added to section 648.46,
2130 Florida Statutes, to read:

2131 648.46 Procedure for disciplinary action against
2132 licensees.—

2133 (4) The expiration, nonrenewal, or surrender of licensure
2134 under this chapter does not eliminate the jurisdiction of the
2135 licensing authority to investigate and prosecute for a violation
2136 committed by a licensee while licensed under this chapter. The
2137 prosecution of any matter may be initiated or continued
2138 notwithstanding the withdrawal of a complaint.

2139 Section 63. Paragraph (d) of subsection (2) and paragraphs
2140 (b), (c), and (e) of subsection (3) of section 766.105, Florida
2141 Statutes, are amended, and paragraph (i) is added to subsection
2142 (3) and subsection (4) is added to that section, to read:

2143 766.105 Florida Patient's Compensation Fund.—

2144 (2) COVERAGE.—

2145 (d)1. Any health care provider who participates in the fund
2146 and who does not meet the provisions of paragraph (b) shall not

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2147 be covered by the fund.

2148 2. Annually, the Agency for Health Care Administration
2149 shall require documentation by each hospital that such hospital
2150 is in compliance, and will remain in compliance, with the
2151 provisions of this section. ~~The agency shall review the~~
2152 ~~documentation and then deliver the documentation to the board of~~
2153 ~~governors. At least 60 days before the time a license will be~~
2154 ~~issued or renewed, the agency shall request from the board of~~
2155 ~~governors a certification that each hospital is in compliance~~
2156 ~~with the provisions of this section. The board of governors~~
2157 ~~shall not be liable under the law for any erroneous~~
2158 ~~certification. The agency may not issue or renew the license of~~
2159 ~~any hospital which has not been certified by the board of~~
2160 ~~governors. The license of any hospital that fails to remain in~~
2161 ~~compliance or fails to provide such documentation shall be~~
2162 ~~revoked or suspended by the agency.~~

2163 (3) THE FUND.—

2164 (b) *Fund administration and operation.*—

2165 1. The fund shall operate subject to the supervision and
2166 approval of the Chief Financial Officer or his or her designee ~~a~~
2167 ~~board of governors consisting of a representative of the~~
2168 ~~insurance industry appointed by the Chief Financial Officer, an~~
2169 ~~attorney appointed by The Florida Bar, a representative of~~
2170 ~~physicians appointed by the Florida Medical Association, a~~
2171 ~~representative of physicians' insurance appointed by the Chief~~
2172 ~~Financial Officer, a representative of physicians' self-~~
2173 ~~insurance appointed by the Chief Financial Officer, two~~
2174 ~~representatives of hospitals appointed by the Florida Hospital~~
2175 ~~Association, a representative of hospital insurance appointed by~~

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2176 ~~the Chief Financial Officer, a representative of hospital self-~~
2177 ~~insurance appointed by the Chief Financial Officer, a~~
2178 ~~representative of the osteopathic physicians' or podiatric~~
2179 ~~physicians' insurance or self-insurance appointed by the Chief~~
2180 ~~Financial Officer, and a representative of the general public~~
2181 ~~appointed by the Chief Financial Officer. The board of governors~~
2182 ~~shall, during the first meeting after June 30 of each year,~~
2183 ~~choose one of its members to serve as chair of the board and~~
2184 ~~another member to serve as vice chair of the board. The members~~
2185 ~~of the board shall be appointed to serve terms of 4 years,~~
2186 ~~except that the initial appointments of a representative of the~~
2187 ~~general public by the Chief Financial Officer, an attorney by~~
2188 ~~The Florida Bar, a representative of physicians by the Florida~~
2189 ~~Medical Association, and one of the two representatives of the~~
2190 ~~Florida Hospital Association shall be for terms of 3 years;~~
2191 ~~thereafter, such representatives shall be appointed for terms of~~
2192 ~~4 years. Subsequent to initial appointments for 4 year terms,~~
2193 ~~the representative of the osteopathic physicians' or podiatric~~
2194 ~~physicians' insurance or self-insurance appointed by the Chief~~
2195 ~~Financial Officer and the representative of hospital self-~~
2196 ~~insurance appointed by the Chief Financial Officer shall be~~
2197 ~~appointed for 2 year terms; thereafter, such representatives~~
2198 ~~shall be appointed for terms of 4 years. Each appointed member~~
2199 ~~may designate in writing to the chair an alternate to act in the~~
2200 ~~member's absence or incapacity. A member of the board, or the~~
2201 ~~member's alternate, may be reimbursed from the assets of the~~
2202 ~~fund for expenses incurred by him or her as a member, or~~
2203 ~~alternate member, of the board and for committee work, but he or~~
2204 ~~she may not otherwise be compensated by the fund for his or her~~

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2205 ~~service as a board member or alternate.~~

2206 2. There shall be no liability on the part of, and no cause
2207 of action of any nature shall arise against, the fund or its
2208 agents or employees, professional advisers or consultants, the
2209 Chief Financial Officer or his or her designee ~~members of the~~
2210 ~~board of governors or their alternates~~, or the Department of
2211 Financial Services or the Office of Insurance Regulation of the
2212 Financial Services Commission or their representatives for any
2213 action taken by them in the performance of their powers and
2214 duties pursuant to this section.

