

1 A bill to be entitled
2 An act relating to Department of Financial Services;
3 repealing s. 17.315, F.S., relating to the financial
4 and cash management system and task force; amending s.
5 48.151, F.S.; providing an exception to service of
6 process on public entities under certain
7 circumstances; requiring the Department of Financial
8 Services to create a secure online portal as the sole
9 means to accept certain service of process; amending
10 s. 110.123, F.S.; revising definitions; authorizing
11 specified persons relating to the Division of
12 Rehabilitation and Liquidation to purchase coverage in
13 a state group health insurance plan at specified
14 premium costs; providing that the enrollment period
15 for the state group insurance program begins with a
16 specified plan year for certain persons relating to
17 the division; amending s. 110.131, F.S.; conforming a
18 cross-reference; amending s. 120.541, F.S.; revising
19 applicability of certain provisions relating to a
20 specified proposed rule; amending s. 215.34, F.S.;
21 deleting the requirement for specified entities
22 receiving certain charged-back items to prepare a
23 journal transfer; amending s. 215.93, F.S.; renaming a
24 subsystem of the Florida Financial Management
25 Information System; amending s. 215.94, F.S.;

26 conforming a provision to changes made by the act;
 27 amending s. 216.102, F.S.; making technical changes;
 28 amending s. 218.32, F.S.; revising legislative intent;
 29 providing functions of the Florida Open Financial
 30 Statement System; requiring local governments to use
 31 the system to file specified reports; providing
 32 requirements for the system; revising the list of
 33 entities with which the Chief Financial Officer may
 34 consult with regard to the system; authorizing, rather
 35 than requiring, certain local governmental financial
 36 statements to be filed in a specified format; deleting
 37 certain requirements for such statements; providing
 38 construction; providing exceptions; creating s.
 39 395.1061, F.S.; providing definitions; requiring
 40 certain hospitals and hospital systems to demonstrate
 41 financial responsibility for maintaining professional
 42 liability coverage; prohibiting the Agency for Health
 43 Care Administration from issuing or renewing licenses
 44 of hospitals under certain circumstances; providing
 45 exemptions from professional liability coverage
 46 requirements; amending s. 414.40, F.S.; transferring
 47 the Stop Inmate Fraud Program from the Department of
 48 Financial Services to the Department of Economic
 49 Opportunity; authorizing the program to provide
 50 reports of certain data to the Division of Public

51 Assistance Fraud for a specified purpose; amending s.
52 440.02, F.S.; revising the definition of the term
53 "employer"; amending s. 440.05, F.S.; revising
54 information that must be submitted with the notice of
55 election to be exempt from workers' compensation
56 coverage; providing the circumstance under which the
57 department must send certain electronic notifications
58 to workers' compensation carriers; providing
59 information included in such notification; requiring
60 certificates of election to be exempt to contain
61 certain notice; deleting a provision requiring certain
62 corporation officers to maintain business records;
63 revising applicability of certificates of election to
64 be exempt; amending s. 440.107, F.S.; revising the
65 timeframe for certain employers to produce specified
66 records under certain circumstances; removing the
67 requirement that specified information be updated
68 daily on certain website; prohibiting employers from
69 entering a payment agreement schedule with the
70 department unless a specified condition is met;
71 revising circumstances that result in immediate
72 reinstatement of stop-work orders; revising penalty
73 assessments; amending s. 440.13, F.S.; revising
74 statewide schedules of maximum reimbursement
75 allowances for medically necessary treatment, care,

76 and attendance; authorizing the department to adopt
 77 rules; amending s. 440.185, F.S.; revising the
 78 timeline and methods for workers' compensation
 79 carriers to send certain informational brochure to
 80 injured workers; revising methods by which such
 81 informational brochure is sent to employers; amending
 82 s. 440.381, F.S.; specifying workers' compensation
 83 policies that require physical onsite audits for a
 84 specified class; amending s. 497.277, F.S.; deleting a
 85 cap on transferring burial rights fees; amending s.
 86 497.369, F.S.; revising requirements for licenses by
 87 endorsement to practice embalming; amending s.
 88 497.372, F.S.; revising the scope of funeral directing
 89 practice; amending s. 497.374, F.S.; revising
 90 requirements for licenses by endorsement to practice
 91 funeral directing; amending s. 554.108, F.S.;
 92 requiring boilers manufactured after a specified date,
 93 rather than boilers of certain heat input, to be
 94 stamped with a specified code symbol; revising the
 95 boilers' information that must be filed; requiring
 96 that specified spaces and rooms be equipped with
 97 carbon monoxide detector devices; amending s. 554.111,
 98 F.S.; deleting a requirement for a specified fee for a
 99 certificate of competency; requiring applications for
 100 boiler permits to include a specified report; revising

101 the purpose for special trips that the department is
102 required to make for boiler inspections; amending s.
103 554.114, F.S.; revising the schedules of penalties
104 against boiler insurance companies, inspection
105 agencies, and other persons for specified violations;
106 amending s. 624.307, F.S.; providing that certain
107 regulated persons or unauthorized insurers are
108 required to appoint the Chief Financial Officer as
109 their agents, rather than as their attorneys, to
110 receive service of legal process; revising the method
111 by which the Chief Financial Officer makes the process
112 available; amending s. 624.422, F.S.; requiring
113 insurers to file with the department email-addresses,
114 rather than addresses, of specified persons; providing
115 that a specified method by which process is served
116 upon the Chief Financial Officer is the sole method of
117 service; conforming provisions to changes made by the
118 act; amending s. 624.423, F.S.; revising procedures
119 for service of process; requiring the Chief Financial
120 Officer to promptly notify certain persons of the
121 process and to make the process available to such
122 persons through specified means; revising the method
123 by which records are retained; amending s. 624.610,
124 F.S.; conforming provisions to changes made by the
125 act; amending s. 626.015, F.S.; revising the

126 definition of the term "unaffiliated insurance agent";
127 amending s. 626.171, F.S.; requiring fingerprints for
128 certain licenses to be processed in accordance with
129 specified laws; amending s. 626.172, F.S.; revising
130 the method by which fingerprints for applications for
131 insurance agency licenses are submitted; deleting a
132 fingerprint processing fee; creating s. 626.173, F.S.;
133 requiring insurance agencies' licenses to be
134 immediately cancelled under certain circumstances;
135 providing the method by which such cancellations must
136 be made; providing duties for certain insurance agency
137 persons within a specified timeframe after cessation
138 of insurance transactions; authorizing the department
139 to impose administrative fines against such persons
140 for specified violations; providing a cap on such
141 fines; authorizing the department and the Office of
142 Insurance Regulation to suspend or revoke licenses
143 under certain circumstances; providing requirements
144 for determining penalties and remedies; amending s.
145 626.201, F.S.; conforming a provision to changes made
146 by the act; providing continuation of jurisdiction of
147 the licensing authority to investigate and prosecute
148 specified violations under certain circumstances;
149 amending s. 626.202, F.S.; conforming provisions to
150 changes made by the act; amending s. 626.221, F.S.;

151 adding a designation to the list of designations that
152 allow applicants for all-lines adjuster license to be
153 exempt from an examination; amending s. 626.311, F.S.;
154 providing an exception to the prohibition against
155 unaffiliated insurance agents' holding appointments
156 from insurers; amending ss. 626.321, 626.601,
157 626.8411, and 626.8412, F.S.; conforming provisions to
158 changes made by the act; amending s. 626.8417, F.S.;
159 revising requirements to qualify for title insurance
160 agent licenses; amending s. 626.8421, F.S.; requiring
161 title agencies to have separate appointments under
162 certain circumstances; amending s. 626.843, F.S.;
163 providing appointments of title insurance agencies;
164 amending s. 626.8433, F.S.; requiring title insurers
165 that terminate appointments of title insurance
166 agencies to file certain information with the
167 department; amending s. 626.8447, F.S.; providing
168 effects of suspension or revocation of title insurance
169 agency licenses; amending s. 626.854, F.S.; providing
170 restrictions on public adjuster compensations;
171 providing exceptions to such restrictions; amending s.
172 626.8561, F.S.; revising the definition of the term
173 "public adjuster apprentice"; amending s. 626.865,
174 F.S.; revising requirements to qualify for public
175 adjuster licenses; requiring that certain bonds remain

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

201 Firefighter Certificate of Compliance; providing a
202 definition; amending ss. 648.34 and 648.355, F.S.;
203 conforming provisions to changes made by the act;
204 amending s. 648.46, F.S.; providing continuation of
205 jurisdiction of the licensing authority to investigate
206 and prosecute specified violations under certain
207 circumstances; amending s. 766.105, F.S.; deleting
208 provisions relating to the duties of the Agency for
209 Health Care Administration and to the board of
210 governors of the Florida Patient's Compensation Fund;
211 requiring that the fund be subject to the supervision
212 and approval of the Chief Financial Officer rather
213 than the board of governors and be dissolved on or
214 before a specified date; providing duties of the
215 department before the legal dissolution of the fund;
216 requiring that provisions relating to the fund be
217 repealed on a specified date; amending ss. 945.6041
218 and 985.6441, F.S.; making technical changes;
219 transferring the Stop Inmate Fraud Program within the
220 Department of Financial Services to the Department of
221 Economic Opportunity by a type two transfer; providing
222 effective dates.

223

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

225

226 Section 1. Section 17.0315, Florida Statutes, is repealed.
 227 Section 2. Subsections (1) and (3) of section 48.151,
 228 Florida Statutes, are amended to read:
 229 48.151 Service on statutory agents for certain persons.—
 230 (1) When any law designates a public officer, board,
 231 agency, or commission as the agent for service of process on any
 232 person, firm, or corporation, service of process thereunder
 233 shall be made by leaving one copy of the process with the public
 234 officer, board, agency, or commission or in the office thereof,
 235 or by mailing one copy to the public officer, board, agency, or
 236 commission, except as provided in subsection (3). The public
 237 officer, board, agency, or commission so served shall retain a
 238 record copy and promptly send the copy served, by registered or
 239 certified mail, to the person to be served as shown by his or
 240 her or its records. Proof of service on the public officer,
 241 board, agency, or commission shall be by a notice accepting the
 242 process which shall be issued by the public officer, board,
 243 agency, or commission promptly after service and filed in the
 244 court issuing the process. The notice accepting service shall
 245 state the date upon which the copy of the process was mailed by
 246 the public officer, board, agency, or commission to the person
 247 being served and the time for pleading prescribed by the rules
 248 of procedure shall run from this date. The service is valid
 249 service for all purposes on the person for whom the public
 250 officer, board, agency, or commission is statutory agent for

251 service of process.

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

270 Section 3. Subsections (9) through (13) of section
 271 110.123, Florida Statutes, are renumbered as subsection (10)
 272 through (14), respectively, paragraphs (b), (c), (f), (h), (i),
 273 and (o) of subsection (2) and paragraph (i) of subsection (5)
 274 are amended, and a new subsection (9) is added to that section,
 275 to read:

276 110.123 State group insurance program.—

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

279 (b) "Enrollee" means all state officers and employees,
280 retired state officers and employees, surviving spouses of
281 deceased state officers and employees, and terminated employees
282 or individuals with continuation coverage who are enrolled in an
283 insurance plan offered by the state group insurance program. The
284 term "Enrollee" includes all state university officers and
285 employees, retired state university officers and employees,
286 surviving spouses of deceased state university officers and
287 employees, and terminated state university employees or
288 individuals with continuation coverage who are enrolled in an
289 insurance plan offered by the state group insurance program. As
290 used in this paragraph, state employees and retired state
291 employees also include employees and retired employees of the
292 Division of Rehabilitation and Liquidation.

293 (c) "Full-time state employees" means employees of all
294 branches or agencies of state government holding salaried
295 positions who are paid by state warrant or from agency funds and
296 who work or are expected to work an average of at least 30 ~~or~~
297 ~~more~~ hours per week; employees of the Division of Rehabilitation
298 and Liquidation who work or are expected to work an average of
299 at least 30 hours per week; employees paid from regular salary
300 appropriations for 8 months' employment, including university

301 personnel on academic contracts; and employees paid from other-
 302 personal-services (OPS) funds as described in subparagraphs 1.
 303 and 2. The term includes all full-time employees of the state
 304 universities. The term does not include seasonal workers who are
 305 paid from OPS funds.

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

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

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

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

315 a. Is reasonably expected to work an average of at least
 316 30 hours or more per week; or

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

319 (f) "Part-time state employee" means an employee of any
 320 branch or agency of state government paid by state warrant from
 321 salary appropriations or from agency funds, or an employee of
 322 the Division of Rehabilitation and Liquidation, ~~and~~ who is
 323 employed for less than an average of 30 hours per week or, if on
 324 academic contract or seasonal or other type of employment which
 325 is less than year-round, is employed for less than 8 months

326 during any 12-month period, but does not include a person paid
327 from other-personal-services (OPS) funds. The term includes all
328 part-time employees of the state universities.

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

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

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

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

351 only.

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

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

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

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

377
 378 Final decisions concerning enrollment, the existence of
 379 coverage, or covered benefits under the state group insurance
 380 program shall not be delegated or deemed to have been delegated
 381 by the department.

382 (9) COVERAGE AND ENROLLMENT PERIOD FOR EMPLOYEES,
 383 RETIREEES, AND WIDOWS AND WIDOWERS OF EMPLOYEES AND RETIREEES OF
 384 THE DIVISION OF REHABILITATION AND LIQUIDATION.—

385 (a) Beginning with the 2023 plan year:

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

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

401 continuation coverage, respectively, enrolled in the state group
 402 insurance program.

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

405 1. Current and retired employees of the Division of
 406 Rehabilitation and Liquidation.

407 2. Widows and widowers of employees and of retired
 408 employees of the Division of Rehabilitation and Liquidation.

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

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

415 110.131 Other-personal-services employment.—

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

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

426 subsection (2) and subsection (3) of that section are
 427 republished, to read:
 428 120.541 Statement of estimated regulatory costs.—
 429 (2) A statement of estimated regulatory costs shall
 430 include:
 431 (a) An economic analysis showing whether the rule directly
 432 or indirectly:
 433 1. Is likely to have an adverse impact on economic growth,
 434 private sector job creation or employment, or private sector
 435 investment in excess of \$1 million in the aggregate within 5
 436 years after the implementation of the rule;
 437 2. Is likely to have an adverse impact on business
 438 competitiveness, including the ability of persons doing business
 439 in the state to compete with persons doing business in other
 440 states or domestic markets, productivity, or innovation in
 441 excess of \$1 million in the aggregate within 5 years after the
 442 implementation of the rule; or
 443 3. Is likely to increase regulatory costs, including any
 444 transactional costs, in excess of \$1 million in the aggregate
 445 within 5 years after the implementation of the rule.
 446 (3) If the adverse impact or regulatory costs of the rule
 447 exceed any of the criteria established in paragraph (2) (a), the
 448 rule shall be submitted to the President of the Senate and
 449 Speaker of the House of Representatives no later than 30 days
 450 prior to the next regular legislative session, and the rule may

451 not take effect until it is ratified by the Legislature.

