

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Committee/Subcommittee hearing bill: Commerce Committee
Representative LaMarca offered the following:

Amendment (with title amendment)

Remove lines 756-2337 and insert:
of any person. The term "Employer" also includes ~~employment~~
~~agencies,~~ employee leasing companies, as defined in s.
468.520(4), and employment agencies ~~similar agents who that~~
provide their own employees to other persons. If the employer is
a corporation, parties in actual control of the corporation,
including, but not limited to, the president, officers who
exercise broad corporate powers, directors, and all shareholders
who directly or indirectly own a controlling interest in the
corporation, are considered the employer for the purposes of ss.
440.105, 440.106, and 440.107.

Amendment No. 1

16 Section 14. Effective January 1, 2023, subsections (11)
17 through (15) of section 440.05, Florida Statutes, are renumbered
18 as subsections (10) through (14), respectively, subsections (3)
19 and (4) and present subsections (10) and (12) of that section
20 are amended, to read:

21 440.05 Election of exemption; revocation of election;
22 notice; certification.—

23 (3) The notice of election to be exempt must be
24 electronically submitted to the department by the officer of a
25 corporation who is allowed to claim an exemption as provided by
26 this chapter and must list the name, date of birth, valid driver
27 license number or Florida identification card number, and all
28 certified or registered licenses issued pursuant to chapter 489
29 held by the person seeking the exemption, the registration
30 number of the corporation filed with the Division of
31 Corporations of the Department of State, and the percentage of
32 ownership evidencing the required ownership under this chapter.
33 The notice of election to be exempt must identify each
34 corporation that employs the person electing the exemption and
35 must list the ~~social security number or~~ federal tax
36 identification number of each such employer and the additional
37 documentation required by this section. In addition, the notice
38 of election to be exempt must provide that the officer electing
39 an exemption is not entitled to benefits under this chapter,
40 must provide that the election does not exceed exemption limits

Amendment No. 1

41 for officers provided in s. 440.02, ~~and~~ must certify that any
42 employees of the corporation whose officer elects an exemption
43 are covered by workers' compensation insurance, and must certify
44 that the officer electing an exemption has completed an online
45 workers' compensation coverage and compliance tutorial developed
46 by the department. Upon receipt of the notice of the election to
47 be exempt, receipt of all application fees, and a determination
48 by the department that the notice meets the requirements of this
49 subsection, the department shall issue a certification of the
50 election to the officer, unless the department determines that
51 the information contained in the notice is invalid. The
52 department shall revoke a certificate of election to be exempt
53 from coverage upon a determination by the department that the
54 person does not meet the requirements for exemption or that the
55 information contained in the notice of election to be exempt is
56 invalid. The certificate of election must list the name of the
57 corporation listed in the request for exemption. A new
58 certificate of election must be obtained each time the person is
59 employed by a new or different corporation that is not listed on
60 the certificate of election. Upon written request from a
61 workers' compensation carrier, the department shall send
62 thereafter an electronic notification to the carrier identifying
63 each of its policyholders for which a notice of election to be
64 exempt has been issued or for which a notice of revocation to be
65 exempt has been received ~~A notice of the certificate of election~~

Amendment No. 1

~~must be sent to each workers' compensation carrier identified in the request for exemption. Upon filing a notice of revocation of election, an officer who is a subcontractor or an officer of a corporate subcontractor must notify her or his contractor. Upon revocation of a certificate of election of exemption by the department, the department shall notify the workers' compensation carriers identified in the request for exemption.~~

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

Amendment No. 1

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

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

Section 15. Effective January 1, 2023, paragraphs (a) and (d) of subsection (7) of section 440.107, Florida Statutes, are amended to read:

440.107 Department powers to enforce employer compliance with coverage requirements.—

(7)(a) Whenever the department determines that an employer who is required to secure the payment to his or her employees of the compensation provided for by this chapter has failed to secure the payment of workers' compensation required by this chapter or to produce the required business records under subsection (5) within 21 ~~10 business~~ days after receipt of the written request of the department, such failure shall be deemed an immediate serious danger to public health, safety, or welfare sufficient to justify service by the department of a stop-work order on the employer, requiring the cessation of all business operations. If the department makes such a determination, the

Amendment No. 1

department shall issue a stop-work order within 72 hours. The order shall take effect when served upon the employer or, for a particular employer worksite, when served at that worksite. In addition to serving a stop-work order at a particular worksite which shall be effective immediately, the department shall immediately proceed with service upon the employer which shall be effective upon all employer worksites in the state for which the employer is not in compliance. A stop-work order may be served with regard to an employer's worksite by posting a copy of the stop-work order in a conspicuous location at the worksite. Information related to an employer's stop-work order shall be made available on the division's website, ~~be updated daily,~~ and remain on the website for at least 5 years. The order shall remain in effect until the department issues an order releasing the stop-work order upon a finding that the employer has come into compliance with the coverage requirements of this chapter and has paid any penalty assessed under this section. The department may issue an order of conditional release from a stop-work order to an employer upon a finding that the employer has complied with the coverage requirements of this chapter, paid a penalty of \$1,000 as a down payment, and agreed to remit periodic payments of the remaining penalty amount pursuant to a payment agreement schedule with the department or pay the remaining penalty amount in full. An employer may not enter into a payment agreement schedule unless the employer has fully paid

Amendment No. 1

140 any previous penalty assessed under this section. If an order of
141 conditional release is issued, failure by the employer to pay
142 the penalty in full or enter into a payment agreement with the
143 department within 21 ~~28~~ days after service of the first penalty
144 assessment calculation ~~stop-work order~~ upon the employer, or to
145 meet any term or condition of such penalty payment agreement,
146 shall result in the immediate reinstatement of the stop-work
147 order and the entire unpaid balance of the penalty shall become
148 immediately due.

149 (d)1. In addition to any penalty, stop-work order, or
150 injunction, the department shall assess against an ~~any~~ employer
151 who has failed to secure the payment of compensation as required
152 by this chapter a penalty equal to 2 times the amount the
153 employer would have paid in premium when applying approved
154 manual rates to the employer's payroll during periods for which
155 it failed to secure the payment of workers' compensation
156 required by this chapter within the preceding 12-month ~~2-year~~
157 period or \$1,000, whichever is greater. However, for an employer
158 who is issued a stop-work order for materially understating or
159 concealing payroll or has been previously issued a stop-work
160 order or order of penalty assessment, the preceding 24-month
161 period shall be used to calculate the penalty as specified in
162 this subparagraph.

163 a. For an employer ~~employers~~ who has ~~have~~ not been
164 previously issued a stop-work order or order of penalty

Amendment No. 1

165 assessment, the department must allow the employer to receive a
166 credit for the initial payment of the estimated annual workers'
167 compensation policy premium, as determined by the carrier, to be
168 applied to the penalty. Before applying the credit to the
169 penalty, the employer must provide the department with
170 documentation reflecting that the employer has secured the
171 payment of compensation pursuant to s. 440.38 and proof of
172 payment to the carrier. In order for the department to apply a
173 credit for an employer that has secured workers' compensation
174 for leased employees by entering into an employee leasing
175 contract with a licensed employee leasing company, the employer
176 must provide the department with a written confirmation, by a
177 representative from the employee leasing company, of the dollar
178 or percentage amount attributable to the initial estimated
179 workers' compensation expense for leased employees, and proof of
180 payment to the employee leasing company. The credit may not be
181 applied unless the employer provides the documentation and proof
182 of payment to the department within 21 ~~28~~ days after the
183 employer's receipt of the written request to produce business
184 records for calculating the penalty under this subparagraph
185 ~~service of the stop-work order or first order of penalty~~
186 ~~assessment upon the employer.~~

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

Amendment No. 1

190 penalty by 25 percent if the employer has complied with
191 administrative rules adopted pursuant to subsection (5) and has
192 provided such business records to the department within 21 ~~10~~
193 ~~business~~ days after the employer's receipt of the written
194 request to produce business records for calculating the penalty
195 under this subparagraph.

196 c. For an employer who has not been previously issued a
197 stop-work order or order of penalty assessment, the department
198 must reduce the final assessed penalty by 15 percent if the
199 employer correctly answers at least 80 percent of the questions
200 from an online workers' compensation coverage and compliance
201 tutorial, developed by the department, within 21 days after the
202 employer's receipt of the written request to produce business
203 records for calculating the penalty under this subparagraph. The
204 online tutorial must be taken in a department office location
205 identified by rule.