2215 (c) *Powers of the fund.*—The fund has the power to:

2216 1. Sue and be sued, and appear and defend, in all actions
2217 and proceedings in its name to the same extent as a natural
2218 person.

2219 2. Adopt, change, amend, and repeal a plan of operation,
2220 not inconsistent with law, for the regulation and administration
2221 of the affairs of the fund. The plan and any changes thereto
2222 shall be filed with the Office of Insurance Regulation of the
2223 Financial Services Commission and are all subject to its
2224 approval before implementation by the fund. All fund members,
2225 board members, and employees shall comply with the plan of
2226 operation.

2227 3. Have and exercise all powers necessary or convenient to
2228 effect any or all of the purposes for which the fund is created.

2229 4. Enter into such contracts as are necessary or proper to
2230 carry out the provisions and purposes of this section.

2231 5. Employ or retain such persons as are necessary to
2232 perform the administrative and financial transactions and
2233 responsibilities of the fund and to perform other necessary or

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2234 proper functions unless prohibited by law.

2235 6. Take such legal action as may be necessary to avoid
2236 payment of improper claims.

2237 7. Indemnify any ~~employee, agent, member of the board of~~
2238 ~~governors or his or her alternate, or~~ person acting on behalf of
2239 the fund in an official capacity, for expenses, including
2240 attorney's fees, judgments, fines, and amounts paid in
2241 settlement actually and reasonably incurred by him or her in
2242 connection with any action, suit, or proceeding, including any
2243 appeal thereof, arising out of his or her capacity in acting on
2244 behalf of the fund, if he or she acted in good faith and in a
2245 manner he or she reasonably believed to be in, or not opposed
2246 to, the best interests of the fund and, with respect to any
2247 criminal action or proceeding, he or she had reasonable cause to
2248 believe his or her conduct was lawful.

2249 (e) *Fund accounting and audit.*—

2250 1. Money shall be withdrawn from the fund only upon a
2251 voucher as authorized by the Chief Financial Officer or his or
2252 her designee ~~board of governors~~.

2253 2. All books, records, and audits of the fund shall be open
2254 for reasonable inspection to the general public, except that a
2255 claim file in possession of the fund, fund members, and their
2256 insurers is confidential and exempt from the provisions of s.
2257 119.07(1) and s. 24(a), Art. I of the State Constitution until
2258 termination of litigation or settlement of the claim, although
2259 medical records and other portions of the claim file may remain
2260 confidential and exempt as otherwise provided by law. Any book,
2261 record, document, audit, or asset acquired by, prepared for, or
2262 paid for by the fund is subject to the authority of the Chief

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2263 Financial Officer or his or her designee ~~board of governors,~~
2264 which shall be responsible therefor.

2265 3. Persons authorized to receive deposits, issue vouchers,
2266 or withdraw or otherwise disburse any fund moneys shall post a
2267 blanket fidelity bond in an amount reasonably sufficient to
2268 protect fund assets. The cost of such bond shall be paid from
2269 the fund.

2270 4. Annually, the fund shall furnish, upon request, audited
2271 financial reports to any fund participant and to the Office of
2272 Insurance Regulation and the Joint Legislative Auditing
2273 Committee. The reports shall be prepared in accordance with
2274 accepted accounting procedures and shall include income and such
2275 other information as may be required by the Office of Insurance
2276 Regulation or the Joint Legislative Auditing Committee.

2277 5. Any money held in the fund shall be invested in
2278 interest-bearing investments ~~by the board of governors of the~~
2279 ~~fund as administrator.~~ However, in no case may any such money be
2280 invested in the stock of any insurer participating in the Joint
2281 Underwriting Association authorized by s. 627.351(4) or in the
2282 parent company of, or company owning a controlling interest in,
2283 such insurer. All income derived from such investments shall be
2284 credited to the fund.

2285 6. Any health care provider participating in the fund may
2286 withdraw from such participation only at the end of a fiscal
2287 year; however, such health care provider shall remain subject to
2288 any assessment or any refund pertaining to any year in which
2289 such member participated in the fund.