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

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

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

457 215.34 State funds; noncollectible items; procedure.—

458 (1) Any check, draft, or other order for the payment of
 459 money in payment of any licenses, fees, taxes, commissions, or
 460 charges of any sort authorized to be made under the laws of the
 461 state and deposited in the State Treasury as provided herein,
 462 which may be returned for any reason by the bank or other payor
 463 upon which same shall have been drawn shall be forthwith
 464 returned by the Chief Financial Officer for collection to the
 465 state officer, the state agency, or the entity of the judicial
 466 branch making the deposit. In such case, the Chief Financial
 467 Officer may issue a debit memorandum charging an account of the
 468 agency, officer, or entity of the judicial branch which
 469 originally received the payment. The original of the debit
 470 memorandum shall state the reason for the return of the check,
 471 draft, or other order and shall accompany the item being
 472 returned to the officer, agency, or entity of the judicial
 473 branch being charged. The officer, agency, or entity of the
 474 judicial branch receiving the charged-back item shall ~~prepare a~~
 475 ~~journal transfer which shall~~ debit the charge against the fund

476 or account to which the same shall have been originally
477 credited. Such procedure for handling noncollectible items shall
478 not be construed as paying funds out of the State Treasury
479 without an appropriation, but shall be considered as an
480 administrative procedure for the efficient handling of state
481 records and accounts.

482 Section 7. Paragraph (c) of subsection (1) of section
483 215.93, Florida Statutes, is amended to read:

484 215.93 Florida Financial Management Information System.—

485 (1) To provide the information necessary to carry out the
486 intent of the Legislature, there shall be a Florida Financial
487 Management Information System. The Florida Financial Management
488 Information System shall be fully implemented and shall be
489 upgraded as necessary to ensure the efficient operation of an
490 integrated financial management information system and to
491 provide necessary information for the effective operation of
492 state government. Upon the recommendation of the coordinating
493 council and approval of the board, the Florida Financial
494 Management Information System may require data from any state
495 agency information system or information subsystem or may
496 request data from any judicial branch information system or
497 information subsystem that the coordinating council and board
498 have determined to have statewide financial management
499 significance. Each functional owner information subsystem within
500 the Florida Financial Management Information System shall be

501 developed in such a fashion as to allow for timely, positive,
502 preplanned, and prescribed data transfers between the Florida
503 Financial Management Information System functional owner
504 information subsystems and from other information systems. The
505 principal unit of the system shall be the functional owner
506 information subsystem, and the system shall include, but shall
507 not be limited to, the following:

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

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

511 215.94 Designation, duties, and responsibilities of
512 functional owners.—

513 (3) The Chief Financial Officer shall be the functional
514 owner of the Financial ~~Cash~~ Management Subsystem. The Chief
515 Financial Officer shall design, implement, and operate the
516 subsystem in accordance with the provisions of ss. 215.90-
517 215.96. The subsystem shall include, but shall not be limited
518 to, functions for:

519 (a) Recording and reconciling credits and debits to
520 treasury fund accounts.

521 (b) Monitoring cash levels and activities in state bank
522 accounts.

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

524 (d) Administering the provisions of the Federal Cash
525 Management Improvement Act of 1990.

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

528 216.102 Filing of financial information; handling by Chief
 529 Financial Officer; penalty for noncompliance.—

530 (3) The Chief Financial Officer shall:

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

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

538 (c) Furnish the Governor, the President of the Senate, and
 539 the Speaker of the House of Representatives with a copy of the
 540 annual comprehensive ~~annual~~ financial report prepared pursuant
 541 to paragraph (b).

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

545 (e) Provide reports, as requested, to executive or
 546 judicial branch entities, the President of the Senate, the
 547 Speaker of the House of Representatives, and the members of the
 548 Florida Congressional Delegation, detailing the federal
 549 financial assistance received and disbursed by state agencies
 550 and the judicial branch.

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

561
 562 The Chief Financial Officer may furnish and publish in
 563 electronic form the financial statements and the annual
 564 comprehensive ~~annual~~ financial report required under paragraphs
 565 (a), (b), and (c).

566 Section 10. Paragraph (h) of subsection (1) of section
 567 218.32, Florida Statutes, is amended, and paragraph (i) is added
 568 to subsection (1) of that section, to read:

569 218.32 Annual financial reports; local governmental
 570 entities.—

571 (1)

572 (h) ~~It is the intent of the Legislature to create~~ The
 573 Florida Open Financial Statement System must serve as an
 574 interactive repository for governmental financial statements.
 575 This system serves as the primary reporting location for

576 government financial information. A local government shall use
577 the system to file with the department copies of all audit
578 reports compiled pursuant to ss. 11.45 and 218.39. The system
579 must be accessible to the public and must be open to inspection
580 at all times by the Legislature, the Auditor General, and the
581 Chief Inspector General.

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

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

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

599 4. If the Chief Financial Officer deems the work products
600 adequate, all local governmental financial statements for fiscal

601 | years ending on or after September 1, 2022, ~~may~~ ~~must~~ be filed in
 602 | XBRL format prescribed by the Chief Financial Officer ~~and must~~
 603 | ~~meet the validation requirements of the relevant taxonomy.~~

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

606 | (i) Each local governmental entity that enters all
 607 | required information in the Florida Open Financial Statement
 608 | System is deemed to be compliant with this section, except as
 609 | otherwise provided in this section.

610 | Section 11. 395.1061, Florida Statutes, is created to
 611 | read:

612 | 395.1061 Professional liability coverage.-

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

614 | (a) "Committee" means a committee or board of a hospital
 615 | established to make recommendations, policies, or decisions
 616 | regarding patient institutional utilization, patient treatment,
 617 | or institutional staff privileges or to perform other
 618 | administrative or professional purposes or functions.

619 | (b) "Covered individuals" means the officers; trustees;
 620 | volunteer workers; trainees; committee members, including
 621 | physicians, osteopathic physicians, podiatric physicians, and
 622 | dentists; and employees of the hospital other than employed
 623 | physicians licensed under chapter 458, physician assistants
 624 | licensed under chapter 458, osteopathic physicians licensed
 625 | under chapter 459, dentists licensed under chapter 466, and

626 podiatric physicians licensed under chapter 461. However, with
627 respect to a hospital, the term also includes house physicians,
628 interns, employed physician residents in a resident training
629 program, and physicians performing purely administrative duties
630 for the hospital instead of treating patients. The coverage
631 applies to the hospital and those included in the definition of
632 health care provider as provided in s. 985.6441(1).

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

635 (d) "House physician" means any physician, osteopathic
636 physician, podiatric physician, or dentist at a hospital,
637 except:

638 1. The physician, osteopathic physician, podiatric
639 physician, or dentist who has staff privileges at a hospital,
640 provides emergency room services, or performs a medical or
641 dental service for a fee; or

642 2. An anesthesiologist, pathologist, or radiologist.

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

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

648 (2) Each hospital, unless exempted under paragraph (3) (b),
649 must demonstrate financial responsibility for maintaining
650 professional liability coverage to pay claims and costs

651 ancillary thereto arising out of the rendering of or failure to
652 render medical care or services and for bodily injury or
653 property damage to the person or property of any patient arising
654 out of the activities of the hospital or arising out of the
655 activities of covered individuals, to the satisfaction of the
656 Agency for Health Care Administration, by meeting one of the
657 following requirements:

658 (a) Establish an escrow account in an amount equivalent to
659 \$10,000 per claim for each bed in such hospital, not to exceed a
660 \$2.5 million annual aggregate.

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

668 (3)(a) Each hospital, unless exempted under paragraph (b),
669 shall provide evidence of compliance and remain in continuous
670 compliance with the professional liability coverage provisions
671 of this section. The Agency for Health Care Administration may
672 not issue or renew the license of any hospital that does not
673 provide evidence of compliance or that provides evidence of
674 insufficient coverage.

675 (b) Any hospital operated by an agency, subdivision, or

676 instrumentality of the state is exempt from the provisions of
 677 this section.

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

683 Section 12. Section 414.40, Florida Statutes, is amended
 684 to read:

685 414.40 Stop Inmate Fraud Program established; guidelines.—

686 (1) There is created within the Department of Economic
 687 Opportunity ~~Financial Services~~ a Stop Inmate Fraud Program.

688 (2) The Department of Economic Opportunity ~~Financial~~
 689 ~~Services~~ is directed to implement the Stop Inmate Fraud Program
 690 in accordance with the following guidelines:

691 (a) The program shall establish procedures for sharing
 692 public records not exempt from the public records law among
 693 social services agencies regarding the identities of persons
 694 incarcerated in state correctional institutions, as defined in
 695 s. 944.02, and ~~or~~ in county, municipal, or regional jails or
 696 other detention facilities of local governments under chapters
 697 ~~chapter~~ 950 and ~~or~~ ~~chapter~~ 951 who are wrongfully receiving
 698 public assistance benefits or entitlement benefits.

699 (b) Pursuant to these procedures, the program shall have
 700 access to records containing correctional information not exempt

701 from the public records law on incarcerated persons which have
702 been generated as criminal justice information. As used in this
703 paragraph, the terms "record" and "criminal justice information"
704 have the same meanings as provided in s. 943.045.

705 (c) Database searches shall be conducted of the inmate
706 population at each correctional institution or other detention
707 facility. A correctional institution or a detention facility
708 shall provide the Stop Inmate Fraud Program with the information
709 necessary to identify persons wrongfully receiving benefits in
710 the medium requested by the Stop Inmate Fraud Program if the
711 correctional institution or detention facility maintains the
712 information in that medium.

713 (d) Data obtained from correctional institutions or other
714 detention facilities shall be compared with the client files of
715 the Department of Children and Families, the Department of
716 Economic Opportunity, and other state or local agencies as
717 needed to identify persons wrongfully obtaining benefits. Data
718 comparisons shall be accomplished during periods of low
719 information demand by agency personnel to minimize inconvenience
720 to the agency.

721 (e) Results of data comparisons shall be furnished to the
722 appropriate office for use in the county in which the data
723 originated. The program may provide reports of the data it
724 obtains to appropriate state, federal, and local government
725 agencies or governmental entities, including, but not limited

726 to:

727 1. The Child Support Enforcement Program of the Department
 728 of Revenue, so that the data may be used as locator information
 729 on persons being sought for purposes of child support.

730 2. The Social Security Administration, so that the data
 731 may be used to reduce federal entitlement fraud within the
 732 state.

733 3. The Division of Public Assistance Fraud of the
 734 Department of Financial Services, so that an investigation of
 735 the fraudulent receipt of public assistance may be facilitated.

736 (f) Reports by the program to another agency or entity
 737 shall be generated bimonthly, or as otherwise directed, and
 738 shall be designed to accommodate that agency's or entity's
 739 particular needs for data.

740 (g) Only those persons with active cases, or with cases
 741 that were active during the incarceration period, shall be
 742 reported, in order that the funding agency or entity, upon
 743 verification of the data, may take whatever action is deemed
 744 appropriate.

745 (h) For purposes of program review and analysis, each
 746 agency or entity receiving data from the program shall submit
 747 reports to the program which indicate the results of how the
 748 data was used.

749 Section 13. Paragraph (a) of subsection (16) of section
 750 440.02, Florida Statutes, is amended to read:

751 440.02 Definitions.—When used in this chapter, unless the
 752 context clearly requires otherwise, the following terms shall
 753 have the following meanings:

754 (16) (a) "Employer" means the state and all political
 755 subdivisions thereof, all public and quasi-public corporations
 756 therein, every person carrying on any employment, and the legal
 757 representative of a deceased person or the receiver or trustees
 758 of any person. The term "Employer" also includes employment
 759 agencies and, employee leasing companies that, ~~and similar~~
 760 ~~agents who~~ provide employees to other business entities or
 761 persons. If the employer is a corporation, parties in actual
 762 control of the corporation, including, but not limited to, the
 763 president, officers who exercise broad corporate powers,
 764 directors, and all shareholders who directly or indirectly own a
 765 controlling interest in the corporation, are considered the
 766 employer for the purposes of ss. 440.105, 440.106, and 440.107.

767 Section 14. Effective January 1, 2023, subsections (11)
 768 through (15) of section 440.05, Florida Statutes, are renumbered
 769 as subsections (10) through (14), respectively, subsections (3)
 770 and (4) and present subsections (10) and (12) of that section
 771 are amended, to read:

772 440.05 Election of exemption; revocation of election;
 773 notice; certification.—

774 (3) The notice of election to be exempt must be
 775 electronically submitted to the department by the officer of a

776 corporation who is allowed to claim an exemption as provided by
777 this chapter and must list the name, date of birth, valid driver
778 license number or Florida identification card number, and all
779 certified or registered licenses issued pursuant to chapter 489
780 held by the person seeking the exemption, the registration
781 number of the corporation filed with the Division of
782 Corporations of the Department of State, and the percentage of
783 ownership evidencing the required ownership under this chapter.
784 The notice of election to be exempt must identify each
785 corporation that employs the person electing the exemption and
786 must list the ~~social security number or~~ federal tax
787 identification number of each such employer and the additional
788 documentation required by this section. In addition, the notice
789 of election to be exempt must provide that the officer electing
790 an exemption is not entitled to benefits under this chapter,
791 must provide that the election does not exceed exemption limits
792 for officers provided in s. 440.02, ~~and~~ must certify that any
793 employees of the corporation whose officer elects an exemption
794 are covered by workers' compensation insurance, and must certify
795 that the officer electing an exemption has completed an online
796 workers' compensation coverage and compliance tutorial developed
797 by the department. Upon receipt of the notice of the election to
798 be exempt, receipt of all application fees, and a determination
799 by the department that the notice meets the requirements of this
800 subsection, the department shall issue a certification of the

801 election to the officer, unless the department determines that
802 the information contained in the notice is invalid. The
803 department shall revoke a certificate of election to be exempt
804 from coverage upon a determination by the department that the
805 person does not meet the requirements for exemption or that the
806 information contained in the notice of election to be exempt is
807 invalid. The certificate of election must list the name of the
808 corporation listed in the request for exemption. A new
809 certificate of election must be obtained each time the person is
810 employed by a new or different corporation that is not listed on
811 the certificate of election. Upon written request from a
812 workers' compensation carrier, the department shall send
813 thereafter an electronic notification to the carrier identifying
814 each of its policyholders for which a notice of election to be
815 exempt has been issued or for which a notice of revocation to be
816 exempt has been received ~~A notice of the certificate of election~~
817 ~~must be sent to each workers' compensation carrier identified in~~
818 ~~the request for exemption.~~ Upon filing a notice of revocation of
819 election, an officer who is a subcontractor or an officer of a
820 corporate subcontractor must notify her or his contractor. ~~Upon~~
821 ~~revocation of a certificate of election of exemption by the~~
822 ~~department, the department shall notify the workers'~~
823 ~~compensation carriers identified in the request for exemption.~~
824 (4) The notice of election to be exempt from the
825 provisions of this chapter must contain a notice that clearly

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

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

845 (11)~~(12)~~ Certificates of election to be exempt issued
846 under subsection (3) ~~shall~~ apply only to the corporate officer
847 named on the notice of election to be exempt ~~and apply only~~
848 ~~within the scope of the business or trade listed on the notice~~
849 ~~of election to be exempt.~~

850 Section 15. Effective January 1, 2023, paragraphs (a) and

851 (d) of subsection (7) of section 440.107, Florida Statutes, are
 852 amended to read:

853 440.107 Department powers to enforce employer compliance
 854 with coverage requirements.—