206
207 ~~e.~~ The \$1,000 penalty shall be assessed against the employer
208 even if the calculated penalty after the credit provided in sub-
209 subparagraph a., the ~~and~~ 25 percent reduction provided in sub-
210 subparagraph b., and the 15 percent reduction provided in sub-
211 subparagraph c., as applicable, have been applied is less than
212 \$1,000.

213 2. Any subsequent violation within 5 years after the most
214 recent violation shall, in addition to the penalties set forth

Amendment No. 1

in this subsection, be deemed a knowing act within the meaning of s. 440.105.

Section 16. Subsection (12) of section 440.13, Florida Statutes, is amended to read:

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

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

(a) A three-member panel is created, consisting of the Chief Financial Officer, or the Chief Financial Officer's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual

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Amendment No. 1

as determined by the department, including maximum hours in which an outpatient may remain in observation status, which shall not exceed 23 hours. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges, except as otherwise provided by this subsection. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the agreed-upon contract price or the maximum reimbursement allowance in the appropriate schedule.

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

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

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

Amendment No. 1

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

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

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

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

(c) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price plus \$4.18 for the dispensing fee. For repackaged or relabeled prescription medications dispensed by a dispensing practitioner as provided in s. 465.0276, the fee schedule for reimbursement shall be 112.5 percent of the average wholesale price, plus \$8.00 for the dispensing fee. For purposes of this subsection, the average wholesale price shall be calculated by multiplying the number of units dispensed times the per-unit average wholesale price set by the original manufacturer of the underlying drug dispensed by the

Amendment No. 1

290 practitioner, based upon the published manufacturer's average
291 wholesale price published in the Medi-Span Master Drug Database
292 as of the date of dispensing. All pharmaceutical claims
293 submitted for repackaged or relabeled prescription medications
294 must include the National Drug Code of the original
295 manufacturer. Fees for pharmaceuticals and pharmaceutical
296 services shall be reimbursable at the applicable fee schedule
297 amount except where the employer or carrier, or a service
298 company, third party administrator, or any entity acting on
299 behalf of the employer or carrier directly contracts with the
300 provider seeking reimbursement for a lower amount.

301 (d) Reimbursement for all fees and other charges for such
302 treatment, care, and attendance, including treatment, care, and
303 attendance provided by any hospital or other health care
304 provider, ambulatory surgical center, work-hardening program, or
305 pain program, must not exceed the amounts provided by the
306 uniform schedule of maximum reimbursement allowances as
307 determined by the panel or as otherwise provided in this
308 section. This subsection also applies to independent medical
309 examinations performed by health care providers under this
310 chapter. In determining the uniform schedule, the panel shall
311 first approve the data which it finds representative of
312 prevailing charges in the state for similar treatment, care, and
313 attendance of injured persons. Each health care provider, health
314 care facility, ambulatory surgical center, work-hardening

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Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

315 program, or pain program receiving workers' compensation
316 payments shall maintain records verifying their usual charges.
317 In establishing the uniform schedule of maximum reimbursement
318 allowances, the panel must consider:

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

322 2. The impact upon cost to employers for providing a level
323 of reimbursement for treatment, care, and attendance which will
324 ensure the availability of treatment, care, and attendance
325 required by injured workers;

326 3. The financial impact of the reimbursement allowances
327 upon health care providers and health care facilities, including
328 trauma centers as defined in s. 395.4001, and its effect upon
329 their ability to make available to injured workers such
330 medically necessary remedial treatment, care, and attendance.
331 The uniform schedule of maximum reimbursement allowances must be
332 reasonable, must promote health care cost containment and
333 efficiency with respect to the workers' compensation health care
334 delivery system, and must be sufficient to ensure availability
335 of such medically necessary remedial treatment, care, and
336 attendance to injured workers; and

337 4. The most recent average maximum allowable rate of
338 increase for hospitals determined by the Health Care Board under
339 chapter 408.

Amendment No. 1

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

342 1. Take testimony, receive records, and collect data to
343 evaluate the adequacy of the workers' compensation fee schedule,
344 nationally recognized fee schedules and alternative methods of
345 reimbursement to health care providers and health care
346 facilities for inpatient and outpatient treatment and care.

347 2. Survey health care providers and health care facilities
348 to determine the availability and accessibility of workers'
349 compensation health care delivery systems for injured workers.

350 3. Survey carriers to determine the estimated impact on
351 carrier costs and workers' compensation premium rates by
352 implementing changes to the carrier reimbursement schedule or
353 implementing alternative reimbursement methods.

354 4. Submit recommendations on or before January 15, 2017,
355 and biennially thereafter, to the President of the Senate and
356 the Speaker of the House of Representatives on methods to
357 improve the workers' compensation health care delivery system.

358
359 The department, as requested, shall provide data to the panel,
360 including, but not limited to, utilization trends in the
361 workers' compensation health care delivery system. The
362 department shall provide the panel with an annual report
363 regarding the resolution of medical reimbursement disputes and
364 any actions pursuant to subsection (8). The department shall

Amendment No. 1

365 provide administrative support and service to the panel to the
366 extent requested by the panel and may adopt rules necessary to
367 administer this subsection. For prescription medication
368 purchased under the requirements of this subsection, a
369 dispensing practitioner shall not possess such medication unless
370 payment has been made by the practitioner, the practitioner's
371 professional practice, or the practitioner's practice management
372 company or employer to the supplying manufacturer, wholesaler,
373 distributor, or drug repackager within 60 days of the dispensing
374 practitioner taking possession of that medication.

375 Section 17. Subsection (3) of section 440.185, Florida
376 Statutes, is amended to read:

377 440.185 Notice of injury or death; reports; penalties for
378 violations.—

379 (3) Within 3 business days after the employer or the
380 employee informs the carrier of an injury, the carrier shall
381 send by regular mail or e-mail to the injured worker an
382 informational brochure approved by the department which sets
383 forth in clear and understandable language an explanation of the
384 rights, benefits, procedures for obtaining benefits and
385 assistance, criminal penalties, and obligations of injured
386 workers and their employers under the Florida Workers'
387 Compensation Law. Annually, the carrier or its third-party
388 administrator shall send by regular mail or e-mail to the
389 employer an informational brochure approved by the department

Amendment No. 1

which sets forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. All such informational brochures shall contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self-insured program, files a statement of claim containing any false or misleading information commits a felony of the third degree."

Section 18. Subsection (3) of section 440.381, Florida Statutes, is amended to read:

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

(3) The Financial Services Commission, in consultation with the department, shall establish by rule minimum requirements for audits of payroll and classifications ~~in order~~ to ensure that the appropriate premium is charged for workers' compensation coverage. The rules must ~~shall~~ ensure that audits performed by both carriers and employers are adequate to provide that all sources of payments to employees, subcontractors, and independent contractors are ~~have been~~ reviewed and that the accuracy of classification of employees is ~~has been~~ verified. The rules must require ~~shall provide~~ that employers in all classes other than the construction class be audited at least

Amendment No. 1

415 ~~not less frequently than~~ biennially and may provide for more
416 frequent audits of employers in specified classifications based
417 on factors such as amount of premium, type of business, loss
418 ratios, or other relevant factors. ~~In no event shall~~ Employers
419 in the construction class, generating more than the amount of
420 premium required to be experience rated must, be audited at
421 least ~~less than~~ annually. The annual audits required for
422 construction classes must ~~shall~~ consist of physical onsite
423 audits for policies only if the estimated annual premium is
424 \$10,000 or more. Payroll verification audit rules must include,
425 but need not be limited to, the use of state and federal reports
426 of employee income, payroll and other accounting records,
427 certificates of insurance maintained by subcontractors, and
428 duties of employees. At the completion of an audit, the employer
429 or officer of the corporation and the auditor must print and
430 sign their names on the audit document and attach proof of
431 identification to the audit document.