2290 (i) Dissolution of the fund.—The fund shall operate subject
2291 to the supervision of the Chief Financial Officer or his or her

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2292 designee, pursuant to the policies and procedures and under the
2293 auspices of the Department of Financial Services, Division of
2294 Rehabilitation and Liquidation, until the department executes a
2295 legal dissolution of the fund on or before December 31, 2023.
2296 Before the legal dissolution of the fund, the Department of
2297 Financial Services must:

2298 1. Obtain all existing records and retain necessary records
2299 of the fund pursuant to law.

2300 2. Identify all remaining property held by the fund and
2301 attempt to return such property to its owners and, for property
2302 that cannot be returned to the owner, transfer such property to
2303 the Department of Financial Services, Division of Unclaimed
2304 Property.

2305 3. Make a final accounting of the finances of the fund.

2306 4. Ensure that the fund has met all its obligations
2307 pursuant to structured settlements, annuities, or other
2308 instruments established to pay covered claims, and, if the fund
2309 has not done so, attempt to meet such obligations before final
2310 and complete dissolution of the fund.

2311 5. Sell or otherwise dispose of all physical assets of the
2312 fund.

2313 6. Execute a legal dissolution of the fund.

2314 7. Transfer any remaining money or assets of the fund to
2315 the Chief Financial Officer for deposit in the General Revenue
2316 Fund.

2317 (4) REPEAL.—This section is repealed January 1, 2024.

2318 Section 64. Paragraph (b) of subsection (1) of section
2319 945.6041, Florida Statutes, is amended to read:

2320 945.6041 Inmate medical services.—

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- 2321 (1) As used in this section, the term:
- 2322 (b) "Health care provider" means:
- 2323 1. A hospital licensed under chapter 395.
- 2324 2. A physician or physician assistant licensed under
2325 chapter 458.
- 2326 3. An osteopathic physician or physician assistant licensed
2327 under chapter 459.
- 2328 4. A podiatric physician licensed under chapter 461.
- 2329 5. A health maintenance organization certificated under
2330 part I of chapter 641.
- 2331 6. An ambulatory surgical center licensed under chapter
2332 395.
- 2333 7. A professional association, partnership, corporation,
2334 joint venture, or other association established by the
2335 individuals set forth in subparagraphs 2., 3., and 4. for
2336 professional activity.
- 2337 8. Other medical facility.
- 2338 a. As used in this subparagraph, the term "other medical
2339 facility" means:
- 2340 (I) A facility the primary purpose of which is to provide
2341 human medical diagnostic services, or a facility providing
2342 nonsurgical human medical treatment which discharges patients on
2343 the same working day that the patients are admitted; and
- 2344 (II) A facility that is not part of a hospital.
- 2345 b. The term does not include a facility existing for the
2346 primary purpose of performing terminations of pregnancy, or an
2347 office maintained by a physician or dentist for the practice of
2348 medicine ~~has the same meaning as provided in s. 766.105.~~
- 2349 Section 65. Paragraph (a) of subsection (1) of section

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2350 985.6441, Florida Statutes, is amended to read:
2351 985.6441 Health care services.—
2352 (1) As used in this section, the term:
2353 (a) "Health care provider" means:
2354 1. A hospital licensed under chapter 395.
2355 2. A physician or physician assistant licensed under
2356 chapter 458.
2357 3. An osteopathic physician or physician assistant licensed
2358 under chapter 459.
2359 4. A podiatric physician licensed under chapter 461.
2360 5. A health maintenance organization certificated under
2361 part I of chapter 641.
2362 6. An ambulatory surgical center licensed under chapter
2363 395.
2364 7. A professional association, partnership, corporation,
2365 joint venture, or other association established by the
2366 individuals set forth in subparagraphs 2., 3., and 4. for
2367 professional activity.
2368 8. Other medical facility.
2369 a. As used in this subparagraph, the term "other medical
2370 facility" means:
2371 (I) A facility the primary purpose of which is to provide
2372 human medical diagnostic services, or a facility providing
2373 nonsurgical human medical treatment which discharges patients on
2374 the same working day that the patients are admitted; and
2375 (II) A facility that is not part of a hospital.
2376 b. The term does not include a facility existing for the
2377 primary purpose of performing terminations of pregnancy, or an
2378 office maintained by a physician or dentist for the practice of

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2379 medicine ~~has the same meaning as provided in s. 766.105.~~

2380 Section 66. Except as otherwise expressly provided in this

2381 act, this act shall take effect July 1, 2022.