855 (7)(a) Whenever the department determines that an employer
 856 who is required to secure the payment to his or her employees of
 857 the compensation provided for by this chapter has failed to
 858 secure the payment of workers' compensation required by this
 859 chapter or to produce the required business records under
 860 subsection (5) within 21 ~~10-business~~ days after receipt of the
 861 written request of the department, such failure shall be deemed
 862 an immediate serious danger to public health, safety, or welfare
 863 sufficient to justify service by the department of a stop-work
 864 order on the employer, requiring the cessation of all business
 865 operations. If the department makes such a determination, the
 866 department shall issue a stop-work order within 72 hours. The
 867 order shall take effect when served upon the employer or, for a
 868 particular employer worksite, when served at that worksite. In
 869 addition to serving a stop-work order at a particular worksite
 870 which shall be effective immediately, the department shall
 871 immediately proceed with service upon the employer which shall
 872 be effective upon all employer worksites in the state for which
 873 the employer is not in compliance. A stop-work order may be
 874 served with regard to an employer's worksite by posting a copy
 875 of the stop-work order in a conspicuous location at the

876 | worksite. Information related to an employer's stop-work order
877 | shall be made available on the division's website, ~~be updated~~
878 | ~~daily~~, and remain on the website for at least 5 years. The order
879 | shall remain in effect until the department issues an order
880 | releasing the stop-work order upon a finding that the employer
881 | has come into compliance with the coverage requirements of this
882 | chapter and has paid any penalty assessed under this section.
883 | The department may issue an order of conditional release from a
884 | stop-work order to an employer upon a finding that the employer
885 | has complied with the coverage requirements of this chapter,
886 | paid a penalty of \$1,000 as a down payment, and agreed to remit
887 | periodic payments of the remaining penalty amount pursuant to a
888 | payment agreement schedule with the department or pay the
889 | remaining penalty amount in full. An employer may not enter into
890 | a payment agreement schedule unless the employer has fully paid
891 | any previous penalty assessed under this section. If an order of
892 | conditional release is issued, failure by the employer to pay
893 | the penalty in full or enter into a payment agreement with the
894 | department within 21 ~~28~~ days after service of the first penalty
895 | assessment calculation ~~stop-work order~~ upon the employer, or to
896 | meet any term or condition of such penalty payment agreement,
897 | shall result in the immediate reinstatement of the stop-work
898 | order and the entire unpaid balance of the penalty shall become
899 | immediately due.

900 | (d)1. In addition to any penalty, stop-work order, or

901 injunction, the department shall assess against an ~~any~~ employer
902 who has failed to secure the payment of compensation as required
903 by this chapter a penalty equal to 2 times the amount the
904 employer would have paid in premium when applying approved
905 manual rates to the employer's payroll during periods for which
906 it failed to secure the payment of workers' compensation
907 required by this chapter within the preceding 12-month ~~2-year~~
908 period or \$1,000, whichever is greater. However, for an employer
909 who is issued a stop-work order for materially understating or
910 concealing payroll or has been previously issued a stop-work
911 order or order of penalty assessment, the preceding 24-month
912 period shall be used to calculate the penalty as specified in
913 this subparagraph.

914 a. For an employer ~~employers~~ who has ~~have~~ not been
915 previously issued a stop-work order or order of penalty
916 assessment, the department must allow the employer to receive a
917 credit for the initial payment of the estimated annual workers'
918 compensation policy premium, as determined by the carrier, to be
919 applied to the penalty. Before applying the credit to the
920 penalty, the employer must provide the department with
921 documentation reflecting that the employer has secured the
922 payment of compensation pursuant to s. 440.38 and proof of
923 payment to the carrier. In order for the department to apply a
924 credit for an employer that has secured workers' compensation
925 for leased employees by entering into an employee leasing

926 contract with a licensed employee leasing company, the employer
927 must provide the department with a written confirmation, by a
928 representative from the employee leasing company, of the dollar
929 or percentage amount attributable to the initial estimated
930 workers' compensation expense for leased employees, and proof of
931 payment to the employee leasing company. The credit may not be
932 applied unless the employer provides the documentation and proof
933 of payment to the department within 21 ~~28~~ days after the
934 employer's receipt of the written request to produce business
935 records for calculating the penalty under this subparagraph
936 ~~service of the stop-work order or first order of penalty~~
937 ~~assessment upon the employer.~~

938 b. For an employer ~~employers~~ who has ~~have~~ not been
939 previously issued a stop-work order or order of penalty
940 assessment, the department must reduce the final assessed
941 penalty by 25 percent if the employer has complied with
942 administrative rules adopted pursuant to subsection (5) and has
943 provided such business records to the department within 21 ~~10~~
944 ~~business~~ days after the employer's receipt of the written
945 request to produce business records for calculating the penalty
946 under this subparagraph.

947 c. For an employer who has not been previously issued a
948 stop-work order or order of penalty assessment, the department
949 must reduce the final assessed penalty by 15 percent if the
950 employer correctly answers at least 80 percent of the questions

951 from an online workers' compensation coverage and compliance
 952 tutorial, developed by the department, within 21 days after the
 953 employer's receipt of the written request to produce business
 954 records for calculating the penalty under this subparagraph. The
 955 online tutorial must be taken in a department office location
 956 identified by rule.

957
 958 ~~e.~~ The \$1,000 penalty shall be assessed against the employer
 959 even if the calculated penalty after the credit provided in sub-
 960 subparagraph a., the ~~and~~ 25 percent reduction provided in sub-
 961 subparagraph b., and the 15 percent reduction provided in sub-
 962 subparagraph c., as applicable, have been applied is less than
 963 \$1,000.

964 2. Any subsequent violation within 5 years after the most
 965 recent violation shall, in addition to the penalties set forth
 966 in this subsection, be deemed a knowing act within the meaning
 967 of s. 440.105.

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

970 440.13 Medical services and supplies; penalty for
 971 violations; limitations.—

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

974 (a) A three-member panel is created, consisting of the
 975 Chief Financial Officer, or the Chief Financial Officer's

976 | designee, and two members to be appointed by the Governor,
 977 | subject to confirmation by the Senate, one member who, on
 978 | account of present or previous vocation, employment, or
 979 | affiliation, shall be classified as a representative of
 980 | employers, the other member who, on account of previous
 981 | vocation, employment, or affiliation, shall be classified as a
 982 | representative of employees. The panel shall determine statewide
 983 | schedules of maximum reimbursement allowances for medically
 984 | necessary treatment, care, and attendance provided by
 985 | physicians, hospitals, ambulatory surgical centers, work-
 986 | hardening programs, pain programs, and durable medical
 987 | equipment. The maximum reimbursement allowances for inpatient
 988 | hospital care shall be based on a schedule of per diem rates, to
 989 | be approved by the three-member panel no later than March 1,
 990 | 1994, to be used in conjunction with a precertification manual
 991 | as determined by the department, including maximum hours in
 992 | which an outpatient may remain in observation status, which
 993 | shall not exceed 23 hours. All compensable charges for hospital
 994 | outpatient care shall be reimbursed at 75 percent of usual and
 995 | customary charges, except as otherwise provided by this
 996 | subsection. Annually, the three-member panel shall adopt
 997 | schedules of maximum reimbursement allowances for physicians,
 998 | hospital inpatient care, hospital outpatient care, ambulatory
 999 | surgical centers, work-hardening programs, and pain programs. An
 1000 | individual physician, hospital, ambulatory surgical center, pain

1001 program, or work-hardening program shall be reimbursed:
 1002 1. either The agreed-upon contract price; or
 1003 2. If there is no agreed-upon contract price, the lesser
 1004 of the provider's billed charge or the maximum reimbursement
 1005 allowance in the appropriate schedule.

1006 (b) It is the intent of the Legislature to increase the
 1007 schedule of maximum reimbursement allowances for selected
 1008 physicians effective January 1, 2004, and to pay for the
 1009 increases through reductions in payments to hospitals. Revisions
 1010 developed pursuant to this subsection are limited to the
 1011 following:

1012 1. Payments for outpatient physical, occupational, and
 1013 speech therapy provided by hospitals shall be reduced to the
 1014 schedule of maximum reimbursement allowances for these services
 1015 which applies to nonhospital providers.

1016 2. Payments for scheduled outpatient nonemergency
 1017 radiological and clinical laboratory services that are not
 1018 provided in conjunction with a surgical procedure shall be
 1019 reduced to the schedule of maximum reimbursement allowances for
 1020 these services which applies to nonhospital providers.

1021 3. Outpatient reimbursement for scheduled surgeries shall
 1022 be reduced from 75 percent of charges to 60 percent of charges.

1023 4. Maximum reimbursement for a physician licensed under
 1024 chapter 458 or chapter 459 shall be increased to 110 percent of
 1025 the reimbursement allowed by Medicare, using appropriate codes

1026 and modifiers or the medical reimbursement level adopted by the
 1027 three-member panel as of January 1, 2003, whichever is greater.

1028 5. Maximum reimbursement for surgical procedures shall be
 1029 increased to 140 percent of the reimbursement allowed by
 1030 Medicare or the medical reimbursement level adopted by the
 1031 three-member panel as of January 1, 2003, whichever is greater.

1032 (c) As to reimbursement for a prescription medication, the
 1033 reimbursement amount for a prescription shall be the average
 1034 wholesale price plus \$4.18 for the dispensing fee. For
 1035 repackaged or relabeled prescription medications dispensed by a
 1036 dispensing practitioner as provided in s. 465.0276, the fee
 1037 schedule for reimbursement shall be 112.5 percent of the average
 1038 wholesale price, plus \$8.00 for the dispensing fee. For purposes
 1039 of this subsection, the average wholesale price shall be
 1040 calculated by multiplying the number of units dispensed times
 1041 the per-unit average wholesale price set by the original
 1042 manufacturer of the underlying drug dispensed by the
 1043 practitioner, based upon the published manufacturer's average
 1044 wholesale price published in the Medi-Span Master Drug Database
 1045 as of the date of dispensing. All pharmaceutical claims
 1046 submitted for repackaged or relabeled prescription medications
 1047 must include the National Drug Code of the original
 1048 manufacturer. Fees for pharmaceuticals and pharmaceutical
 1049 services shall be reimbursable at the applicable fee schedule
 1050 amount except where the employer or carrier, or a service

1051 company, third party administrator, or any entity acting on
1052 behalf of the employer or carrier directly contracts with the
1053 provider seeking reimbursement for a lower amount.

1054 (d) Reimbursement for all fees and other charges for such
1055 treatment, care, and attendance, including treatment, care, and
1056 attendance provided by any hospital or other health care
1057 provider, ambulatory surgical center, work-hardening program, or
1058 pain program, must not exceed the amounts provided by the
1059 uniform schedule of maximum reimbursement allowances as
1060 determined by the panel or as otherwise provided in this
1061 section. This subsection also applies to independent medical
1062 examinations performed by health care providers under this
1063 chapter. In determining the uniform schedule, the panel shall
1064 first approve the data which it finds representative of
1065 prevailing charges in the state for similar treatment, care, and
1066 attendance of injured persons. Each health care provider, health
1067 care facility, ambulatory surgical center, work-hardening
1068 program, or pain program receiving workers' compensation
1069 payments shall maintain records verifying their usual charges.
1070 In establishing the uniform schedule of maximum reimbursement
1071 allowances, the panel must consider:

1072 1. The levels of reimbursement for similar treatment,
1073 care, and attendance made by other health care programs or
1074 third-party providers;

1075 2. The impact upon cost to employers for providing a level

1076 of reimbursement for treatment, care, and attendance which will
 1077 ensure the availability of treatment, care, and attendance
 1078 required by injured workers;

1079 3. The financial impact of the reimbursement allowances
 1080 upon health care providers and health care facilities, including
 1081 trauma centers as defined in s. 395.4001, and its effect upon
 1082 their ability to make available to injured workers such
 1083 medically necessary remedial treatment, care, and attendance.
 1084 The uniform schedule of maximum reimbursement allowances must be
 1085 reasonable, must promote health care cost containment and
 1086 efficiency with respect to the workers' compensation health care
 1087 delivery system, and must be sufficient to ensure availability
 1088 of such medically necessary remedial treatment, care, and
 1089 attendance to injured workers; and

1090 4. The most recent average maximum allowable rate of
 1091 increase for hospitals determined by the Health Care Board under
 1092 chapter 408.

1093 (e) In addition to establishing the uniform schedule of
 1094 maximum reimbursement allowances, the panel shall:

1095 1. Take testimony, receive records, and collect data to
 1096 evaluate the adequacy of the workers' compensation fee schedule,
 1097 nationally recognized fee schedules and alternative methods of
 1098 reimbursement to health care providers and health care
 1099 facilities for inpatient and outpatient treatment and care.

1100 2. Survey health care providers and health care facilities

1101 to determine the availability and accessibility of workers'
 1102 compensation health care delivery systems for injured workers.

1103 3. Survey carriers to determine the estimated impact on
 1104 carrier costs and workers' compensation premium rates by
 1105 implementing changes to the carrier reimbursement schedule or
 1106 implementing alternative reimbursement methods.

1107 4. Submit recommendations on or before January 15, 2017,
 1108 and biennially thereafter, to the President of the Senate and
 1109 the Speaker of the House of Representatives on methods to
 1110 improve the workers' compensation health care delivery system.

1111
 1112 The department, as requested, shall provide data to the panel,
 1113 including, but not limited to, utilization trends in the
 1114 workers' compensation health care delivery system. The
 1115 department shall provide the panel with an annual report
 1116 regarding the resolution of medical reimbursement disputes and
 1117 any actions pursuant to subsection (8). The department shall
 1118 provide administrative support and service to the panel to the
 1119 extent requested by the panel and may adopt rules necessary to
 1120 administer this subsection. For prescription medication
 1121 purchased under the requirements of this subsection, a
 1122 dispensing practitioner shall not possess such medication unless
 1123 payment has been made by the practitioner, the practitioner's
 1124 professional practice, or the practitioner's practice management
 1125 company or employer to the supplying manufacturer, wholesaler,

1126 distributor, or drug repackager within 60 days of the dispensing
1127 practitioner taking possession of that medication.

1128 Section 17. Subsection (3) of section 440.185, Florida
1129 Statutes, is amended to read:

1130 440.185 Notice of injury or death; reports; penalties for
1131 violations.—

1132 (3) Within 3 business days after the employer or the
1133 employee informs the carrier of an injury, the carrier shall
1134 send by regular mail or e-mail to the injured worker an
1135 informational brochure approved by the department which sets
1136 forth in clear and understandable language an explanation of the
1137 rights, benefits, procedures for obtaining benefits and
1138 assistance, criminal penalties, and obligations of injured
1139 workers and their employers under the Florida Workers'
1140 Compensation Law. Annually, the carrier or its third-party
1141 administrator shall send by regular mail or e-mail to the
1142 employer an informational brochure approved by the department
1143 which sets forth in clear and understandable language an
1144 explanation of the rights, benefits, procedures for obtaining
1145 benefits and assistance, criminal penalties, and obligations of
1146 injured workers and their employers under the Florida Workers'
1147 Compensation Law. All such informational brochures shall contain
1148 a notice that clearly states in substance the following: "Any
1149 person who, knowingly and with intent to injure, defraud, or
1150 deceive any employer or employee, insurance company, or self-

1151 insured program, files a statement of claim containing any false
1152 or misleading information commits a felony of the third degree."