432 Section 19. Subsection (2) of section 497.277, Florida
433 Statutes, is amended to read:

434 497.277 Other charges.—Other than the fees for the sale of
435 burial rights, burial merchandise, and burial services, no other
436 fee may be directly or indirectly charged, contracted for, or
437 received by a cemetery company as a condition for a customer to
438 use any burial right, burial merchandise, or burial service,
439 except for:

Amendment No. 1

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

442 Section 20. Paragraph (b) of subsection (1) of section
443 497.369, Florida Statutes, is amended to read:

444 497.369 Embalmers; licensure as an embalmer by
445 endorsement; licensure of a temporary embalmer.-

446 (1) The licensing authority shall issue a license by
447 endorsement to practice embalming to an applicant who has
448 remitted an examination fee set by rule of the licensing
449 authority not to exceed \$200 and who the licensing authority
450 certifies:

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

458 2. Meets the qualifications for licensure in s. 497.368,
459 except that the internship requirement shall be deemed to have
460 been satisfied by 1 year's practice as a licensed embalmer in
461 another state, and has, within 10 years before ~~prior to~~ the date
462 of application, successfully completed a state, regional, or
463 national examination in mortuary science, which, as determined
464 by rule of the licensing authority, is substantially equivalent

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

to or more stringent than the examination given by the licensing authority.

Section 21. Paragraphs (b) and (f) of subsection (1) of section 497.372, Florida Statutes, are amended to read:

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

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

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

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

Section 22. Paragraph (b) of subsection (1) of section 497.374, Florida Statutes, is amended to read:

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

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Amendment No. 1

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

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

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

Section 23. Subsection (6) of section 554.108, Florida Statutes, is renumbered as subsection (7), subsection (1) is amended, and a new subsection (6) is added to that section, to read:

554.108 Inspection.—

Amendment No. 1

514 (1) The inspection requirements of this chapter apply only
515 to boilers located in public assembly locations. A ~~potable hot~~
516 ~~water supply~~ boiler with an a heat input of 200,000 British
517 thermal units (Btu) per hour and above, up to an a heat input
518 not exceeding 400,000 Btu per hour, is exempt from inspection;
519 however, such an exempt boiler, if manufactured after July 1,
520 2022, but must be stamped with the A.S.M.E. code symbol.
521 Additionally, "HLW" and the boiler's A.S.M.E data report of a
522 boiler with an input of 200,000 to 400,000 Btu per hour must be
523 filed as required under s. 554.103(2).

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

530 Section 24. Paragraphs (a) and (e) of subsection (1) and
531 paragraph (a) of subsection (2) of section 554.111, Florida
532 Statutes, are amended to read:

554.111 Fees.—

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

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

Amendment No. 1

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

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

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

Section 25. Subsection (4) of section 554.114, Florida Statutes, is amended to read:

554.114 Prohibitions; penalties.—

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

Section 26. Subsection (9) of section 624.307, Florida Statutes, is amended to read:

624.307 General powers; duties.—

(9) Upon receiving service of legal process issued in any civil action or proceeding in this state against any regulated

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

563 person or any unauthorized insurer under s. 626.906 or s.
564 626.937 that ~~which~~ is required to appoint the Chief Financial
565 Officer as its agent ~~attorney~~ to receive service of all legal
566 process, the Chief Financial Officer shall make the process
567 available through a secure online portal, ~~as attorney, may, in~~
568 ~~lieu of sending the process by registered or certified mail,~~
569 ~~send the process or make it available by any other verifiable~~
570 ~~means, including, but not limited to, making the documents~~
571 ~~available by electronic transmission from a secure website~~
572 established by the department to the person last designated by
573 the regulated person or the unauthorized insurer to receive the
574 process. When process documents are made available
575 electronically, the Chief Financial Officer shall promptly send
576 a notice of receipt of service of process to the person last
577 designated by the regulated person or unauthorized insurer to
578 receive legal process. The notice must state the date ~~and manner~~
579 ~~in which the copy of~~ the process was made available to the
580 regulated person or unauthorized insurer being served and
581 contain the uniform resource locator (URL) where ~~for a hyperlink~~
582 ~~to access files and information on the department's website to~~
583 ~~obtain a copy of~~ the process may be obtained.

584 Section 27. Section 624.422, Florida Statutes, is amended
585 to read:

586 624.422 Service of process; appointment of Chief Financial
587 Officer as process agent.—

930177 - CSCSHB0959line756.docx

Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

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

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

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

Section 28. Subsection (1) of section 624.423, Florida Statutes, is amended to read:

624.423 Serving process.—

Amendment No. 1

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

Section 29. Paragraph (f) of subsection (3) and paragraph (d) of subsection (4) of section 624.610, Florida Statutes, are amended to read:

624.610 Reinsurance.—

(3)

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

Amendment No. 1

637 1.a. That in the event of the failure of the assuming
638 insurer to perform its obligations under the terms of the
639 reinsurance agreement, the assuming insurer, at the request of
640 the ceding insurer, shall submit to the jurisdiction of any
641 court of competent jurisdiction in any state of the United
642 States, will comply with all requirements necessary to give the
643 court jurisdiction, and will abide by the final decision of the
644 court or of any appellate court in the event of an appeal; and

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

649 2. This paragraph is not intended to conflict with or
650 override the obligation of the parties to a reinsurance
651 agreement to arbitrate their disputes, if this obligation is
652 created in the agreement.

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

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

658 1. Agree to provide prompt written notice and explanation
659 to the office if the assuming insurer falls below the minimum
660 requirements set forth in paragraph (b) or paragraph (c), or if

Amendment No. 1

any regulatory action is taken against it for serious noncompliance with applicable law of any jurisdiction.

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

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

4. Confirm in writing that it will include in each reinsurance agreement a provision requiring the assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement, if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or enforcement of a properly enforceable arbitration award, whether obtained by

Amendment No. 1

the ceding insurer or by its legal successor on behalf of its resolution estate.

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

Section 30. Subsection (20) of section 626.015, Florida Statutes, is amended to read:

626.015 Definitions.—As used in this part:

(20) "Unaffiliated insurance agent" means a licensed insurance agent, except a limited lines agent, who is self-appointed and who practices as an independent consultant in the business of analyzing or abstracting insurance policies, providing insurance advice or counseling, or making specific recommendations or comparisons of insurance products for a fee established in advance by written contract signed by the parties. An unaffiliated insurance agent may not be affiliated with an insurer, insurer-appointed insurance agent, or insurance agency contracted with or employing insurer-appointed insurance agents. A licensed adjuster who is also an unaffiliated

Amendment No. 1

710 insurance agent may obtain an adjuster appointment in order to
711 adjust claims while holding an unaffiliated appointment on the
712 agent license.

713 Section 31. Subsection (4) of section 626.171, Florida
714 Statutes, is amended to read:

715 626.171 Application for license as an agent, customer
716 representative, adjuster, service representative, or reinsurance
717 intermediary.—

718 (4) An applicant for a license issued by the department
719 under this chapter ~~as an agent, customer representative,~~
720 ~~adjuster, service representative, or reinsurance intermediary~~
721 must submit a set of the individual applicant's fingerprints,
722 or, if the applicant is not an individual, a set of the
723 fingerprints of the sole proprietor, majority owner, partners,
724 officers, and directors, to the department and must pay the
725 fingerprint processing fee set forth in s. 624.501. Fingerprints
726 must be processed in accordance with s. 624.34 and used to
727 investigate the applicant's qualifications pursuant to s.
728 626.201. The fingerprints must be taken by a law enforcement
729 agency, designated examination center, or other department-
730 approved entity. The department shall require all designated
731 examination centers to have fingerprinting equipment and to take
732 fingerprints from any applicant or prospective applicant who
733 pays the applicable fee. The department may not approve an
734 application for licensure as an agent, customer service

930177 - CSCSHB0959line756.docx

Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

representative, adjuster, service representative, or reinsurance intermediary if fingerprints have not been submitted.

Section 32. Paragraph (f) of subsection (2) of section 626.172, Florida Statutes, is amended to read:

626.172 Application for insurance agency license.—

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

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

1. A sole proprietor;
2. Each individual required to be listed in the application under paragraph (a); and
3. Each individual who directs or participates in the management or control of an incorporated agency whose shares are not traded on a securities exchange.

~~Fingerprints must be taken by a law enforcement agency or other entity approved by the department and must be accompanied by the~~

Amendment No. 1

~~fingerprint processing fee specified in s. 624.501. Fingerprints~~
~~must be processed in accordance with s. 624.34. However,~~
Fingerprints need not be filed for an individual who is
currently licensed and appointed under this chapter. This
paragraph does not apply to corporations whose voting shares are
traded on a securities exchange.