1153 Section 18. Subsection (3) of section 440.381, Florida
1154 Statutes, is amended to read:

1155 440.381 Application for coverage; reporting payroll;
1156 payroll audit procedures; penalties.-

1157 (3) The Financial Services Commission, in consultation
1158 with the department, shall establish by rule minimum
1159 requirements for audits of payroll and classifications ~~in order~~
1160 to ensure that the appropriate premium is charged for workers'
1161 compensation coverage. The rules must ~~shall~~ ensure that audits
1162 performed by both carriers and employers are adequate to provide
1163 that all sources of payments to employees, subcontractors, and
1164 independent contractors are ~~have been~~ reviewed and that the
1165 accuracy of classification of employees is ~~has been~~ verified.
1166 The rules must require ~~shall provide~~ that employers in all
1167 classes other than the construction class be audited at least
1168 ~~not less frequently than~~ biennially and may provide for more
1169 frequent audits of employers in specified classifications based
1170 on factors such as amount of premium, type of business, loss
1171 ratios, or other relevant factors. ~~In no event shall~~ Employers
1172 in the construction class, generating more than the amount of
1173 premium required to be experience rated must, be audited at
1174 least ~~less than~~ annually. The annual audits required for
1175 construction classes must ~~shall~~ consist of physical onsite

1176 audits for policies only if the estimated annual premium is
1177 \$10,000 or more. Payroll verification audit rules must include,
1178 but need not be limited to, the use of state and federal reports
1179 of employee income, payroll and other accounting records,
1180 certificates of insurance maintained by subcontractors, and
1181 duties of employees. At the completion of an audit, the employer
1182 or officer of the corporation and the auditor must print and
1183 sign their names on the audit document and attach proof of
1184 identification to the audit document.

1185 Section 19. Subsection (2) of section 497.277, Florida
1186 Statutes, is amended to read:

1187 497.277 Other charges.—Other than the fees for the sale of
1188 burial rights, burial merchandise, and burial services, no other
1189 fee may be directly or indirectly charged, contracted for, or
1190 received by a cemetery company as a condition for a customer to
1191 use any burial right, burial merchandise, or burial service,
1192 except for:

1193 (2) Charges paid for transferring burial rights from one
1194 purchaser to another; ~~however, no such fee may exceed \$50.~~

1195 Section 20. Paragraph (b) of subsection (1) of section
1196 497.369, Florida Statutes, is amended to read:

1197 497.369 Embalmers; licensure as an embalmer by
1198 endorsement; licensure of a temporary embalmer.—

1199 (1) The licensing authority shall issue a license by
1200 endorsement to practice embalming to an applicant who has

1201 remitted an examination fee set by rule of the licensing
 1202 authority not to exceed \$200 and who the licensing authority
 1203 certifies:

1204 (b)1. Holds a valid license in good standing to practice
 1205 embalming in another state of the United States and has engaged
 1206 in the full-time, licensed practice of embalming in that state
 1207 for at least 5 years, ~~provided that, when the applicant secured~~
 1208 ~~her or his original license, the requirements for licensure were~~
 1209 ~~substantially equivalent to or more stringent than those~~
 1210 ~~existing in this state; or~~

1211 2. Meets the qualifications for licensure in s. 497.368,
 1212 except that the internship requirement shall be deemed to have
 1213 been satisfied by 1 year's practice as a licensed embalmer in
 1214 another state, and has, within 10 years before ~~prior to~~ the date
 1215 of application, successfully completed a state, regional, or
 1216 national examination in mortuary science, which, as determined
 1217 by rule of the licensing authority, is substantially equivalent
 1218 to or more stringent than the examination given by the licensing
 1219 authority.

1220 Section 21. Paragraphs (b) and (f) of subsection (1) of
 1221 section 497.372, Florida Statutes, are amended to read:

1222 497.372 Funeral directing; conduct constituting practice
 1223 of funeral directing.—

1224 (1) The practice of funeral directing shall be construed
 1225 to consist of the following functions, which may be performed

1226 only by a licensed funeral director:

1227 (b) Planning or arranging, on an at-need basis, the
 1228 details of funeral services, embalming, cremation, or other
 1229 services relating to the final disposition of human remains, and
 1230 ~~including the removal of such remains from the state; setting~~
 1231 ~~the time of the services;~~ establishing the type of services to
 1232 be rendered; ~~acquiring the services of the clergy; and obtaining~~
 1233 ~~vital information for the filing of death certificates and~~
 1234 ~~obtaining of burial transit permits.~~

1235 (f) Directing, being in charge or apparent charge of, or
 1236 supervising, directly or indirectly, any memorial service ~~held~~
 1237 ~~prior to or within 72 hours of the burial or cremation,~~ if such
 1238 memorial service is sold or arranged by a licensee.

1239 Section 22. Paragraph (b) of subsection (1) of section
 1240 497.374, Florida Statutes, is amended to read:

1241 497.374 Funeral directing; licensure as a funeral director
 1242 by endorsement; licensure of a temporary funeral director.—

1243 (1) The licensing authority shall issue a license by
 1244 endorsement to practice funeral directing to an applicant who
 1245 has remitted a fee set by rule of the licensing authority not to
 1246 exceed \$200 and who:

1247 (b)1. Holds a valid license in good standing to practice
 1248 funeral directing in another state of the United States and has
 1249 engaged in the full-time, licensed practice of funeral directing
 1250 in that state for at least 5 years, ~~provided that, when the~~

1251 ~~applicant secured her or his original license, the requirements~~
1252 ~~for licensure were substantially equivalent to or more stringent~~
1253 ~~than those existing in this state; or~~

1254 2. Meets the qualifications for licensure in s. 497.373,
1255 except that the applicant need not hold an associate degree or
1256 higher if the applicant holds a diploma or certificate from an
1257 accredited program of mortuary science, and has successfully
1258 completed a state, regional, or national examination in mortuary
1259 science or funeral service arts, which, as determined by rule of
1260 the licensing authority, is substantially equivalent to or more
1261 stringent than the examination given by the licensing authority.

1262 Section 23. Subsection (6) of section 554.108, Florida
1263 Statutes, is renumbered as subsection (7), subsection (1) is
1264 amended, and a new subsection (6) is added to that section, to
1265 read:

1266 554.108 Inspection.—

1267 (1) The inspection requirements of this chapter apply only
1268 to boilers located in public assembly locations. A ~~potable hot~~
1269 ~~water supply~~ boiler with an a-heat input of 200,000 British
1270 thermal units (Btu) per hour and above, up to an a-heat input
1271 not exceeding 400,000 Btu per hour, is exempt from inspection;
1272 however, such an exempt boiler, if manufactured after July 1,
1273 2022, but must be stamped with the A.S.M.E. code symbol.
1274 Additionally, "HLW" and the boiler's A.S.M.E data report of a
1275 boiler with an input of 200,000 to 400,000 Btu per hour must be

1276 | filed as required under s. 554.103(2).

1277 | (6) Each enclosed space or room containing a boiler
 1278 | regulated under this chapter which is fired by the direct
 1279 | application of energy from the combustion of fuels and which is
 1280 | located in any portion of a public lodging establishment under
 1281 | s. 509.242 shall be equipped with one or more carbon monoxide
 1282 | detector devices.

1283 | Section 24. Paragraphs (a) and (e) of subsection (1) and
 1284 | paragraph (a) of subsection (2) of section 554.111, Florida
 1285 | Statutes, are amended to read:

1286 | 554.111 Fees.—

1287 | (1) The department shall charge the following fees:

1288 | (a) For an applicant for a certificate of competency, the
 1289 | initial application fee shall be \$50, and the annual renewal fee
 1290 | shall be \$30. ~~The fee for examination shall be \$50.~~

1291 | (e) An application for a boiler permit must include the
 1292 | manufacturer's data report ~~applicable certificate inspection fee~~
 1293 | ~~provided in paragraph (b).~~

1294 | (2) Not more than an amount equal to one certificate
 1295 | inspection fee may be charged or collected for any and all
 1296 | boiler inspections in any inspection period, except as otherwise
 1297 | provided in this chapter.

1298 | (a) When it is necessary to make a special trip for
 1299 | testing and verification inspections ~~to observe the application~~
 1300 | ~~of a hydrostatic test~~, an additional fee equal to the fee for a

1301 certificate inspection of the boiler must be charged.

1302 Section 25. Subsection (4) of section 554.114, Florida
 1303 Statutes, is amended to read:

1304 554.114 Prohibitions; penalties.—

1305 (4) A boiler insurance company, authorized inspection
 1306 agency, or other person in violation of this section for more
 1307 than 30 days shall pay a fine of \$10 per day for the subsequent
 1308 ~~first~~ 10 days of noncompliance, \$50 per day for the subsequent
 1309 20 days of noncompliance, and \$100 per day for each subsequent
 1310 day ~~over 20 days~~ of noncompliance thereafter.

1311 Section 26. Subsection (9) of section 624.307, Florida
 1312 Statutes, is amended to read:

1313 624.307 General powers; duties.—

1314 (9) Upon receiving service of legal process issued in any
 1315 civil action or proceeding in this state against any regulated
 1316 person or any unauthorized insurer under s. 626.906 or s.
 1317 626.937 that ~~which~~ is required to appoint the Chief Financial
 1318 Officer as its agent ~~attorney~~ to receive service of all legal
 1319 process, the Chief Financial Officer shall make the process
 1320 available through a secure online portal, ~~as attorney, may, in~~
 1321 ~~lieu of sending the process by registered or certified mail,~~
 1322 ~~send the process or make it available by any other verifiable~~
 1323 ~~means, including, but not limited to, making the documents~~
 1324 ~~available by electronic transmission from a secure website~~
 1325 established by the department to the person last designated by

1326 | the regulated person or the unauthorized insurer to receive the
 1327 | process. When process documents are made available
 1328 | electronically, the Chief Financial Officer shall promptly send
 1329 | a notice of receipt of service of process to the person last
 1330 | designated by the regulated person or unauthorized insurer to
 1331 | receive legal process. The notice must state the date ~~and manner~~
 1332 | ~~in which the copy of~~ the process was made available to the
 1333 | regulated person or unauthorized insurer being served and
 1334 | contain the uniform resource locator (URL) where ~~for a hyperlink~~
 1335 | ~~to access files and information on the department's website to~~
 1336 | ~~obtain a copy of~~ the process may be obtained.

1337 | Section 27. Section 624.422, Florida Statutes, is amended
 1338 | to read:

1339 | 624.422 Service of process; appointment of Chief Financial
 1340 | Officer as process agent.—

1341 | (1) Each licensed insurer, whether domestic, foreign, or
 1342 | alien, shall be deemed to have appointed the Chief Financial
 1343 | Officer and her or his successors in office as its agent
 1344 | ~~attorney~~ to receive service of all legal process issued against
 1345 | it in any civil action or proceeding in this state; and process
 1346 | so served shall be valid and binding upon the insurer.

1347 | (2) Before ~~Prior to~~ its authorization to transact
 1348 | insurance in this state, each insurer shall file with the
 1349 | department designation of the name and e-mail address of the
 1350 | person to whom process against it served upon the Chief

1351 Financial Officer is to be made available through the
 1352 department's secure online portal ~~forwarded~~. Each insurer shall
 1353 also file with the department designation of the name and e-mail
 1354 address of the person to whom the department shall forward civil
 1355 remedy notices filed under s. 624.155. The insurer may change a
 1356 designation at any time by a new filing.

1357 (3) Service of process submitted through the department's
 1358 secure online portal upon the Chief Financial Officer as the
 1359 insurer's agent ~~attorney~~ pursuant to such an appointment shall
 1360 be the sole method of service of process upon an authorized
 1361 domestic, foreign, or alien insurer in this state.

1362 Section 28. Subsection (1) of section 624.423, Florida
 1363 Statutes, is amended to read:

1364 624.423 Serving process.—

1365 (1) Service of process upon the Chief Financial Officer as
 1366 process agent of the insurer under s. 624.422 and s. 626.937
 1367 shall be made ~~by serving a copy of the process upon the Chief~~
 1368 ~~Financial Officer or upon her or his assistant, deputy, or other~~
 1369 ~~person in charge of her or his office. Service may also be made~~
 1370 ~~by mail or electronically as provided in s. 48.151(3) s. 48.151.~~
 1371 Upon receiving such service, the Chief Financial Officer shall
 1372 retain a record of the process ~~copy~~ and promptly notify and make
 1373 ~~forward one copy of the process~~ available through the
 1374 department's secure online portal ~~by registered or certified~~
 1375 ~~mail or by other verifiable means~~, as provided under s.

1376 624.307(9), to the person last designated by the insurer to
 1377 receive the same, as provided under s. 624.422(2). For purposes
 1378 of this section, records shall ~~may~~ be retained electronically ~~as~~
 1379 ~~paper or electronic copies.~~

1380 Section 29. Paragraph (f) of subsection (3) and paragraph
 1381 (d) of subsection (4) of section 624.610, Florida Statutes, are
 1382 amended to read:

1383 624.610 Reinsurance.—

1384 (3)

1385 (f) If the assuming insurer is not authorized or
 1386 accredited to transact insurance or reinsurance in this state
 1387 pursuant to paragraph (a) or paragraph (b), the credit permitted
 1388 by paragraph (c) or paragraph (d) must not be allowed unless the
 1389 assuming insurer agrees in the reinsurance agreements:

1390 1.a. That in the event of the failure of the assuming
 1391 insurer to perform its obligations under the terms of the
 1392 reinsurance agreement, the assuming insurer, at the request of
 1393 the ceding insurer, shall submit to the jurisdiction of any
 1394 court of competent jurisdiction in any state of the United
 1395 States, will comply with all requirements necessary to give the
 1396 court jurisdiction, and will abide by the final decision of the
 1397 court or of any appellate court in the event of an appeal; and

1398 b. To designate the Chief Financial Officer, pursuant to
 1399 s. 48.151(3) ~~s. 48.151~~, as its true and lawful agent ~~attorney~~
 1400 upon whom may be served any lawful process in any action, suit,

1401 or proceeding instituted by or on behalf of the ceding company.

1402 2. This paragraph is not intended to conflict with or
 1403 override the obligation of the parties to a reinsurance
 1404 agreement to arbitrate their disputes, if this obligation is
 1405 created in the agreement.

1406 (4) Credit must be allowed when the reinsurance is ceded
 1407 to an assuming insurer meeting the requirements of this
 1408 subsection.

1409 (d) The assuming insurer must, in a form specified by the
 1410 commission:

1411 1. Agree to provide prompt written notice and explanation
 1412 to the office if the assuming insurer falls below the minimum
 1413 requirements set forth in paragraph (b) or paragraph (c), or if
 1414 any regulatory action is taken against it for serious
 1415 noncompliance with applicable law of any jurisdiction.

1416 2. Consent in writing to the jurisdiction of the courts of
 1417 this state and to the designation of the Chief Financial
 1418 Officer, pursuant to s. 48.151(3) ~~s. 48.151~~, as its true and
 1419 lawful agent ~~attorney~~ upon whom may be served any lawful process
 1420 in any action, suit, or proceeding instituted by or on behalf of
 1421 the ceding insurer. This subparagraph does not limit or alter in
 1422 any way the capacity of parties to a reinsurance agreement to
 1423 agree to an alternative dispute resolution mechanism, except to
 1424 the extent that such agreement is unenforceable under applicable
 1425 insolvency or delinquency laws.

1426 3. Consent in writing to pay all final judgments, wherever
1427 enforcement is sought, obtained by a ceding insurer or its legal
1428 successor which have been declared enforceable in the
1429 jurisdiction where the judgment was obtained.

1430 4. Confirm in writing that it will include in each
1431 reinsurance agreement a provision requiring the assuming insurer
1432 to provide security in an amount equal to 100 percent of the
1433 assuming insurer's liabilities attributable to reinsurance ceded
1434 pursuant to that agreement, if the assuming insurer resists
1435 enforcement of a final judgment that is enforceable under the
1436 law of the jurisdiction in which it was obtained or enforcement
1437 of a properly enforceable arbitration award, whether obtained by
1438 the ceding insurer or by its legal successor on behalf of its
1439 resolution estate.

1440 5. Confirm in writing that it is not presently
1441 participating in any solvent scheme of arrangement which
1442 involves this state's ceding insurers, and agree to notify the
1443 ceding insurer and the office and to provide security in an
1444 amount equal to 100 percent of the assuming insurer's
1445 liabilities to the ceding insurer if the assuming insurer enters
1446 into such a solvent scheme of arrangement. Such security must be
1447 consistent with subsection (5) or as specified by commission
1448 rule.

1449 Section 30. Subsection (20) of section 626.015, Florida
1450 Statutes, is amended to read:

1451 626.015 Definitions.—As used in this part:

1452 (20) "Unaffiliated insurance agent" means a licensed
 1453 insurance agent, except a limited lines agent, who is self-
 1454 appointed and who practices as an independent consultant in the
 1455 business of analyzing or abstracting insurance policies,
 1456 providing insurance advice or counseling, or making specific
 1457 recommendations or comparisons of insurance products for a fee
 1458 established in advance by written contract signed by the
 1459 parties. An unaffiliated insurance agent may not be affiliated
 1460 with an insurer, insurer-appointed insurance agent, or insurance
 1461 agency contracted with or employing insurer-appointed insurance
 1462 agents. A licensed adjuster who is also an unaffiliated
 1463 insurance agent may obtain an adjuster appointment in order to
 1464 adjust claims while holding an unaffiliated appointment on the
 1465 agent license.

1466 Section 31. Subsection (4) of section 626.171, Florida
 1467 Statutes, is amended to read:

1468 626.171 Application for license as an agent, customer
 1469 representative, adjuster, service representative, or reinsurance
 1470 intermediary.—

1471 (4) An applicant for a license under this chapter ~~as an~~
 1472 ~~agent, customer representative, adjuster, service~~
 1473 ~~representative, or reinsurance intermediary~~ must submit a set of
 1474 the individual applicant's fingerprints, or, if the applicant is
 1475 not an individual, a set of the fingerprints of the sole

1476 proprietor, majority owner, partners, officers, and directors,
1477 to the department and must pay the fingerprint processing fee
1478 set forth in s. 624.501. Fingerprints must be processed in
1479 accordance with s. 624.34 and used to investigate the
1480 applicant's qualifications pursuant to s. 626.201. The
1481 fingerprints must be taken by a law enforcement agency,
1482 designated examination center, or other department-approved
1483 entity. The department shall require all designated examination
1484 centers to have fingerprinting equipment and to take
1485 fingerprints from any applicant or prospective applicant who
1486 pays the applicable fee. The department may not approve an
1487 application for licensure as an agent, customer service
1488 representative, adjuster, service representative, or reinsurance
1489 intermediary if fingerprints have not been submitted.

1490 Section 32. Paragraph (f) of subsection (2) of section
1491 626.172, Florida Statutes, is amended to read:

1492 626.172 Application for insurance agency license.—

1493 (2) An application for an insurance agency license must be
1494 signed by an individual required to be listed in the application
1495 under paragraph (a). An insurance agency may permit a third
1496 party to complete, submit, and sign an application on the
1497 insurance agency's behalf; however, the insurance agency is
1498 responsible for ensuring that the information on the application
1499 is true and correct and is accountable for any misstatements or
1500 misrepresentations. The application for an insurance agency

1501 license must include:

1502 (f) The fingerprints, submitted in accordance with s.
 1503 626.171(4), of each of the following:

1504 1. A sole proprietor;

1505 2. Each individual required to be listed in the
 1506 application under paragraph (a); and

1507 3. Each individual who directs or participates in the
 1508 management or control of an incorporated agency whose shares are
 1509 not traded on a securities exchange.

1510
 1511 ~~Fingerprints must be taken by a law enforcement agency or other~~
 1512 ~~entity approved by the department and must be accompanied by the~~
 1513 ~~fingerprint processing fee specified in s. 624.501. Fingerprints~~
 1514 ~~must be processed in accordance with s. 624.34. However,~~
 1515 Fingerprints need not be filed for an individual who is
 1516 currently licensed and appointed under this chapter. This
 1517 paragraph does not apply to corporations whose voting shares are
 1518 traded on a securities exchange.

1519 Section 33. Section 626.173, Florida Statutes, is created
 1520 to read:

1521 626.173 Insurance agency closure; cancellation of
 1522 licenses.—

1523 (1) If a licensed insurance agency permanently ceases the
 1524 transacting of insurance or ceases the transacting of insurance
 1525 for more than 31 days, the agent in charge, director of the

1526 agency, or other officer listed on the original application for
1527 licensure shall immediately cancel the insurance agency's
1528 license by completing and submitting a form to notify the Bureau
1529 of Licensing of the Division of Insurance Agent and Agency
1530 Services within the department of the cancellation of the
1531 license.

1532 (2) Within 30 days after the agency ceases the transacting
1533 of insurance, the agent in charge, director of the agency, or
1534 other officer listed on the original application for licensure
1535 shall:

1536 (a) Notify all insurers by which the agency or agent in
1537 charge is appointed of the agency's cessation of operations, the
1538 date on which operations ceased, the identity of any agency or
1539 agent to which the agency's current book of business has been
1540 transferred, and the method by which agency records may be
1541 obtained during the time periods specified in ss. 626.561 and
1542 626.748.

1543 (b) Notify all policyholders currently insured by a policy
1544 written, produced, or serviced by the agency of the agency's
1545 cessation of operations; the date on which operations ceased;
1546 and the identity of the agency or agent to which the agency's
1547 current book of business has been transferred or, if no transfer
1548 has occurred, a statement directing the policyholder to contact
1549 the insurance company for assistance in locating a licensed
1550 agent to service the policy.

1551 (c) Notify all premium finance companies through which
 1552 active policies are financed of the agency's cessation of
 1553 operations, the date on which operations ceased, and the
 1554 identity of the agency or agent to which the agency's current
 1555 book of business has been transferred.

1556 (d) Ensure that all funds held in a fiduciary capacity are
 1557 properly distributed to the rightful owners.

1558 (3)(a) The department or office may, in a proceeding
 1559 initiated pursuant to chapter 120, impose an administrative fine
 1560 against the agent in charge or director or officer of the agency
 1561 found in the proceeding to have violated any provision of this
 1562 section. A proceeding may not be initiated and a fine may not
 1563 accrue until after the person has been notified in writing of
 1564 the nature of the violation, has been afforded 10 business days
 1565 to correct the violation, and has failed to do so.

1566 (b) A fine imposed under this subsection may not exceed
 1567 the amounts specified in s. 626.681 per violation.

1568 (c) The department or office may, in addition to the
 1569 imposition of an administrative fine under this subsection, also
 1570 suspend or revoke the license of the licensee fined under this
 1571 subsection.

1572 (d) In imposing any administrative penalty or remedy
 1573 provided under this subsection, the department or office shall
 1574 take into account the appropriateness of the penalty with
 1575 respect to the size of the financial resources and the good

1576 faith of the person charged, the gravity of the violation, the
1577 history of previous violations, and other matters as justice may
1578 require.

1579 Section 34. Subsection (3) of section 626.201, Florida
1580 Statutes, is amended, and subsection (4) is added to that
1581 section, to read:

1582 626.201 Investigation.—

1583 (3) An inquiry or investigation of the applicant's
1584 qualifications, character, experience, background, and fitness
1585 must include submission of the applicant's fingerprints, in
1586 accordance with s. 626.171(4), to the Department of Law
1587 Enforcement and the Federal Bureau of Investigation and
1588 consideration of any state criminal records, federal criminal
1589 records, or local criminal records obtained from these agencies
1590 or from local law enforcement agencies.

1591 (4) The expiration, nonrenewal, or surrender of a license
1592 under this chapter does not eliminate jurisdiction of the
1593 licensing authority to investigate and prosecute for a violation
1594 committed by the licensee while licensed under this chapter. The
1595 prosecution of any matter may be initiated or continued
1596 notwithstanding the withdrawal of a complaint.

1597 Section 35. Section 626.202, Florida Statutes, is amended
1598 to read:

1599 626.202 Fingerprinting requirements.—

1600 (1) The requirements for completion and submission of

1601 fingerprints under this chapter in accordance with s. 626.171(4)
1602 are deemed to be met when an individual currently licensed under
1603 this chapter seeks additional licensure and has previously
1604 submitted fingerprints to the department within the past 48
1605 months. However, the department may require the individual to
1606 file fingerprints if it has reason to believe that an applicant
1607 or licensee has been found guilty of, or pleaded guilty or nolo
1608 contendere to, a felony or a crime related to the business of
1609 insurance in this state or any other state or jurisdiction.

1610 (2) If there is a change in ownership or control of any
1611 entity licensed under this chapter, or if a new partner,
1612 officer, or director is employed or appointed, a set of
1613 fingerprints of the new owner, partner, officer, or director
1614 must be filed with the department or office within 30 days after
1615 the change. The acquisition of 10 percent or more of the voting
1616 securities of a licensed entity is considered a change of
1617 ownership or control. The fingerprints must be submitted in
1618 accordance with s. 626.171(4) ~~taken by a law enforcement agency~~
1619 ~~or other department-approved entity and be accompanied by the~~
1620 ~~fingerprint processing fee in s. 624.501.~~

1621 Section 36. Paragraph (j) of subsection (2) of section
1622 626.221, Florida Statutes, is amended to read:

1623 626.221 Examination requirement; exemptions.—

1624 (2) However, an examination is not necessary for any of
1625 the following:

1626 (j) An applicant for license as an all-lines adjuster who
 1627 has the designation of Accredited Claims Adjuster (ACA) from a
 1628 regionally accredited postsecondary institution in this state,
 1629 Certified All Lines Adjuster (CALA) from Kaplan Financial
 1630 Education, Associate in Claims (AIC) from the Insurance
 1631 Institute of America, Professional Claims Adjuster (PCA) from
 1632 the Professional Career Institute, Professional Property
 1633 Insurance Adjuster (PPIA) from the HurriClaim Training Academy,
 1634 Certified Adjuster (CA) from ALL LINES Training, Certified
 1635 Claims Adjuster (CCA) from AE21 Incorporated, Claims Adjuster
 1636 Certified Professional (CACP) from WebCE, Inc., Accredited
 1637 Insurance Claims Specialist (AICS) from Encore Claim Services,
 1638 or Universal Claims Certification (UCC) from Claims and
 1639 Litigation Management Alliance (CLM) whose curriculum has been
 1640 approved by the department and which includes comprehensive
 1641 analysis of basic property and casualty lines of insurance and
 1642 testing at least equal to that of standard department testing
 1643 for the all-lines adjuster license. The department shall adopt
 1644 rules establishing standards for the approval of curriculum.

1645 Section 37. Subsection (6) of section 626.311, Florida
 1646 Statutes, is amended to read:

1647 626.311 Scope of license.—

1648 (6) An agent who appoints his or her license as an
 1649 unaffiliated insurance agent may not hold an appointment from an
 1650 insurer for any license he or she holds, with the exception of

1651 an adjuster license; transact, solicit, or service an insurance
1652 contract on behalf of an insurer; interfere with commissions
1653 received or to be received by an insurer-appointed insurance
1654 agent or an insurance agency contracted with or employing
1655 insurer-appointed insurance agents; or receive compensation or
1656 any other thing of value from an insurer, an insurer-appointed
1657 insurance agent, or an insurance agency contracted with or
1658 employing insurer-appointed insurance agents for any transaction
1659 or referral occurring after the date of appointment as an
1660 unaffiliated insurance agent. An unaffiliated insurance agent
1661 may continue to receive commissions on sales that occurred
1662 before the date of appointment as an unaffiliated insurance
1663 agent if the receipt of such commissions is disclosed when
1664 making recommendations or evaluating products for a client that
1665 involve products of the entity from which the commissions are
1666 received. An adjuster who holds an adjuster license and who is
1667 also an unaffiliated insurance agent may obtain an adjuster
1668 appointment while maintaining his or her unaffiliated insurance
1669 agent appointment and may adjust claims and receive compensation
1670 in accordance with the authority granted by the adjuster license
1671 and appointment.

1672 Section 38. Paragraph (h) of subsection (1) of section
1673 626.321, Florida Statutes, is amended to read:

1674 626.321 Limited licenses and registration.—

1675 (1) The department shall issue to a qualified applicant a

1676 license as agent authorized to transact a limited class of
1677 business in any of the following categories of limited lines
1678 insurance:

1679 (h) Portable electronics insurance.—License for property
1680 insurance or inland marine insurance that covers only loss,
1681 theft, mechanical failure, malfunction, or damage for portable
1682 electronics.

1683 1. The license may be issued only to:

1684 a. Employees or authorized representatives of a licensed
1685 general lines agent; or

1686 b. The lead business location of a retail vendor that
1687 sells portable electronics insurance. The lead business location
1688 must have a contractual relationship with a general lines agent.

1689 2. Employees or authorized representatives of a licensee
1690 under subparagraph 1. may sell or offer for sale portable
1691 electronics coverage without being subject to licensure as an
1692 insurance agent if:

1693 a. Such insurance is sold or offered for sale at a
1694 licensed location or at one of the licensee's branch locations
1695 if the branch location is appointed by the licensed lead
1696 business location or its appointing insurers;

1697 b. The insurer issuing the insurance directly supervises
1698 or appoints a general lines agent to supervise the sale of such
1699 insurance, including the development of a training program for
1700 the employees and authorized representatives of vendors that are

1701 directly engaged in the activity of selling or offering the
1702 insurance; and

1703 c. At each location where the insurance is offered,
1704 brochures or other written materials that provide the
1705 information required by this subparagraph are made available to
1706 all prospective customers. The brochures or written materials
1707 may include information regarding portable electronics
1708 insurance, service warranty agreements, or other incidental
1709 services or benefits offered by a licensee.

1710 3. Individuals not licensed to sell portable electronics
1711 insurance may not be paid commissions based on the sale of such
1712 coverage. However, a licensee who uses a compensation plan for
1713 employees and authorized representatives which includes
1714 supplemental compensation for the sale of noninsurance products,
1715 in addition to a regular salary or hourly wages, may include
1716 incidental compensation for the sale of portable electronics
1717 insurance as a component of the overall compensation plan.