Section 33. Section 626.173, Florida Statutes, is created
to read:

626.173 Insurance agency closure; cancellation of
licenses.—

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

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

(b) Notify all insurers by which the agency or agent in
charge is appointed of the agency's cessation of operations, the
date on which operations ceased, the identity of any agency or
agent to which the agency's current book of business has been
transferred, and the method by which agency records may be

Amendment No. 1

obtained during the time periods specified in ss. 626.561 and
626.748.

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

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

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

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

930177 - CSCSHB0959line756.docx

Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

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

811 (c) The department may, in addition to the imposition of
812 an administrative fine under this subsection, also suspend or
813 revoke the license of the licensee fined under this subsection.

814 (d) In imposing any administrative penalty or remedy
815 provided under this subsection, the department shall take into
816 account the appropriateness of the penalty or remedy with
817 respect to the size of the financial resources and the good
818 faith of the person charged, the gravity of the violation, the
819 history of previous violations, and other matters as justice may
820 require.

821 Section 34. Subsection (3) of section 626.201, Florida
822 Statutes, is amended, and subsection (4) is added to that
823 section, to read:

824 626.201 Investigation.—

825 (3) An inquiry or investigation of the applicant's
826 qualifications, character, experience, background, and fitness
827 must include submission of the applicant's fingerprints, in
828 accordance with s. 626.171(4), to the Department of Law
829 Enforcement and the Federal Bureau of Investigation and
830 consideration of any state criminal records, federal criminal
831 records, or local criminal records obtained from these agencies
832 or from local law enforcement agencies.

Amendment No. 1

833 (4) The expiration, nonrenewal, or surrender of a license
834 under this chapter does not eliminate jurisdiction of the
835 department or office to investigate and prosecute for a
836 violation committed by the licensee while licensed under this
837 chapter. The prosecution of any matter may be initiated or
838 continued notwithstanding the withdrawal of a complaint.

839 Section 35. Section 626.202, Florida Statutes, is amended
840 to read:

841 626.202 Fingerprinting requirements.—

842 (1) The requirements for completion and submission of
843 fingerprints under this chapter in accordance with s. 626.171(4)
844 are deemed to be met when an individual currently licensed under
845 this chapter seeks additional licensure and has previously
846 submitted fingerprints to the department within the past 48
847 months. However, the department may require the individual to
848 file fingerprints if it has reason to believe that an applicant
849 or licensee has been found guilty of, or pleaded guilty or nolo
850 contendere to, a felony or a crime related to the business of
851 insurance in this state or any other state or jurisdiction.

852 (2) If there is a change in ownership or control of any
853 entity licensed under this chapter, or if a new partner,
854 officer, or director is employed or appointed, a set of
855 fingerprints of the new owner, partner, officer, or director
856 must be filed with the department or office within 30 days after
857 the change. The acquisition of 10 percent or more of the voting

930177 - CSCSHB0959line756.docx

Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

securities of a licensed entity is considered a change of ownership or control. The fingerprints must be submitted in accordance with s. 626.171(4) ~~taken by a law enforcement agency or other department-approved entity and be accompanied by the fingerprint processing fee in s. 624.501.~~

Section 36. Paragraph (j) of subsection (2) of section 626.221, Florida Statutes, is amended to read:

626.221 Examination requirement; exemptions.—

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

(j) An applicant for license as an all-lines adjuster who has the designation of Accredited Claims Adjuster (ACA) from a regionally accredited postsecondary institution in this state, Certified All Lines Adjuster (CALA) from Kaplan Financial Education, Associate in Claims (AIC) from the Insurance Institute of America, Professional Claims Adjuster (PCA) from the Professional Career Institute, Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, Certified Adjuster (CA) from ALL LINES Training, Certified Claims Adjuster (CCA) from AE21 Incorporated, Claims Adjuster Certified Professional (CACP) from WebCE, Inc., Accredited Insurance Claims Specialist (AICS) from Encore Claim Services, or Universal Claims Certification (UCC) from Claims and Litigation Management Alliance (CLM) whose curriculum has been approved by the department and which includes comprehensive

Amendment No. 1

analysis of basic property and casualty lines of insurance and testing at least equal to that of standard department testing for the all-lines adjuster license. The department shall adopt rules establishing standards for the approval of curriculum.

Section 37. Subsection (6) of section 626.311, Florida Statutes, is amended to read:

626.311 Scope of license.—

(6) An agent who appoints his or her license as an unaffiliated insurance agent may not hold an appointment from an insurer for any license he or she holds, with the exception of an adjuster license; transact, solicit, or service an insurance contract on behalf of an insurer; interfere with commissions received or to be received by an insurer-appointed insurance agent or an insurance agency contracted with or employing insurer-appointed insurance agents; or receive compensation or any other thing of value from an insurer, an insurer-appointed insurance agent, or an insurance agency contracted with or employing insurer-appointed insurance agents for any transaction or referral occurring after the date of appointment as an unaffiliated insurance agent. An unaffiliated insurance agent may continue to receive commissions on sales that occurred before the date of appointment as an unaffiliated insurance agent if the receipt of such commissions is disclosed when making recommendations or evaluating products for a client that involve products of the entity from which the commissions are

930177 - CSCSHB0959line756.docx

Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

908 received. An adjuster who holds an adjuster license and who is
909 also an unaffiliated insurance agent may obtain an adjuster
910 appointment while maintaining his or her unaffiliated insurance
911 agent appointment and may adjust claims and receive compensation
912 in accordance with the authority granted by the adjuster license
913 and appointment.

914 Section 38. Paragraph (h) of subsection (1) of section
915 626.321, Florida Statutes, is amended to read:

916 626.321 Limited licenses and registration.—

917 (1) The department shall issue to a qualified applicant a
918 license as agent authorized to transact a limited class of
919 business in any of the following categories of limited lines
920 insurance:

921 (h) Portable electronics insurance.—License for property
922 insurance or inland marine insurance that covers only loss,
923 theft, mechanical failure, malfunction, or damage for portable
924 electronics.

925 1. The license may be issued only to:

926 a. Employees or authorized representatives of a licensed
927 general lines agent; or

928 b. The lead business location of a retail vendor that
929 sells portable electronics insurance. The lead business location
930 must have a contractual relationship with a general lines agent.

931 2. Employees or authorized representatives of a licensee
932 under subparagraph 1. may sell or offer for sale portable

Amendment No. 1

933 electronics coverage without being subject to licensure as an
934 insurance agent if:

935 a. Such insurance is sold or offered for sale at a
936 licensed location or at one of the licensee's branch locations
937 if the branch location is appointed by the licensed lead
938 business location or its appointing insurers;

939 b. The insurer issuing the insurance directly supervises
940 or appoints a general lines agent to supervise the sale of such
941 insurance, including the development of a training program for
942 the employees and authorized representatives of vendors that are
943 directly engaged in the activity of selling or offering the
944 insurance; and

945 c. At each location where the insurance is offered,
946 brochures or other written materials that provide the
947 information required by this subparagraph are made available to
948 all prospective customers. The brochures or written materials
949 may include information regarding portable electronics
950 insurance, service warranty agreements, or other incidental
951 services or benefits offered by a licensee.

952 3. Individuals not licensed to sell portable electronics
953 insurance may not be paid commissions based on the sale of such
954 coverage. However, a licensee who uses a compensation plan for
955 employees and authorized representatives which includes
956 supplemental compensation for the sale of noninsurance products,
957 in addition to a regular salary or hourly wages, may include

930177 - CSCSHB0959line756.docx

Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

958 incidental compensation for the sale of portable electronics
959 insurance as a component of the overall compensation plan.

960 4. Brochures or other written materials related to
961 portable electronics insurance must:

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

965 b. State that enrollment in insurance coverage is not
966 required in order to purchase or lease portable electronics or
967 services;

968 c. Summarize the material terms of the insurance coverage,
969 including the identity of the insurer, the identity of the
970 supervising entity, the amount of any applicable deductible and
971 how it is to be paid, the benefits of coverage, and key terms
972 and conditions of coverage, such as whether portable electronics
973 may be repaired or replaced with similar make and model
974 reconditioned or nonoriginal manufacturer parts or equipment;

975 d. Summarize the process for filing a claim, including a
976 description of how to return portable electronics and the
977 maximum fee applicable if the customer fails to comply with
978 equipment return requirements; and

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

Amendment No. 1

982 5. A licensed and appointed general lines agent is not
983 required to obtain a portable electronics insurance license to
984 offer or sell portable electronics insurance at locations
985 already licensed as an insurance agency, but may apply for a
986 portable electronics insurance license for branch locations not
987 otherwise licensed to sell insurance.