1718 4. Brochures or other written materials related to
1719 portable electronics insurance must:

1720 a. Disclose that such insurance may duplicate coverage
1721 already provided by a customer's homeowners insurance policy,
1722 renters insurance policy, or other source of coverage;

1723 b. State that enrollment in insurance coverage is not
1724 required in order to purchase or lease portable electronics or
1725 services;

1726 c. Summarize the material terms of the insurance coverage,
 1727 including the identity of the insurer, the identity of the
 1728 supervising entity, the amount of any applicable deductible and
 1729 how it is to be paid, the benefits of coverage, and key terms
 1730 and conditions of coverage, such as whether portable electronics
 1731 may be repaired or replaced with similar make and model
 1732 reconditioned or nonoriginal manufacturer parts or equipment;

1733 d. Summarize the process for filing a claim, including a
 1734 description of how to return portable electronics and the
 1735 maximum fee applicable if the customer fails to comply with
 1736 equipment return requirements; and

1737 e. State that an enrolled customer may cancel coverage at
 1738 any time and that the person paying the premium will receive a
 1739 refund of any unearned premium.

1740 5. A licensed and appointed general lines agent is not
 1741 required to obtain a portable electronics insurance license to
 1742 offer or sell portable electronics insurance at locations
 1743 already licensed as an insurance agency, but may apply for a
 1744 portable electronics insurance license for branch locations not
 1745 otherwise licensed to sell insurance.

1746 6. A portable electronics license authorizes the sale of
 1747 individual policies or certificates under a group or master
 1748 insurance policy. The license also authorizes the sale of
 1749 service warranty agreements covering only portable electronics
 1750 to the same extent as if licensed under s. 634.419 or s.

1751 634.420.

1752 7. A licensee may bill and collect the premium for the
1753 purchase of portable electronics insurance provided that:

1754 a. If the insurance is included with the purchase or lease
1755 of portable electronics or related services, the licensee
1756 clearly and conspicuously discloses that insurance coverage is
1757 included with the purchase. Disclosure of the stand-alone cost
1758 of the premium for same or similar insurance must be made on the
1759 customer's bill and in any marketing materials made available at
1760 the point of sale. If the insurance is not included, the charge
1761 to the customer for the insurance must be separately itemized on
1762 the customer's bill.

1763 b. Premiums are incidental to other fees collected, are
1764 maintained in a manner that is readily identifiable, and are
1765 accounted for and remitted to the insurer or supervising entity
1766 within 60 days of receipt. Licensees are not required to
1767 maintain such funds in a segregated account.

1768 c. All funds received by a licensee from an enrolled
1769 customer for the sale of the insurance are considered funds held
1770 in trust by the licensee in a fiduciary capacity for the benefit
1771 of the insurer. Licensees may receive compensation for billing
1772 and collection services.

1773 8. Notwithstanding any other provision of law, the terms
1774 for the termination or modification of coverage under a policy
1775 of portable electronics insurance are those set forth in the

1776 policy.

1777 9. Notice or correspondence required by the policy, or
1778 otherwise required by law, may be provided by electronic means
1779 if the insurer or licensee maintains proof that the notice or
1780 correspondence was sent. Such notice or correspondence may be
1781 sent on behalf of the insurer or licensee by the general lines
1782 agent appointed by the insurer to supervise the administration
1783 of the program. For purposes of this subparagraph, an enrolled
1784 customer's provision of an electronic mail address to the
1785 insurer or licensee is deemed to be consent to receive notices
1786 and correspondence by electronic means if a conspicuously
1787 located disclosure is provided to the customer indicating the
1788 same.

1789 10. The ~~provisions of this chapter requiring submission of~~
1790 fingerprints requirements in s. 626.171(4) do not apply to
1791 licenses issued to qualified entities under this paragraph.

1792 11. A branch location that sells portable electronics
1793 insurance may, in lieu of obtaining an appointment from an
1794 insurer or warranty association, obtain a single appointment
1795 from the associated lead business location licensee and pay the
1796 prescribed appointment fee under s. 624.501 if the lead business
1797 location has a single appointment from each insurer or warranty
1798 association represented and such appointment applies to the lead
1799 business location and all of its branch locations. Branch
1800 location appointments shall be renewed 24 months after the

1801 initial appointment date of the lead business location and every
 1802 24 months thereafter. Notwithstanding s. 624.501, the renewal
 1803 fee applicable to such branch location appointments is \$30 per
 1804 appointment.

1805 12. For purposes of this paragraph:

1806 a. "Branch location" means any physical location in this
 1807 state at which a licensee offers its products or services for
 1808 sale.

1809 b. "Portable electronics" means personal, self-contained,
 1810 easily carried by an individual, battery-operated electronic
 1811 communication, viewing, listening, recording, gaming, computing
 1812 or global positioning devices, including cell or satellite
 1813 phones, pagers, personal global positioning satellite units,
 1814 portable computers, portable audio listening, video viewing or
 1815 recording devices, digital cameras, video camcorders, portable
 1816 gaming systems, docking stations, automatic answering devices,
 1817 and other similar devices and their accessories, and service
 1818 related to the use of such devices.

1819 c. "Portable electronics transaction" means the sale or
 1820 lease of portable electronics or a related service, including
 1821 portable electronics insurance.

1822 Section 39. Subsection (5) of section 626.601, Florida
 1823 Statutes, is amended to read:

1824 626.601 Improper conduct; inquiry; fingerprinting.—

1825 (5) If the department or office, after investigation, has

1826 | reason to believe that an individual may have been found guilty
1827 | of or pleaded guilty or nolo contendere to a felony or a crime
1828 | related to the business of insurance in this or any other state
1829 | or jurisdiction, the department or office may require the
1830 | individual to file with the department or office a complete set
1831 | of his or her fingerprints, in accordance with s. 626.171(4),
1832 | which shall be accompanied by the fingerprint processing fee set
1833 | forth in s. 624.501. The fingerprints shall be taken by an
1834 | authorized law enforcement agency or other department-approved
1835 | entity.

1836 | Section 40. Paragraph (d) of subsection (2) of section
1837 | 626.8411, Florida Statutes, is amended, and paragraph (f) is
1838 | added to subsection (1) of that section, to read:

1839 | 626.8411 Application of Florida Insurance Code provisions
1840 | to title insurance agents or agencies.—

1841 | (1) The following provisions applicable to general lines
1842 | agents or agencies also apply to title insurance agents or
1843 | agencies:

1844 | (f) Section 626.172(2)(f), relating to fingerprints.

1845 | (2) The following provisions of part I do not apply to
1846 | title insurance agents or title insurance agencies:

1847 | (d) Section 626.172, except for paragraph (2)(f) of that
1848 | section, relating to agent in full-time charge.

1849 | Section 41. Paragraph (b) of subsection (1) of section
1850 | 626.8412, Florida Statutes, is amended to read:

1851 626.8412 License and appointments required.—

1852 (1) Except as otherwise provided in this part:

1853 (b) A title insurance agent may not sell a title insurance
 1854 policy issued by an insurer for which the agent and the agency
 1855 do ~~does~~ not hold a current appointment.

1856 Section 42. Paragraph (a) of subsection (3) of section
 1857 626.8417, Florida Statutes, is amended to read:

1858 626.8417 Title insurance agent licensure; exemptions.—

1859 (3) The department may not grant or issue a license as a
 1860 title insurance agent to an individual who is found by the
 1861 department to be untrustworthy or incompetent, who does not meet
 1862 the qualifications for examination specified in s. 626.8414, or
 1863 who does not meet the following qualifications:

1864 (a) Within the 4 years immediately preceding the date of
 1865 the application for license, the applicant must have completed a
 1866 40-hour ~~classroom~~ course in title insurance, 3 hours of which
 1867 are on the subject matter of ethics, as approved by the
 1868 department, or must have had at least 12 months of experience in
 1869 responsible title insurance duties, under the supervision of a
 1870 licensed title insurance agent, title insurer, or attorney while
 1871 working in the title insurance business as a substantially full-
 1872 time, bona fide employee of a title insurance agency, title
 1873 insurance agent, title insurer, or attorney who conducts real
 1874 estate closing transactions and issues title insurance policies
 1875 but who is exempt from licensure under subsection (4). If an

1876 applicant's qualifications are based upon the periods of
 1877 employment at responsible title insurance duties, the applicant
 1878 must submit, with the license application, an affidavit of the
 1879 applicant and of the employer affirming the period of such
 1880 employment, that the employment was substantially full time, and
 1881 giving a brief abstract of the nature of the duties performed by
 1882 the applicant.

1883 Section 43. Section 626.8421, Florida Statutes, is amended
 1884 to read:

1885 626.8421 Number of appointments permitted or required.—A
 1886 title agent and a title agency shall be required to have a
 1887 separate appointment as to each insurer by which they are ~~he or~~
 1888 ~~she is~~ appointed as agents ~~agent~~. As a part of each appointment
 1889 there shall be a certified statement or affidavit of an
 1890 appropriate officer or official of the appointing insurer
 1891 stating that to the best of the insurer's knowledge and belief
 1892 the applicant, or its principals in the case of a corporation or
 1893 other legal entity, has met the requirements of s. 626.8417.

1894 Section 44. Subsections (1) and (2) of section 626.843,
 1895 Florida Statutes, are amended to read:

1896 626.843 Renewal, continuation, reinstatement, termination
 1897 of title insurance agent's and title insurance agency's
 1898 appointments ~~appointment~~.—

1899 (1) Appointments ~~the appointment~~ of a title insurance
 1900 agent and a title insurance agency shall continue in force until

1901 suspended, revoked, or otherwise terminated, but subject to a
 1902 renewed request filed by the insurer every 24 months after the
 1903 original issue ~~dates~~ date of the ~~appointments~~ appointment,
 1904 accompanied by ~~payments~~ payment of the renewal appointment fees
 1905 ~~fee~~ and taxes as prescribed in s. 624.501.

1906 (2) Title insurance agent and title insurance agency
 1907 appointments shall be renewed pursuant to s. 626.381 for
 1908 insurance representatives in general.

1909 Section 45. Subsection (1) of section 626.8433, Florida
 1910 Statutes, is amended to read:

1911 626.8433 Filing of reasons for terminating appointment of
 1912 title insurance agent and title insurance agency; confidential
 1913 information.—

1914 (1) Any title insurer that is terminating the appointment
 1915 of a title insurance agent or title insurance agency, whether
 1916 such termination is by direct action of the appointing title
 1917 insurer or by failure to renew or continue the appointment as
 1918 provided, shall file with the department a statement of the
 1919 reasons, if any, for, and the facts relative to, such
 1920 termination.

1921 Section 46. Section 626.8447, Florida Statutes, is amended
 1922 to read:

1923 626.8447 Effect of suspension or revocation upon other
 1924 licensees, appointees.—In case of the suspension or revocation
 1925 of the license and appointment of any title insurance agent or

1926 title insurance agency, the licenses and appointments of all
 1927 other title insurance agents who knowingly were parties to the
 1928 act ~~that~~ ~~which~~ formed the ground for such suspension or
 1929 revocation may likewise be suspended or revoked for the same
 1930 period as that of the offending title insurance agent or title
 1931 insurance agency, but such suspension or revocation does ~~shall~~
 1932 not prevent any title insurance agent, except the one whose
 1933 license and appointment was first suspended or revoked, from
 1934 being issued an appointment for some other title insurer.

1935 Section 47. Paragraph (d) of subsection (10) of section
 1936 626.854, Florida Statutes, is redesignated as paragraph (f), and
 1937 a new paragraph (d) and paragraph (e) are added to subsection
 1938 (10) of that section, to read:

1939 626.854 "Public adjuster" defined; prohibitions.—The
 1940 Legislature finds that it is necessary for the protection of the
 1941 public to regulate public insurance adjusters and to prevent the
 1942 unauthorized practice of law.

1943 (10)

1944 (d) Public adjuster compensation may not be based on
 1945 amounts attributable to additional living expenses, unless such
 1946 compensation is affirmatively agreed to in a separate agreement
 1947 that includes a disclosure in substantially the following form:
 1948 "I agree to retain and compensate the public adjuster for
 1949 adjusting my additional living expenses and securing payment
 1950 from my insurer for amounts attributable to additional living

1951 expenses payable under the policy issued on my (home/mobile
 1952 home/condominium unit)."

1953 (e) Public adjuster compensation may not be increased
 1954 based on a claim being resolved by litigation.

1955 Section 48. Section 626.8561, Florida Statutes, is amended
 1956 to read:

1957 626.8561 "Public adjuster apprentice" defined.—The term
 1958 "public adjuster apprentice" means a person licensed as an all-
 1959 lines adjuster who:

1960 (1) Is appointed and employed or contracted by ~~a public~~
 1961 ~~adjuster or~~ a public adjusting firm;

1962 (2) Assists the ~~public adjuster or~~ public adjusting firm
 1963 in ascertaining and determining the amount of any claim, loss,
 1964 or damage payable under an insurance contract, or who undertakes
 1965 to effect settlement of such claim, loss, or damage; and

1966 (3) Satisfies the requirements of s. 626.8651.

1967 Section 49. Paragraph (e) of subsection (1) and subsection
 1968 (2) of section 626.865, Florida Statutes, are amended to read:

1969 626.865 Public adjuster's qualifications, bond.—

1970 (1) The department shall issue a license to an applicant
 1971 for a public adjuster's license upon determining that the
 1972 applicant has paid the applicable fees specified in s. 624.501
 1973 and possesses the following qualifications:

1974 (e) Has been licensed and appointed in this state as a
 1975 nonresident public adjuster on a continual basis for the

1976 previous 6 months, or has been licensed as an all-lines
 1977 adjuster, and has been appointed on a continual basis for the
 1978 previous 6 months as a public adjuster apprentice under s.
 1979 626.8561, as an independent adjuster under s. 626.855, or as a
 1980 company employee adjuster under s. 626.856.

1981 (2) At the time of application for license as a public
 1982 adjuster, the applicant shall file with the department a bond
 1983 executed and issued by a surety insurer authorized to transact
 1984 such business in this state, in the amount of \$50,000,
 1985 conditioned for the faithful performance of his or her duties as
 1986 a public adjuster under the license for which the applicant has
 1987 applied, and thereafter maintain the bond unimpaired throughout
 1988 the existence of the license ~~and for at least 1 year after~~
 1989 ~~termination of the license.~~

1990 (a) The bond must ~~shall~~ be in favor of the department and
 1991 must ~~shall~~ specifically authorize recovery by the department of
 1992 the damages sustained in case the licensee is guilty of fraud or
 1993 unfair practices in connection with his or her business as
 1994 public adjuster.

1995 (b) The bond must remain in effect for 1 year after the
 1996 expiration or termination of the license.

1997 (c) The aggregate liability of the surety for all such
 1998 damages may not ~~shall in no event~~ exceed the amount of the bond.
 1999 The ~~Such~~ bond may ~~shall~~ not be terminated unless at least 30
 2000 days' written notice is given to the licensee and filed with the

2001 department.