988 6. A portable electronics license authorizes the sale of
989 individual policies or certificates under a group or master
990 insurance policy. The license also authorizes the sale of
991 service warranty agreements covering only portable electronics
992 to the same extent as if licensed under s. 634.419 or s.
993 634.420.

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

996 a. If the insurance is included with the purchase or lease
997 of portable electronics or related services, the licensee
998 clearly and conspicuously discloses that insurance coverage is
999 included with the purchase. Disclosure of the stand-alone cost
1000 of the premium for same or similar insurance must be made on the
1001 customer's bill and in any marketing materials made available at
1002 the point of sale. If the insurance is not included, the charge
1003 to the customer for the insurance must be separately itemized on
1004 the customer's bill.

1005 b. Premiums are incidental to other fees collected, are
1006 maintained in a manner that is readily identifiable, and are

Amendment No. 1

1007 accounted for and remitted to the insurer or supervising entity
1008 within 60 days of receipt. Licensees are not required to
1009 maintain such funds in a segregated account.

1010 c. All funds received by a licensee from an enrolled
1011 customer for the sale of the insurance are considered funds held
1012 in trust by the licensee in a fiduciary capacity for the benefit
1013 of the insurer. Licensees may receive compensation for billing
1014 and collection services.

1015 8. Notwithstanding any other provision of law, the terms
1016 for the termination or modification of coverage under a policy
1017 of portable electronics insurance are those set forth in the
1018 policy.

1019 9. Notice or correspondence required by the policy, or
1020 otherwise required by law, may be provided by electronic means
1021 if the insurer or licensee maintains proof that the notice or
1022 correspondence was sent. Such notice or correspondence may be
1023 sent on behalf of the insurer or licensee by the general lines
1024 agent appointed by the insurer to supervise the administration
1025 of the program. For purposes of this subparagraph, an enrolled
1026 customer's provision of an electronic mail address to the
1027 insurer or licensee is deemed to be consent to receive notices
1028 and correspondence by electronic means if a conspicuously
1029 located disclosure is provided to the customer indicating the
1030 same.

Amendment No. 1

1031 10. The ~~provisions of this chapter requiring submission of~~
1032 fingerprints requirements in s. 626.171(4) do not apply to
1033 licenses issued to qualified entities under this paragraph.

1034 11. A branch location that sells portable electronics
1035 insurance may, in lieu of obtaining an appointment from an
1036 insurer or warranty association, obtain a single appointment
1037 from the associated lead business location licensee and pay the
1038 prescribed appointment fee under s. 624.501 if the lead business
1039 location has a single appointment from each insurer or warranty
1040 association represented and such appointment applies to the lead
1041 business location and all of its branch locations. Branch
1042 location appointments shall be renewed 24 months after the
1043 initial appointment date of the lead business location and every
1044 24 months thereafter. Notwithstanding s. 624.501, the renewal
1045 fee applicable to such branch location appointments is \$30 per
1046 appointment.

1047 12. For purposes of this paragraph:

1048 a. "Branch location" means any physical location in this
1049 state at which a licensee offers its products or services for
1050 sale.

1051 b. "Portable electronics" means personal, self-contained,
1052 easily carried by an individual, battery-operated electronic
1053 communication, viewing, listening, recording, gaming, computing
1054 or global positioning devices, including cell or satellite
1055 phones, pagers, personal global positioning satellite units,

Amendment No. 1

portable computers, portable audio listening, video viewing or recording devices, digital cameras, video camcorders, portable gaming systems, docking stations, automatic answering devices, and other similar devices and their accessories, and service related to the use of such devices.

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

Section 39. Subsection (5) of section 626.601, Florida Statutes, is amended to read:

626.601 Improper conduct; inquiry; fingerprinting.—

(5) If the department or office, after investigation, has reason to believe that an individual may have been found guilty of or pleaded guilty or nolo contendere to a felony or a crime related to the business of insurance in this or any other state or jurisdiction, the department or office may require the individual to file with the department or office a complete set of his or her fingerprints, in accordance with s. 626.171(4), which shall be accompanied by the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be taken by an authorized law enforcement agency or other department-approved entity.

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

930177 - CSCSHB0959line756.docx

Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

1081 626.8411 Application of Florida Insurance Code provisions
1082 to title insurance agents or agencies.—

1083 (1) The following provisions applicable to general lines
1084 agents or agencies also apply to title insurance agents or
1085 agencies:

1086 (f) Section 626.172(2)(f), relating to fingerprints.

1087 (2) The following provisions of part I do not apply to
1088 title insurance agents or title insurance agencies:

1089 (d) Section 626.172, except for paragraph (2)(f) of that
1090 section, relating to agent in full-time charge.

1091 Section 41. Paragraph (b) of subsection (1) of section
1092 626.8412, Florida Statutes, is amended to read:

1093 626.8412 License and appointments required.—

1094 (1) Except as otherwise provided in this part:

1095 (b) A title insurance agent may not sell a title insurance
1096 policy issued by an insurer for which the agent and the agency
1097 do ~~does~~ not hold a current appointment.

1098 Section 42. Paragraph (a) of subsection (3) of section
1099 626.8417, Florida Statutes, is amended to read:

1100 626.8417 Title insurance agent licensure; exemptions.—

1101 (3) The department may not grant or issue a license as a
1102 title insurance agent to an individual who is found by the
1103 department to be untrustworthy or incompetent, who does not meet
1104 the qualifications for examination specified in s. 626.8414, or
1105 who does not meet the following qualifications:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

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

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

626.8421 Number of appointments permitted or required.—A title agent and a title agency shall be required to have a separate appointment as to each insurer by which they are ~~he or she is~~ appointed as agents agent. As a part of each appointment

930177 - CSCSHB0959line756.docx

Published On: 2/16/2022 7:13:36 PM

Amendment No. 1

there shall be a certified statement or affidavit of an appropriate officer or official of the appointing insurer stating that to the best of the insurer's knowledge and belief the applicant, or its principals in the case of a corporation or other legal entity, has met the requirements of s. 626.8417.

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

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

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

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

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

626.8433 Filing of reasons for terminating appointments ~~appointment~~ of title insurance agent and title insurance agency; confidential information.—

Amendment No. 1

1156 (1) Any title insurer that is terminating the appointment
1157 of a title insurance agent or title insurance agency, whether
1158 such termination is by direct action of the appointing title
1159 insurer or by failure to renew or continue the appointment as
1160 provided, shall file with the department a statement of the
1161 reasons, if any, for, and the facts relative to, such
1162 termination.

1163 Section 46. Section 626.8447, Florida Statutes, is amended
1164 to read:

1165 626.8447 Effect of suspension or revocation upon other
1166 licensees, appointees.—In case of the suspension or revocation
1167 of the license and appointment of any title insurance agent or
1168 title insurance agency, the licenses and appointments of all
1169 other title insurance agents who knowingly were parties to the
1170 act that ~~which~~ formed the ground for such suspension or
1171 revocation may likewise be suspended or revoked for the same
1172 period as that of the offending title insurance agent or title
1173 insurance agency, but such suspension or revocation does ~~shall~~
1174 not prevent any title insurance agent, except the one whose
1175 license and appointment was first suspended or revoked, from
1176 being issued an appointment for some other title insurer.

1177 Section 47. Paragraph (d) of subsection (10) of section
1178 626.854, Florida Statutes, is redesignated as paragraph (f),
1179 paragraphs (a) and (b) of that subsection are amended, and a new

Amendment No. 1

paragraph (d) and paragraph (e) are added to that subsection, to read:

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

(10) (a) If a public adjuster enters into a contract with an insured or claimant to reopen a claim that seeks additional payments for a claim that has been previously paid in part or in full or settled by the insurer, the public adjuster may not charge, agree to, or accept from any source compensation, payment, commission, fee, or any other thing of value based on a previous settlement or previous claim payments by the insurer for the same cause of loss. The charge, compensation, payment, commission, fee, or any other thing of value must be based only on the claim payments or settlements paid to the insured, exclusive of attorney fees and costs, ~~settlement~~ obtained through the work of the public adjuster after entering into the contract with the insured or claimant. Compensation for the reopened or supplemental claim may not exceed 20 percent of the reopened or supplemental claim payment. In no event shall the contracts described in this paragraph exceed the limitations in paragraph (b).

Amendment No. 1

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

1. Ten percent of the amount of insurance claim payments or settlements, exclusive of attorney fees and costs, paid to the insured ~~made~~ by the insurer for claims based on events that are the subject of a declaration of a state of emergency by the Governor. This provision applies to claims made during the year after the declaration of emergency. After that year, the limitations in subparagraph 2. apply.

2. Twenty percent of the amount of insurance claim payments or settlements, exclusive of attorney fees and costs, paid to the insured ~~made~~ by the insurer for claims that are not based on events that are the subject of a declaration of a state of emergency by the Governor.

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

Amendment No. 1

1227 (e) Public adjuster rate of compensation may not be
1228 increased based solely on the fact that the claim is litigated.

1229 Section 48. Section 626.8561, Florida Statutes, is amended
1230 to read:

1231 626.8561 "Public adjuster apprentice" defined.—The term
1232 "public adjuster apprentice" means a person licensed as an all-
1233 lines adjuster who:

1234 (1) Is appointed and employed or contracted by ~~a public~~
1235 ~~adjuster or~~ a public adjusting firm;

1236 (2) Assists the ~~public adjuster or~~ public adjusting firm
1237 in ascertaining and determining the amount of any claim, loss,
1238 or damage payable under an insurance contract, or who undertakes
1239 to effect settlement of such claim, loss, or damage; and

1240 (3) Satisfies the requirements of s. 626.8651.

1241 Section 49. Paragraph (e) of subsection (1) and subsection
1242 (2) of section 626.865, Florida Statutes, are amended to read:

1243 626.865 Public adjuster's qualifications, bond.—

1244 (1) The department shall issue a license to an applicant
1245 for a public adjuster's license upon determining that the
1246 applicant has paid the applicable fees specified in s. 624.501
1247 and possesses the following qualifications:

1248 (e) Has been licensed and appointed in this state as a
1249 nonresident public adjuster on a continual basis for the
1250 previous 6 months, or has been licensed as an all-lines
1251 adjuster, and has been appointed on a continual basis for the

Amendment No. 1

1252 previous 6 months as a public adjuster apprentice under s.
1253 626.8561, as an independent adjuster under s. 626.855, or as a
1254 company employee adjuster under s. 626.856.

1255 (2) At the time of application for license as a public
1256 adjuster, the applicant shall file with the department a bond
1257 executed and issued by a surety insurer authorized to transact
1258 such business in this state, in the amount of \$50,000,
1259 conditioned for the faithful performance of his or her duties as
1260 a public adjuster under the license for which the applicant has
1261 applied, and thereafter maintain the bond unimpaired throughout
1262 the existence of the license ~~and for at least 1 year after~~
1263 ~~termination of the license.~~

1264 (a) The bond must ~~shall~~ be in favor of the department and
1265 must ~~shall~~ specifically authorize recovery by the department of
1266 the damages sustained in case the licensee is guilty of fraud or
1267 unfair practices in connection with his or her business as
1268 public adjuster.

1269 (b) The bond must remain in effect for 1 year after the
1270 expiration or termination of the license.

1271 (c) The aggregate liability of the surety for all such
1272 damages may not ~~shall in no event~~ exceed the amount of the bond.
1273 The ~~Such~~ bond may ~~shall~~ not be terminated unless at least 30
1274 days' written notice is given to the licensee and filed with the
1275 department.

Amendment No. 1

1276 Section 50. Paragraph (a) of subsection (1) and subsection
1277 (3) of section 626.8651, Florida Statutes, are amended to read:
1278 626.8651 Public adjuster apprentice appointment;
1279 qualifications.—

1280 (1)(a) The department shall issue an appointment as a
1281 public adjuster apprentice to a licensee who:

1282 1. Is licensed as an all-lines adjuster under s. 626.866;

1283 2. Has filed with the department a bond executed and
1284 issued by a surety insurer that is authorized to transact such
1285 business in this state in the amount of \$50,000, which is
1286 conditioned upon the faithful performance of his or her duties
1287 as a public adjuster apprentice; and

1288 3. Maintains such bond unimpaired throughout the existence
1289 of the appointment. The bond must remain in effect for 1 year
1290 after the expiration or termination of the license ~~and for at~~
1291 ~~least 1 year after termination of the appointment.~~

1292 (3) A public adjuster apprentice has the same authority as
1293 the licensed public adjuster or public adjusting firm that
1294 employs the apprentice except that an apprentice may not execute
1295 contracts for the services of a public adjuster or public
1296 adjusting firm. An individual may not be, act as, or hold
1297 himself or herself out to be a public adjuster apprentice unless
1298 the individual is licensed as an all-lines adjuster and holds a
1299 current appointment by a licensed ~~public all-lines adjuster or a~~
1300 public adjusting firm that has designated with the department a

Amendment No. 1

primary ~~employs a licensed public~~ adjuster as required by s.
626.8695.

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

626.8696 Application for adjusting firm license.—

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

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

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

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

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

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

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

(g)(e) Any additional information that the department
requires.

Amendment No. 1

1326 (2) An application for an adjusting firm license must be
1327 signed by one of the individuals required to be listed in the
1328 application under paragraph (1)(a) each owner of the firm. If
1329 the firm is incorporated, the application must be signed by the
1330 president and secretary of the corporation.

1331 ~~(3) Each application must be accompanied by payment of any~~
1332 ~~applicable fee as prescribed in s. 624.501.~~

1333 ~~(4) License fees are not refundable.~~

1334 ~~(5) An adjusting firm required to be licensed pursuant to~~
1335 ~~s. 626.8695 must remain so licensed for a period of 3 years from~~
1336 ~~the date of licensure, unless the license is suspended or~~
1337 ~~revoked. The department may suspend or revoke the adjusting~~
1338 ~~firm's authority to do business for activities occurring during~~
1339 ~~the time the firm is licensed, regardless of whether the~~
1340 ~~licensing period has terminated.~~

1341 Section 52. Subsection (3) of section 626.8732, Florida
1342 Statutes, is amended to read:

1343 626.8732 Nonresident public adjuster's qualifications,
1344 bond.—

1345 (3) At the time of application for license as a
1346 nonresident public adjuster, the applicant shall file with the
1347 department a bond executed and issued by a surety insurer
1348 authorized to transact surety business in this state, in the
1349 amount of \$50,000, conditioned for the faithful performance of
1350 his or her duties as a nonresident public adjuster under the

Amendment No. 1

license applied for. Thereafter, the applicant shall maintain the bond unimpaired throughout the existence of the license and for 1 year after the expiration or termination of the license.

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

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

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

626.8734 Nonresident all-lines adjuster license qualifications.—

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

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

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

626.906 Acts constituting Chief Financial Officer as process agent.—Any of the following acts in this state, effected

Amendment No. 1

1376 by mail or otherwise, by an unauthorized foreign insurer, alien
1377 insurer, or person representing or aiding such an insurer is
1378 equivalent to and shall constitute an appointment by such
1379 insurer or person representing or aiding such insurer of the
1380 Chief Financial Officer to be its true and lawful agent
1381 ~~attorney~~, upon whom may be served all lawful process in any
1382 action, suit, or proceeding instituted by or on behalf of an
1383 insured or beneficiary, arising out of any such contract of
1384 insurance; and any such act shall be signification of the
1385 insurer's or person's agreement that such service of process is
1386 of the same legal force and validity as personal service of
1387 process in this state upon such insurer or person representing
1388 or aiding such insurer:

1389 (1) The issuance or delivery of contracts of insurance to
1390 residents of this state or to corporations authorized to do
1391 business therein;

1392 (2) The solicitation of applications for such contracts;

1393 (3) The collection of premiums, membership fees,
1394 assessments, or other considerations for such contracts; or

1395 (4) Any other transaction of insurance.

1396 Section 55. Subsection (4) of section 626.912, Florida
1397 Statutes, is amended to read:

1398 626.912 Exemptions from ss. 626.904-626.911.—The
1399 provisions of ss. 626.904-626.911 do not apply to any action,
1400 suit, or proceeding against any unauthorized foreign insurer,

Amendment No. 1

alien insurer, or person representing or aiding such an insurer arising out of any contract of insurance:

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

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

626.937 Actions against insurer; service of process.—

(3) Each unauthorized insurer requesting eligibility pursuant to s. 626.918 shall file with the department its appointment of the Chief Financial Officer, on a form as furnished by the department, as its agent ~~attorney~~ to receive service of all legal process issued against it in any civil action or proceeding in this state, and agreeing that process so

Amendment No. 1

1426 served shall be valid and binding upon the insurer. The
1427 appointment shall be irrevocable, shall bind the insurer and any
1428 successor in interest as to the assets or liabilities of the
1429 insurer, and shall remain in effect as long as there is
1430 outstanding in this state any obligation or liability of the
1431 insurer resulting from its insurance transactions therein.