2002 Section 50. Paragraph (a) of subsection (1) and subsection

2003 (3) of section 626.8651, Florida Statutes, are amended to read:

2004 626.8651 Public adjuster apprentice appointment;

2005 qualifications.—

2006 (1)(a) The department shall issue an appointment as a

2007 public adjuster apprentice to a licensee who:

2008 1. Is licensed as an all-lines adjuster under s. 626.866;

2009 2. Has filed with the department a bond executed and

2010 issued by a surety insurer that is authorized to transact such

2011 business in this state in the amount of \$50,000, which is

2012 conditioned upon the faithful performance of his or her duties

2013 as a public adjuster apprentice; and

2014 3. Maintains such bond unimpaired throughout the existence

2015 of the appointment. The bond must remain in effect for 1 year

2016 after the expiration or termination of the license and for at

2017 least 1 year after termination of the appointment.

2018 (3) A public adjuster apprentice has the same authority as

2019 the licensed public adjuster or public adjusting firm that

2020 employs the apprentice except that an apprentice may not execute

2021 contracts for the services of a public adjuster or public

2022 adjusting firm. An individual may not be, act as, or hold

2023 himself or herself out to be a public adjuster apprentice unless

2024 the individual is licensed as an all-lines adjuster and holds a

2025 current appointment by a licensed ~~public all-lines adjuster or a~~

2026 public adjusting firm that has designated with the department a
 2027 primary ~~employs a licensed public adjuster as required by s.~~
 2028 626.8695.

2029 Section 51. Section 626.8696, Florida Statutes, is amended
 2030 to read:

2031 626.8696 Application for adjusting firm license.—

2032 (1) The application for an adjusting firm license must
 2033 include:

2034 (a) The name of each majority owner, partner, officer, and
 2035 director of the adjusting firm.

2036 (b) The resident address of each person required to be
 2037 listed in the application under paragraph (a).

2038 (c) The name of the adjusting firm and its principal
 2039 business address.

2040 (d) The location of each adjusting firm office and the
 2041 name under which each office conducts or will conduct business.

2042 (e) The name and license number of the designated primary
 2043 adjuster for each adjusting firm location as required in s.
 2044 626.8695.

2045 (f) The fingerprints of each individual required to be
 2046 listed in the application under paragraph (a), filed in
 2047 accordance with s. 626.171(4). However, fingerprints need not be
 2048 filed for an individual who is currently licensed and appointed
 2049 under this chapter.

2050 (g)-(e) Any additional information that the department

2051 requires.

2052 (2) An application for an adjusting firm license must be
 2053 signed by one of the individuals required to be listed in the
 2054 application under paragraph (1)(a) ~~each owner of the firm. If~~
 2055 ~~the firm is incorporated, the application must be signed by the~~
 2056 ~~president and secretary of the corporation.~~

2057 ~~(3) Each application must be accompanied by payment of any~~
 2058 ~~applicable fee as prescribed in s. 624.501.~~

2059 ~~(4) License fees are not refundable.~~

2060 ~~(5) An adjusting firm required to be licensed pursuant to~~
 2061 ~~s. 626.8695 must remain so licensed for a period of 3 years from~~
 2062 ~~the date of licensure, unless the license is suspended or~~
 2063 ~~revoked. The department may suspend or revoke the adjusting~~
 2064 ~~firm's authority to do business for activities occurring during~~
 2065 ~~the time the firm is licensed, regardless of whether the~~
 2066 ~~licensing period has terminated.~~

2067 Section 52. Subsection (3) of section 626.8732, Florida
 2068 Statutes, is amended to read:

2069 626.8732 Nonresident public adjuster's qualifications,
 2070 bond.—

2071 (3) At the time of application for license as a
 2072 nonresident public adjuster, the applicant shall file with the
 2073 department a bond executed and issued by a surety insurer
 2074 authorized to transact surety business in this state, in the
 2075 amount of \$50,000, conditioned for the faithful performance of

2076 his or her duties as a nonresident public adjuster under the
 2077 license applied for. Thereafter, the applicant shall maintain
 2078 the bond unimpaired throughout the existence of the license and
 2079 for 1 year after the expiration or termination of the license.

2080 (a) The bond must be in favor of the department and must
 2081 specifically authorize recovery by the department of the damages
 2082 sustained if the licensee commits fraud or unfair practices in
 2083 connection with his or her business as nonresident public
 2084 adjuster.

2085 (b) The aggregate liability of the surety for all the
 2086 damages may not exceed the amount of the bond. The bond may not
 2087 be terminated unless at least 30 days' written notice is given
 2088 to the licensee and filed with the department.

2089 Section 53. Paragraph (a) of subsection (2) of section
 2090 626.8734, Florida Statutes, is amended to read:

2091 626.8734 Nonresident all-lines adjuster license
 2092 qualifications.—

2093 (2) The applicant must furnish the following with his or
 2094 her application:

2095 (a) A complete set of his or her fingerprints in
 2096 accordance with s. 626.171(4). ~~The applicant's fingerprints must~~
 2097 ~~be certified by an authorized law enforcement officer.~~

2098 Section 54. Section 626.906, Florida Statutes, is amended
 2099 to read:

2100 626.906 Acts constituting Chief Financial Officer as

2101 process agent.—Any of the following acts in this state, effected
 2102 by mail or otherwise, by an unauthorized foreign insurer, alien
 2103 insurer, or person representing or aiding such an insurer is
 2104 equivalent to and shall constitute an appointment by such
 2105 insurer or person representing or aiding such insurer of the
 2106 Chief Financial Officer to be its true and lawful agent
 2107 ~~attorney~~, upon whom may be served all lawful process in any
 2108 action, suit, or proceeding instituted by or on behalf of an
 2109 insured or beneficiary, arising out of any such contract of
 2110 insurance; and any such act shall be signification of the
 2111 insurer's or person's agreement that such service of process is
 2112 of the same legal force and validity as personal service of
 2113 process in this state upon such insurer or person representing
 2114 or aiding such insurer:

2115 (1) The issuance or delivery of contracts of insurance to
 2116 residents of this state or to corporations authorized to do
 2117 business therein;

2118 (2) The solicitation of applications for such contracts;

2119 (3) The collection of premiums, membership fees,
 2120 assessments, or other considerations for such contracts; or

2121 (4) Any other transaction of insurance.

2122 Section 55. Subsection (4) of section 626.912, Florida
 2123 Statutes, is amended to read:

2124 626.912 Exemptions from ss. 626.904-626.911.—The
 2125 provisions of ss. 626.904-626.911 do not apply to any action,

2126 | suit, or proceeding against any unauthorized foreign insurer,
 2127 | alien insurer, or person representing or aiding such an insurer
 2128 | arising out of any contract of insurance:

2129 | (4) Issued under and in accordance with the Surplus Lines
 2130 | Law, when such insurer or person representing or aiding such
 2131 | insurer enters a general appearance or when such contract of
 2132 | insurance contains a provision designating the Chief Financial
 2133 | Officer or designating a Florida resident agent to be the true
 2134 | and lawful agent ~~attorney~~ of such unauthorized insurer or person
 2135 | representing or aiding such insurer upon whom may be served all
 2136 | lawful process in any action, suit, or proceeding instituted by
 2137 | or on behalf of an insured or person representing or aiding such
 2138 | insurer or beneficiary arising out of any such contract of
 2139 | insurance; and service of process effected on such Chief
 2140 | Financial Officer or such resident agent shall be deemed to
 2141 | confer complete jurisdiction over such unauthorized insurer or
 2142 | person representing or aiding such insurer in such action.

2143 | Section 56. Subsections (3) and (4) of section 626.937,
 2144 | Florida Statutes, are amended to read:

2145 | 626.937 Actions against insurer; service of process.—

2146 | (3) Each unauthorized insurer requesting eligibility
 2147 | pursuant to s. 626.918 shall file with the department its
 2148 | appointment of the Chief Financial Officer, on a form as
 2149 | furnished by the department, as its agent ~~attorney~~ to receive
 2150 | service of all legal process issued against it in any civil

2151 action or proceeding in this state, and agreeing that process so
2152 served shall be valid and binding upon the insurer. The
2153 appointment shall be irrevocable, shall bind the insurer and any
2154 successor in interest as to the assets or liabilities of the
2155 insurer, and shall remain in effect as long as there is
2156 outstanding in this state any obligation or liability of the
2157 insurer resulting from its insurance transactions therein.

2158 (4) At the time of such appointment of the Chief Financial
2159 Officer as its process agent, the insurer shall file with the
2160 department designation of the name and e-mail address of the
2161 person to whom process against it served upon the Chief
2162 Financial Officer is to be made available through the
2163 department's secure online portal ~~forwarded~~. The insurer may
2164 change the designation at any time by a new filing.

2165 Section 57. Subsection (5) of section 626.9953, Florida
2166 Statutes, is amended to read:

2167 626.9953 Qualifications for registration; application
2168 required.—

2169 (5) An applicant must submit a set of his or her
2170 fingerprints in accordance with s. 626.171(4) ~~to the department~~
2171 ~~and pay the processing fee established under s. 624.501(23)~~. The
2172 department shall submit the applicant's fingerprints to the
2173 Department of Law Enforcement for processing state criminal
2174 history records checks and local criminal records checks through
2175 local law enforcement agencies and for forwarding to the Federal

2176 Bureau of Investigation for national criminal history records
2177 checks. The fingerprints shall be taken by a law enforcement
2178 agency, a designated examination center, or another department-
2179 approved entity. The department may not approve an application
2180 for registration as a navigator if fingerprints have not been
2181 submitted.

2182 Section 58. Paragraphs (e) and (f) are added to subsection
2183 (4) of section 633.135, Florida Statutes, to read:

2184 633.135 Firefighter Assistance Grant Program.—

2185 (4) Funds shall be used to:

2186 (e) Purchase other equipment and tools that improve
2187 firesafety and fire rescue capabilities for firefighters.

2188 (f) Purchase protective clothing and equipment compliant
2189 with NFPA 1977, "Standard on Protective Clothing and Equipment
2190 for Wildland Fire Fighting and Urban Interface Fire Fighting."

2191 Section 59. Subsections (6) through (9) of section
2192 633.216, Florida Statutes, are renumbered as subsections (5)
2193 through (8), respectively, and subsection (4) and present
2194 subsection (5) of that section are amended, to read:

2195 633.216 Inspection of buildings and equipment; orders;
2196 firesafety inspection training requirements; certification;
2197 disciplinary action.—The State Fire Marshal and her or his
2198 agents or persons authorized to enforce laws and rules of the
2199 State Fire Marshal shall, at any reasonable hour, when the State
2200 Fire Marshal has reasonable cause to believe that a violation of

2201 this chapter or s. 509.215, or a rule adopted thereunder, or a
 2202 minimum firesafety code adopted by the State Fire Marshal or a
 2203 local authority, may exist, inspect any and all buildings and
 2204 structures which are subject to the requirements of this chapter
 2205 or s. 509.215 and rules adopted thereunder. The authority to
 2206 inspect shall extend to all equipment, vehicles, and chemicals
 2207 which are located on or within the premises of any such building
 2208 or structure.

2209 (4) Every firesafety inspector certificate is valid for a
 2210 period of 4 years from the date of issuance. Renewal of
 2211 certification is subject to the affected person's completing
 2212 proper application for renewal and meeting all of the
 2213 requirements for renewal as established under this chapter or by
 2214 rule adopted under this chapter, which must include completion
 2215 of at least 54 hours during the preceding 4-year period of
 2216 continuing education as required by the rule of the department
 2217 ~~or, in lieu thereof, successful passage of an examination as~~
 2218 ~~established by the department.~~

2219 ~~(5) A previously certified firesafety inspector whose~~
 2220 ~~certification has lapsed for 8 years or more must repeat the~~
 2221 ~~fire safety inspector training as specified by the division.~~

2222 Section 60. Paragraph (b) of subsection (4) and paragraphs
 2223 (a) and (c) of subsection (6) of section 633.408, Florida
 2224 Statutes, are amended to read:

2225 633.408 Firefighter and volunteer firefighter training and

2226 certification.—

2227 (4) The division shall issue a Firefighter Certificate of

2228 Compliance to an individual who does all of the following:

2229 (b) Passes the Minimum Standards Course certification

2230 ~~examination~~ within 12 months after completing the required

2231 courses.

2232 (6)(a) The division may issue a Special Certificate of

2233 Compliance to an individual who does all of the following:

2234 1. Satisfactorily completes the course established by rule

2235 by the division and successfully passes any examination

2236 corresponding to such course in paragraph (1)(b) to obtain a

2237 Special Certificate of Compliance.

2238 ~~2. Passes the examination established in paragraph (1)(b)~~

2239 ~~to obtain a Special Certificate of Compliance.~~

2240 ~~2.3.~~ Possesses the qualifications in s. 633.412.

2241 ~~(c) In order to retain a Special Certificate of~~

2242 ~~Compliance, every 4 years an individual must:~~

2243 ~~1. Be active as a firefighter;~~

2244 ~~2. Maintain a current and valid fire service instructor~~

2245 ~~certificate, instruct at least 40 hours during the 4-year~~

2246 ~~period, and provide proof of such instruction to the division,~~

2247 ~~which proof must be registered in an electronic database~~

2248 ~~designated by the division; or~~

2249 ~~3. Within 6 months before the 4-year period expires,~~

2250 ~~successfully complete a Firefighter Retention Refresher Course~~

2251 ~~consisting of a minimum of 40 hours of training as prescribed by~~
2252 ~~rule.~~

2253 Section 61. Subsections (5), (6), and (7) of section
2254 633.414, Florida Statutes, are renumbered as subsections (4),
2255 (5), and (6) respectively, and subsection (1) and present
2256 subsection (4) of that section are amended, to read:

2257 633.414 Retention of firefighter and volunteer firefighter
2258 certifications.—

2259 (1) In order for a firefighter to retain her or his
2260 Firefighter Certificate of Compliance or Special Certificate of
2261 Compliance, every 4 years he or she must meet the requirements
2262 for renewal provided in this chapter and by rule, which must
2263 include at least one of the following:

2264 (a) Be active as a firefighter. As used in this section,
2265 the term "active" means being employed as a firefighter or
2266 providing service as a volunteer firefighter as evidenced by the
2267 individual's name appearing on a fire service provider's
2268 employment roster in the Florida State Fire College database or
2269 a letter by the fire service provider attesting to dates of
2270 employment.

2271 (b) Maintain a current and valid fire service instructor
2272 certificate, instruct at least 40 hours during the 4-year
2273 period, and provide proof of such instruction to the division,
2274 which proof must be registered in an electronic database
2275 designated by the division.

2276 (c) Before the expiration of the certificate ~~Within 6~~
2277 ~~months before the 4-year period expires~~, successfully complete a
2278 Firefighter Retention Refresher Course consisting of a minimum
2279 of 40 hours of training to be prescribed by rule.

2280 (d) Before the expiration of the certificate ~~Within 6~~
2281 ~~months before the 4-year period expires~~, successfully retake and
2282 pass the Minimum Standards Course examination pursuant to s.
2283 633.408.

2284 ~~(4) For the purposes of this section, the term "active"~~
2285 ~~means being employed as a firefighter or providing service as a~~
2286 ~~volunteer firefighter for a cumulative period of 6 months within~~
2287 ~~a 4-year period.~~

2288
2289 The 4-year period may, in the discretion of the department, be
2290 extended to 12 months after discharge from military service if
2291 the military service does not exceed 3 years, but in no event
2292 more than 6 years from the date of issue or renewal, if
2293 applicable, for an honorably discharged veteran of the United
2294 States Armed Forces or the spouse of such a veteran. A qualified
2295 individual must provide a copy of a military identification
2296 card, military dependent identification card, military service
2297 record, military personnel file, veteran record, discharge
2298 paper, or separation document that indicates such member is
2299 currently in good standing or such veteran is honorably
2300 discharged.

2301 Section 62. Subsection (4) of section 648.34, Florida
 2302 Statutes, is amended to read:

2303 648.34 Bail bond agents; qualifications.—

2304 (4) The applicant shall furnish, with his or her
 2305 application, a complete set of his or her fingerprints in
 2306 accordance with s. 626.171(4) and a recent credential-sized,
 2307 fullface photograph of the applicant. ~~The applicant's~~
 2308 ~~fingerprints shall be certified by an authorized law enforcement~~
 2309 ~~officer.~~ The department shall not authorize an applicant to take
 2310 the required examination until the department has received a
 2311 report from the Department of Law Enforcement and the Federal
 2312 Bureau of Investigation relative to the existence or
 2313 nonexistence of a criminal history report based on the
 2314 applicant's fingerprints.

2315 Section 63. Subsection (4) of section 648.355, Florida
 2316 Statutes, is amended to read:

2317 648.355 Temporary limited license as limited surety agent
 2318 or professional bail bond agent; pending examination.—

2319 (4) The applicant shall furnish, with the application for
 2320 temporary license, a complete set of the applicant's
 2321 fingerprints in accordance with s. 626.171(4) and a recent
 2322 credential-sized, fullface photograph of the applicant. ~~The~~
 2323 ~~applicant's fingerprints shall be certified by an authorized law~~
 2324 ~~enforcement officer.~~ The department shall not issue a temporary
 2325 license under this section until the department has received a

2326 | report from the Department of Law Enforcement and the Federal
 2327 | Bureau of Investigation relative to the existence or
 2328 | nonexistence of a criminal history report based on the
 2329 | applicant's fingerprints.

2330 | Section 64. Subsection (4) is added to section 648.46,
 2331 | Florida Statutes, to read:

2332 | 648.46 Procedure for disciplinary action against
 2333 | licensees.—

2334 | (4) The expiration, nonrenewal, or surrender of licensure
 2335 | under this chapter does not eliminate the jurisdiction of the
 2336 | licensing authority to investigate and prosecute for a violation
 2337 | committed by a licensee while licensed under this chapter. The
 2338 | prosecution of any matter may be initiated or continued
 2339 | notwithstanding the withdrawal of a complaint.

2340 | Section 65. Paragraph (d) of subsection (2) and paragraphs
 2341 | (b), (c), and (e) of subsection (3) of section 766.105, Florida
 2342 | Statutes, are amended, and paragraph (i) is added to subsection
 2343 | (3) and subsection (4) is added to that section, to read:

2344 | 766.105 Florida Patient's Compensation Fund.—

2345 | (2) COVERAGE.—

2346 | (d)1. Any health care provider who participates in the
 2347 | fund and who does not meet the provisions of paragraph (b) shall
 2348 | not be covered by the fund.

2349 | 2. Annually, the Agency for Health Care Administration
 2350 | shall require documentation by each hospital that such hospital

2351 is in compliance, and will remain in compliance, with the
 2352 provisions of this section. ~~The agency shall review the~~
 2353 ~~documentation and then deliver the documentation to the board of~~
 2354 ~~governors. At least 60 days before the time a license will be~~
 2355 ~~issued or renewed, the agency shall request from the board of~~
 2356 ~~governors a certification that each hospital is in compliance~~
 2357 ~~with the provisions of this section. The board of governors~~
 2358 ~~shall not be liable under the law for any erroneous~~
 2359 ~~certification. The agency may not issue or renew the license of~~
 2360 ~~any hospital which has not been certified by the board of~~
 2361 ~~governors. The license of any hospital that fails to remain in~~
 2362 ~~compliance or fails to provide such documentation shall be~~
 2363 ~~revoked or suspended by the agency.~~

2364 (3) THE FUND.—

2365 (b) Fund administration and operation.—

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

2376 ~~Association, a representative of hospital insurance appointed by~~
2377 ~~the Chief Financial Officer, a representative of hospital self-~~
2378 ~~insurance appointed by the Chief Financial Officer, a~~
2379 ~~representative of the osteopathic physicians' or podiatric~~
2380 ~~physicians' insurance or self-insurance appointed by the Chief~~
2381 ~~Financial Officer, and a representative of the general public~~
2382 ~~appointed by the Chief Financial Officer. The board of governors~~
2383 ~~shall, during the first meeting after June 30 of each year,~~
2384 ~~choose one of its members to serve as chair of the board and~~
2385 ~~another member to serve as vice chair of the board. The members~~
2386 ~~of the board shall be appointed to serve terms of 4 years,~~
2387 ~~except that the initial appointments of a representative of the~~
2388 ~~general public by the Chief Financial Officer, an attorney by~~
2389 ~~The Florida Bar, a representative of physicians by the Florida~~
2390 ~~Medical Association, and one of the two representatives of the~~
2391 ~~Florida Hospital Association shall be for terms of 3 years;~~
2392 ~~thereafter, such representatives shall be appointed for terms of~~
2393 ~~4 years. Subsequent to initial appointments for 4-year terms,~~
2394 ~~the representative of the osteopathic physicians' or podiatric~~
2395 ~~physicians' insurance or self-insurance appointed by the Chief~~
2396 ~~Financial Officer and the representative of hospital self-~~
2397 ~~insurance appointed by the Chief Financial Officer shall be~~
2398 ~~appointed for 2-year terms; thereafter, such representatives~~
2399 ~~shall be appointed for terms of 4 years. Each appointed member~~
2400 ~~may designate in writing to the chair an alternate to act in the~~

2401 ~~member's absence or incapacity. A member of the board, or the~~
 2402 ~~member's alternate, may be reimbursed from the assets of the~~
 2403 ~~fund for expenses incurred by him or her as a member, or~~
 2404 ~~alternate member, of the board and for committee work, but he or~~
 2405 ~~she may not otherwise be compensated by the fund for his or her~~
 2406 ~~service as a board member or alternate.~~

2407 2. There shall be no liability on the part of, and no
 2408 cause of action of any nature shall arise against, the fund or
 2409 its agents or employees, professional advisers or consultants,
 2410 the Chief Financial Officer or his or her designee ~~members of~~
 2411 ~~the board of governors or their alternates,~~ or the Department of
 2412 Financial Services or the Office of Insurance Regulation of the
 2413 Financial Services Commission or their representatives for any
 2414 action taken by them in the performance of their powers and
 2415 duties pursuant to this section.

2416 (c) Powers of the fund.—The fund has the power to:

2417 1. Sue and be sued, and appear and defend, in all actions
 2418 and proceedings in its name to the same extent as a natural
 2419 person.

2420 2. Adopt, change, amend, and repeal a plan of operation,
 2421 not inconsistent with law, for the regulation and administration
 2422 of the affairs of the fund. The plan and any changes thereto
 2423 shall be filed with the Office of Insurance Regulation of the
 2424 Financial Services Commission and are all subject to its
 2425 approval before implementation by the fund. All fund members,

2426 board members, and employees shall comply with the plan of
 2427 operation.

2428 3. Have and exercise all powers necessary or convenient to
 2429 effect any or all of the purposes for which the fund is created.

2430 4. Enter into such contracts as are necessary or proper to
 2431 carry out the provisions and purposes of this section.

2432 5. Employ or retain such persons as are necessary to
 2433 perform the administrative and financial transactions and
 2434 responsibilities of the fund and to perform other necessary or
 2435 proper functions unless prohibited by law.

2436 6. Take such legal action as may be necessary to avoid
 2437 payment of improper claims.

2438 7. Indemnify any ~~employee, agent, member of the board of~~
 2439 ~~governors or his or her alternate, or~~ person acting on behalf of
 2440 the fund in an official capacity, for expenses, including
 2441 attorney's fees, judgments, fines, and amounts paid in
 2442 settlement actually and reasonably incurred by him or her in
 2443 connection with any action, suit, or proceeding, including any
 2444 appeal thereof, arising out of his or her capacity in acting on
 2445 behalf of the fund, if he or she acted in good faith and in a
 2446 manner he or she reasonably believed to be in, or not opposed
 2447 to, the best interests of the fund and, with respect to any
 2448 criminal action or proceeding, he or she had reasonable cause to
 2449 believe his or her conduct was lawful.

2450 (e) Fund accounting and audit.-

2451 1. Money shall be withdrawn from the fund only upon a
 2452 voucher as authorized by the Chief Financial Officer or his or
 2453 her designee ~~board of governors~~.

2454 2. All books, records, and audits of the fund shall be
 2455 open for reasonable inspection to the general public, except
 2456 that a claim file in possession of the fund, fund members, and
 2457 their insurers is confidential and exempt from the provisions of
 2458 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 2459 until termination of litigation or settlement of the claim,
 2460 although medical records and other portions of the claim file
 2461 may remain confidential and exempt as otherwise provided by law.
 2462 Any book, record, document, audit, or asset acquired by,
 2463 prepared for, or paid for by the fund is subject to the
 2464 authority of the Chief Financial Officer or his or her designee
 2465 ~~board of governors~~, which shall be responsible therefor.

2466 3. Persons authorized to receive deposits, issue vouchers,
 2467 or withdraw or otherwise disburse any fund moneys shall post a
 2468 blanket fidelity bond in an amount reasonably sufficient to
 2469 protect fund assets. The cost of such bond shall be paid from
 2470 the fund.

2471 4. Annually, the fund shall furnish, upon request, audited
 2472 financial reports to any fund participant and to the Office of
 2473 Insurance Regulation and the Joint Legislative Auditing
 2474 Committee. The reports shall be prepared in accordance with
 2475 accepted accounting procedures and shall include income and such

2476 other information as may be required by the Office of Insurance
2477 Regulation or the Joint Legislative Auditing Committee.

2478 5. Any money held in the fund shall be invested in
2479 interest-bearing investments ~~by the board of governors of the~~
2480 ~~fund as administrator~~. However, in no case may any such money be
2481 invested in the stock of any insurer participating in the Joint
2482 Underwriting Association authorized by s. 627.351(4) or in the
2483 parent company of, or company owning a controlling interest in,
2484 such insurer. All income derived from such investments shall be
2485 credited to the fund.

2486 6. Any health care provider participating in the fund may
2487 withdraw from such participation only at the end of a fiscal
2488 year; however, such health care provider shall remain subject to
2489 any assessment or any refund pertaining to any year in which
2490 such member participated in the fund.

2491 (i) Dissolution of the fund.—The fund shall operate
2492 subject to the supervision of the Chief Financial Officer or his
2493 or her designee, pursuant to the policies and procedures and
2494 under the auspices of the Department of Financial Services'
2495 Division of Rehabilitation and Liquidation, until the department
2496 executes a legal dissolution of the fund on or before December
2497 31, 2023. Before the legal dissolution of the fund, the
2498 Department of Financial Services must:

2499 1. Obtain all existing records and retain necessary
2500 records of the fund pursuant to law.

2501 2. Identify all remaining property held by the fund and
 2502 attempt to return such property to its owners and, for property
 2503 that cannot be returned to the owner, transfer such property to
 2504 the Department of Financial Services' Division of Unclaimed
 2505 Property.

2506 3. Make a final accounting of the finances of the fund.

2507 4. Ensure that the fund has met all its obligations
 2508 pursuant to structured settlements, annuities, or other
 2509 instruments established to pay covered claims and, if the fund
 2510 has not done so, attempt to meet such obligations before final
 2511 and complete dissolution of the fund.

2512 5. Sell or otherwise dispose of all physical assets of the
 2513 fund.

2514 6. Execute a legal dissolution of the fund.

2515 7. Transfer any remaining money or assets of the fund to
 2516 the Chief Financial Officer for deposit in the General Revenue
 2517 Fund.

2518 (4) REPEAL.—This section is repealed January 1, 2024.

2519 Section 66. Paragraph (b) of subsection (1) of section
 2520 945.6041, Florida Statutes, is amended to read:

2521 945.6041 Inmate medical services.—

2522 (1) As used in this section, the term:

2523 (b) "Health care provider" means:

2524 1. A hospital licensed under chapter 395.

2525 2. A physician or physician assistant licensed under

2526 chapter 458.

2527 3. An osteopathic physician or physician assistant

2528 licensed under chapter 459.

2529 4. A podiatric physician licensed under chapter 461.

2530 5. A health maintenance organization certificated under

2531 part I of chapter 641.

2532 6. An ambulatory surgical center licensed under chapter

2533 395.

2534 7. A professional association, partnership, corporation,

2535 joint venture, or other association established by the

2536 individuals set forth in subparagraphs 2., 3., and 4. for

2537 professional activity.

2538 8. Other medical facility.

2539 a. As used in this subparagraph, the term "other medical

2540 facility" means:

2541 (I) A facility the primary purpose of which is to provide

2542 human medical diagnostic services, or a facility providing

2543 nonsurgical human medical treatment which discharges patients on

2544 the same working day that the patients are admitted; and

2545 (II) A facility that is not part of a hospital.

2546 b. The term does not include a facility existing for the

2547 primary purpose of performing terminations of pregnancy, or an

2548 office maintained by a physician or dentist for the practice of

2549 medicine has the same meaning as provided in s. 766.105.

2550 Section 67. Paragraph (a) of subsection (1) of section

2551 985.6441, Florida Statutes, is amended to read:
 2552 985.6441 Health care services.—
 2553 (1) As used in this section, the term:
 2554 (a) "Health care provider" means:
 2555 1. A hospital licensed under chapter 395.
 2556 2. A physician or physician assistant licensed under
 2557 chapter 458.
 2558 3. An osteopathic physician or physician assistant
 2559 licensed under chapter 459.
 2560 4. A podiatric physician licensed under chapter 461.
 2561 5. A health maintenance organization certificated under
 2562 part I of chapter 641.
 2563 6. An ambulatory surgical center licensed under chapter
 2564 395.
 2565 7. A professional association, partnership, corporation,
 2566 joint venture, or other association established by the
 2567 individuals set forth in subparagraphs 2., 3., and 4. for
 2568 professional activity.
 2569 8. Other medical facility.
 2570 a. As used in this subparagraph, the term "other medical
 2571 facility" means:
 2572 (I) A facility the primary purpose of which is to provide
 2573 human medical diagnostic services, or a facility providing
 2574 nonsurgical human medical treatment which discharges patients on
 2575 the same working day that the patients are admitted; and

2576 (II) A facility that is not part of a hospital.
 2577 b. The term does not include a facility existing for the
 2578 primary purpose of performing terminations of pregnancy, or an
 2579 office maintained by a physician or dentist for the practice of
 2580 medicine has the same meaning as provided in s. 766.105.

2581 Section 68. All powers, duties, functions, records,
 2582 offices, personnel, associated administrative support positions,
 2583 property, pending issues, existing contracts, administrative
 2584 authority, and administrative rules relating to the Stop Inmate
 2585 Fraud Program within the Department of Financial Services are
 2586 transferred by a type two transfer, as defined in s. 20.06(2),
 2587 Florida Statutes, to the Department of Economic Opportunity.

2588 Section 69. Except as otherwise expressly provided in this
 2589 act, this act shall take effect July 1, 2022.