1432 (4) At the time of such appointment of the Chief Financial
1433 Officer as its process agent, the insurer shall file with the
1434 department designation of the name and e-mail address of the
1435 person to whom process against it served upon the Chief
1436 Financial Officer is to be made available through the
1437 department's secure online portal ~~forwarded~~. The insurer may
1438 change the designation at any time by a new filing.

1439 Section 57. Subsection (5) of section 626.9953, Florida
1440 Statutes, is amended to read:

1441 626.9953 Qualifications for registration; application
1442 required.—

1443 (5) An applicant must submit a set of his or her
1444 fingerprints in accordance with s. 626.171(4) ~~to the department~~
1445 ~~and pay the processing fee established under s. 624.501(23)~~. The
1446 department shall submit the applicant's fingerprints to the
1447 Department of Law Enforcement for processing state criminal
1448 history records checks and local criminal records checks through
1449 local law enforcement agencies and for forwarding to the Federal
1450 Bureau of Investigation for national criminal history records

Amendment No. 1

1451 checks. The fingerprints shall be taken by a law enforcement
1452 agency, a designated examination center, or another department-
1453 approved entity. The department may not approve an application
1454 for registration as a navigator if fingerprints have not been
1455 submitted.

1456 Section 58. Paragraphs (e) and (f) are added to subsection
1457 (4) of section 633.135, Florida Statutes, to read:

1458 633.135 Firefighter Assistance Grant Program.—

1459 (4) Funds shall be used to:

1460 (e) Purchase other equipment and tools that improve
1461 firesafety and fire rescue capabilities for firefighters.

1462 (f) Purchase protective clothing and equipment compliant
1463 with NFPA 1977, "Standard on Protective Clothing and Equipment
1464 for Wildland Fire Fighting and Urban Interface Fire Fighting."

1465 Section 59. Subsections (6) through (9) of section
1466 633.216, Florida Statutes, are renumbered as subsections (5)
1467 through (8), respectively, and subsection (4) and present
1468 subsection (5) of that section are amended, to read:

1469 633.216 Inspection of buildings and equipment; orders;
1470 firesafety inspection training requirements; certification;
1471 disciplinary action.—The State Fire Marshal and her or his
1472 agents or persons authorized to enforce laws and rules of the
1473 State Fire Marshal shall, at any reasonable hour, when the State
1474 Fire Marshal has reasonable cause to believe that a violation of
1475 this chapter or s. 509.215, or a rule adopted thereunder, or a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

1476 minimum firesafety code adopted by the State Fire Marshal or a
1477 local authority, may exist, inspect any and all buildings and
1478 structures which are subject to the requirements of this chapter
1479 or s. 509.215 and rules adopted thereunder. The authority to
1480 inspect shall extend to all equipment, vehicles, and chemicals
1481 which are located on or within the premises of any such building
1482 or structure.

1483 (4) Every firesafety inspector certificate is valid for a
1484 period of 4 years from the date of issuance. Renewal of
1485 certification is subject to the affected person's completing
1486 proper application for renewal and meeting all of the
1487 requirements for renewal as established under this chapter or by
1488 rule adopted under this chapter, which must include completion
1489 of at least 54 hours during the preceding 4-year period of
1490 continuing education as required by the rule of the department
1491 ~~or, in lieu thereof, successful passage of an examination as~~
1492 ~~established by the department.~~

1493 ~~(5) A previously certified firesafety inspector whose~~
1494 ~~certification has lapsed for 8 years or more must repeat the~~
1495 ~~fire safety inspector training as specified by the division.~~

1496 Section 60. Subsection (5) of section 633.336, Florida
1497 Statutes, is amended to read:

1498 633.336 Contracting without certificate prohibited;
1499 violations; penalty.—

Amendment No. 1

(5) In addition to the penalties provided in subsection (4), a fire protection contractor certified under this chapter who violates any provision of this section or who commits any act constituting cause for disciplinary action is subject to:

(a) Suspension or revocation of the certificate and administrative fines pursuant to s. 633.338; and

(b) An administrative fine of up to \$10,000 in any one proceeding for violations of subsections (1) or (2), and if applicable, may be in addition to or in lieu of suspension or revocation of a certificate.

The State Fire Marshal shall adopt by rule guidelines that specify a range of designated penalties under this subsection based upon the severity and repetition of specific offenses and identify mitigating and aggravating circumstances that allow the State Fire Marshal to impose a penalty other than that provided for in the guidelines, and for variations and a range of penalties permitted under such circumstances.

Section 610. Paragraph (b) of subsection (4) and paragraphs (a) and (c) of subsection (6) of section 633.408, Florida Statutes, are amended to read:

633.408 Firefighter and volunteer firefighter training and certification.—

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

Amendment No. 1

1525 (b) Passes the Minimum Standards Course certification
1526 ~~examination~~ within 12 months after completing the required
1527 courses.

1528 (6)(a) The division may issue a Special Certificate of
1529 Compliance to an individual who does all of the following:

1530 1. Satisfactorily completes the course established by rule
1531 by the division and successfully passes any examination
1532 corresponding to such course in paragraph (1)(b) to obtain a
1533 Special Certificate of Compliance.

1534 ~~2. Passes the examination established in paragraph (1)(b)~~
1535 ~~to obtain a Special Certificate of Compliance.~~

1536 ~~2.3.~~ Possesses the qualifications in s. 633.412.

1537 ~~(c) In order to retain a Special Certificate of~~
1538 ~~Compliance, every 4 years an individual must:~~

1539 ~~1. Be active as a firefighter;~~

1540 ~~2. Maintain a current and valid fire service instructor~~
1541 ~~certificate, instruct at least 40 hours during the 4-year~~
1542 ~~period, and provide proof of such instruction to the division,~~
1543 ~~which proof must be registered in an electronic database~~
1544 ~~designated by the division; or~~

1545 ~~3. Within 6 months before the 4-year period expires,~~
1546 ~~successfully complete a Firefighter Retention Refresher Course~~
1547 ~~consisting of a minimum of 40 hours of training as prescribed by~~
1548 ~~rule.~~

Amendment No. 1

1549 Section ~~621~~. Subsections (5), (6), and (7) of section
1550 633.414, Florida Statutes, are renumbered as subsections (4),
1551 (5), and (6) respectively, and subsection (1) and present
1552 subsection (4) of that section are amended, to read:

1553 633.414 Retention of firefighter and volunteer firefighter
1554 certifications.—

1555 (1) In order for a firefighter to retain her or his
1556 Firefighter Certificate of Compliance or Special Certificate of
1557 Compliance, every 4 years he or she must meet the requirements
1558 for renewal provided in this chapter and by rule, which must
1559 include at least one of the following:

1560 (a) Be active as a firefighter. As used in this section,
1561 the term "active" means being employed as a firefighter or
1562 providing service as a volunteer firefighter as evidenced by the
1563 individual's name appearing on a fire service provider's
1564 employment roster in the Florida State Fire College database or
1565 a letter by the fire service provider attesting to dates of
1566 employment.

1567 (b) Maintain a current and valid fire service instructor
1568 certificate, instruct at least 40 hours during the 4-year
1569 period, and provide proof of such instruction to the division,
1570 which proof must be registered in an electronic database
1571 designated by the division.

1572 (c) Before the expiration of the certificate ~~Within 6~~
1573 ~~months before the 4-year period expires~~, successfully complete a

Amendment No. 1

1574 Firefighter Retention Refresher Course consisting of a minimum
1575 of 40 hours of training to be prescribed by rule.

1576 (d) Before the expiration of the certificate ~~Within 6~~
1577 ~~months before the 4-year period expires,~~ successfully retake and
1578 pass the Minimum Standards Course examination pursuant to s.
1579 633.408.

1580 ~~(4) For the purposes of this section, the term "active"~~
1581 ~~means being employed as a firefighter or providing service as a~~
1582 ~~volunteer firefighter for a cumulative period of 6 months within~~
1583 ~~a 4-year period.~~

1584
1585 The 4-year period may, in the discretion of the department, be
1586 extended to 12 months after discharge from military service if
1587 the military service does not exceed 3 years, but in no event
1588 more than 6 years from the date of issue or renewal, if
1589 applicable, for an honorably discharged veteran of the United
1590 States Armed Forces or the spouse of such a veteran. A qualified
1591 individual must provide a copy of a military identification
1592 card, military dependent identification card, military service
1593 record, military personnel file, veteran record, discharge
1594 paper, or separation document that indicates such member is
1595 currently in good standing or such veteran is honorably
1596 discharged.

1597 Section 632. Subsection (4) of section 648.34, Florida
1598 Statutes, is amended to read:

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Amendment No. 1

1599 648.34 Bail bond agents; qualifications.—

1600 (4) The applicant shall furnish, with his or her
1601 application, a complete set of his or her fingerprints in
1602 accordance with s. 626.171(4) and a recent credential-sized,
1603 fullface photograph of the applicant. ~~The applicant's~~
1604 ~~fingerprints shall be certified by an authorized law enforcement~~
1605 ~~officer.~~ The department shall not authorize an applicant to take
1606 the required examination until the department has received a
1607 report from the Department of Law Enforcement and the Federal
1608 Bureau of Investigation relative to the existence or
1609 nonexistence of a criminal history report based on the
1610 applicant's fingerprints.

1611 Section ~~643~~. Subsection (4) of section 648.355, Florida
1612 Statutes, is amended to read:

1613 648.355 Temporary limited license as limited surety agent
1614 or professional bail bond agent; pending examination.—

1615 (4) The applicant shall furnish, with the application for
1616 temporary license, a complete set of the applicant's
1617 fingerprints in accordance with s. 626.171(4) and a recent
1618 credential-sized, fullface photograph of the applicant. ~~The~~
1619 ~~applicant's fingerprints shall be certified by an authorized law~~
1620 ~~enforcement officer.~~ The department shall not issue a temporary
1621 license under this section until the department has received a
1622 report from the Department of Law Enforcement and the Federal
1623 Bureau of Investigation relative to the existence or

Amendment No. 1

nonexistence of a criminal history report based on the
applicant's fingerprints.

Section 654. Subsection (4) is added to section 648.46,
Florida Statutes, to read:

648.46 Procedure for disciplinary action against
licensees.—

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

T I T L E A M E N D M E N T

Remove lines 73-193 and insert:
assessments; amending s. 440.13, F.S.; authorizing the
department to adopt rules; amending s. 440.185, F.S.; revising
the timeline and methods for workers' compensation carriers to
send certain informational brochure to injured workers; revising
methods by which such informational brochure is sent to
employers; amending s. 440.381, F.S.; specifying workers'
compensation policies that require physical onsite audits for a
specified class; amending s. 497.277, F.S.; deleting a cap on

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Published On: 2/16/2022 7:13:36 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

1649 transferring burial rights fees; amending s. 497.369, F.S.;
1650 revising requirements for licenses by endorsement to practice
1651 embalming; amending s. 497.372, F.S.; revising the scope of
1652 funeral directing practice; amending s. 497.374, F.S.; revising
1653 requirements for licenses by endorsement to practice funeral
1654 directing; amending s. 554.108, F.S.; requiring boilers
1655 manufactured after a specified date, rather than boilers of
1656 certain heat input, to be stamped with a specified code symbol;
1657 revising the boilers' information that must be filed; requiring
1658 that specified spaces and rooms be equipped with carbon monoxide
1659 detector devices; amending s. 554.111, F.S.; deleting a
1660 requirement for a specified fee for a certificate of competency;
1661 requiring applications for boiler permits to include a specified
1662 report; revising the purpose for special trips that the
1663 department is required to make for boiler inspections; amending
1664 s. 554.114, F.S.; revising the schedules of penalties against
1665 boiler insurance companies, inspection agencies, and other
1666 persons for specified violations; amending s. 624.307, F.S.;
1667 providing that certain regulated persons or unauthorized
1668 insurers are required to appoint the Chief Financial Officer as
1669 their agents, rather than as their attorneys, to receive service
1670 of legal process; revising the method by which the Chief
1671 Financial Officer makes the process available; amending s.
1672 624.422, F.S.; requiring insurers to file with the department
1673 email-addresses, rather than addresses, of specified persons;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

1674 providing that a specified method by which process is served
1675 upon the Chief Financial Officer is the sole method of service;
1676 conforming provisions to changes made by the act; amending s.
1677 624.423, F.S.; revising procedures for service of process;
1678 requiring the Chief Financial Officer to promptly notify certain
1679 persons of the process and to make the process available to such
1680 persons through specified means; revising the method by which
1681 records are retained; amending s. 624.610, F.S.; conforming
1682 provisions to changes made by the act; amending s. 626.015,
1683 F.S.; revising the definition of the term "unaffiliated
1684 insurance agent"; amending s. 626.171, F.S.; requiring
1685 fingerprints for certain licenses to be processed in accordance
1686 with specified laws; amending s. 626.172, F.S.; revising the
1687 method by which fingerprints for applications for insurance
1688 agency licenses are submitted; deleting a fingerprint processing
1689 fee; creating s. 626.173, F.S.; providing duties for certain
1690 insurance agency persons within a specified timeframe after
1691 cessation of insurance transactions; authorizing the department
1692 or the Office of Insurance Regulation to impose administrative
1693 fines against such persons for specified violations; prohibiting
1694 proceedings from being initiated and fines from accruing unless
1695 specified requirements are met; providing a cap on such fines;
1696 authorizing the department or the office to suspend or revoke
1697 licenses under certain circumstances; providing requirements for
1698 determining penalties and remedies; amending s. 626.201, F.S.;

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Published On: 2/16/2022 7:13:36 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

1699 conforming a provision to changes made by the act; providing
1700 continuation of jurisdiction of the licensing authority to
1701 investigate and prosecute specified violations under certain
1702 circumstances; amending s. 626.202, F.S.; conforming provisions
1703 to changes made by the act; amending s. 626.221, F.S.; adding a
1704 designation to the list of designations that allow applicants
1705 for all-lines adjuster license to be exempt from an examination;
1706 amending s. 626.311, F.S.; providing an exception to the
1707 prohibition against unaffiliated insurance agents' holding
1708 appointments from insurers; amending ss. 626.321, 626.601,
1709 626.8411, and 626.8412, F.S.; conforming provisions to changes
1710 made by the act; amending s. 626.8417, F.S.; revising
1711 requirements to qualify for title insurance agent licenses;
1712 amending s. 626.8421, F.S.; requiring title agencies to have
1713 separate appointments under certain circumstances; amending s.
1714 626.843, F.S.; providing appointments of title insurance
1715 agencies; amending s. 626.8433, F.S.; requiring title insurers
1716 that terminate appointments of title insurance agencies to file
1717 certain information with the department; amending s. 626.8447,
1718 F.S.; providing effects of suspension or revocation of title
1719 insurance agency licenses; amending s. 626.854, F.S.; revising
1720 restrictions on public adjuster compensations; prohibiting
1721 public adjuster compensations from being based on specified
1722 expenses; providing an exception; prohibiting increases of
1723 public adjuster rates of compensation from being based on a

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 959 (2022)

Amendment No. 1

specified fact; amending s. 626.8561, F.S.; revising the
definition of the term "public adjuster apprentice"; amending s.
626.865, F.S.; revising requirements to qualify for public
adjuster licenses; requiring that certain bonds remain in effect
for a specified period after expiration of the license; amending
s. 626.8651, F.S.; requiring that certain bonds remain in effect
for a specified period after expiration of the public adjuster
apprentice license; revising requirements for public adjuster
apprentices to be, act as, or hold themselves out to be public
adjust apprentices; amending s. 626.8696, F.S.; revising
requirements for adjusting firm license applications; amending
s. 626.8732, F.S.; requiring applicants for nonresident public
adjuster licenses to maintain certain bonds after the expiration
or termination of licenses; amending ss. 626.8734, 626.906,
626.912, 626.937, and 626.9953, F.S.; conforming provisions to
changes made by the act; amending s. 633.135, F.S.; providing
additional uses for firefighter funds; amending s. 633.216,
F.S.; revising requirements for renewal of firesafety inspector
certificates; amending s. 633.336, F.S.; providing
administrative fines for violations by certified fire protection
contractors; amending s. 633.408, F.S.;

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