

1 A bill to be entitled
2 An act relating to Department of Financial Services;
3 repealing s. 17.0315, 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.

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 224
 225

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

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.

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

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

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

640 2. An anesthesiologist, pathologist, or radiologist.

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

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

646 (2) Each hospital, unless exempted under paragraph (3) (b),
647 must demonstrate financial responsibility for maintaining
648 professional liability coverage to pay claims and costs
649 ancillary thereto arising out of the rendering of or failure to
650 render medical care or services and for bodily injury or

651 property damage to the person or property of any patient arising
652 out of the activities of the hospital or arising out of the
653 activities of covered individuals, to the satisfaction of the
654 Agency for Health Care Administration, by meeting one of the
655 following requirements:

656 (a) Establish an escrow account in an amount equivalent to
657 \$10,000 per claim for each bed in such hospital, not to exceed a
658 \$2.5 million annual aggregate.

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

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

673 (b) Any hospital operated by an agency, subdivision, or
674 instrumentality of the state is exempt from the provisions of
675 this section.

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

681 Section 12. Section 414.40, Florida Statutes, is amended
 682 to read:

683 414.40 Stop Inmate Fraud Program established; guidelines.—

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

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

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

697 (b) Pursuant to these procedures, the program shall have
 698 access to records containing correctional information not exempt
 699 from the public records law on incarcerated persons which have
 700 been generated as criminal justice information. As used in this

701 paragraph, the terms "record" and "criminal justice information"
 702 have the same meanings as provided in s. 943.045.

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

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

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

725 1. The Child Support Enforcement Program of the Department

726 of Revenue, so that the data may be used as locator information
727 on persons being sought for purposes of child support.

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

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

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

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

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

747 Section 13. Paragraph (a) of subsection (16) of section
748 440.02, Florida Statutes, is amended to read:

749 440.02 Definitions.—When used in this chapter, unless the
750 context clearly requires otherwise, the following terms shall

751 have the following meanings:

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

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

770 440.05 Election of exemption; revocation of election;
 771 notice; certification.-

772 (3) The notice of election to be exempt must be
 773 electronically submitted to the department by the officer of a
 774 corporation who is allowed to claim an exemption as provided by
 775 this chapter and must list the name, date of birth, valid driver

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

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

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

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

843 (11)~~(12)~~ Certificates of election to be exempt issued
844 under subsection (3) ~~shall~~ apply only to the corporate officer
845 named on the notice of election to be exempt ~~and apply only~~
846 ~~within the scope of the business or trade listed on the notice~~
847 ~~of election to be exempt.~~

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

851 440.107 Department powers to enforce employer compliance
 852 with coverage requirements.—

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

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

898 (d)1. In addition to any penalty, stop-work order, or
899 injunction, the department shall assess against an ~~any~~ employer
900 who has failed to secure the payment of compensation as required

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

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

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

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

945 c. For an employer who has not been previously issued a
946 stop-work order or order of penalty assessment, the department
947 must reduce the final assessed penalty by 15 percent if the
948 employer correctly answers at least 80 percent of the questions
949 from an online workers' compensation coverage and compliance
950 tutorial, developed by the department, within 21 days after the

951 employer's receipt of the written request to produce business
952 records for calculating the penalty under this subparagraph. The
953 online tutorial must be taken in a department office location
954 identified by rule.

955
956 ~~e.~~ The \$1,000 penalty shall be assessed against the employer
957 even if the calculated penalty after the credit provided in sub-
958 subparagraph a., the ~~and~~ 25 percent reduction provided in sub-
959 subparagraph b., and the 15 percent reduction provided in sub-
960 subparagraph c., as applicable, have been applied is less than
961 \$1,000.

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

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

968 440.13 Medical services and supplies; penalty for
969 violations; limitations.—

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

972 (a) A three-member panel is created, consisting of the
973 Chief Financial Officer, or the Chief Financial Officer's
974 designee, and two members to be appointed by the Governor,
975 subject to confirmation by the Senate, one member who, on

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

1001 2. If there is no agreed-upon contract price, the lesser
1002 of the provider's billed charge or the maximum reimbursement
1003 allowance in the appropriate schedule.

1004 (b) It is the intent of the Legislature to increase the
1005 schedule of maximum reimbursement allowances for selected
1006 physicians effective January 1, 2004, and to pay for the
1007 increases through reductions in payments to hospitals. Revisions
1008 developed pursuant to this subsection are limited to the
1009 following:

1010 1. Payments for outpatient physical, occupational, and
1011 speech therapy provided by hospitals shall be reduced to the
1012 schedule of maximum reimbursement allowances for these services
1013 which applies to nonhospital providers.

1014 2. Payments for scheduled outpatient nonemergency
1015 radiological and clinical laboratory services that are not
1016 provided in conjunction with a surgical procedure shall be
1017 reduced to the schedule of maximum reimbursement allowances for
1018 these services which applies to nonhospital providers.

1019 3. Outpatient reimbursement for scheduled surgeries shall
1020 be reduced from 75 percent of charges to 60 percent of charges.

1021 4. Maximum reimbursement for a physician licensed under
1022 chapter 458 or chapter 459 shall be increased to 110 percent of
1023 the reimbursement allowed by Medicare, using appropriate codes
1024 and modifiers or the medical reimbursement level adopted by the
1025 three-member panel as of January 1, 2003, whichever is greater.

1026 5. Maximum reimbursement for surgical procedures shall be
 1027 increased to 140 percent of the reimbursement allowed by
 1028 Medicare or the medical reimbursement level adopted by the
 1029 three-member panel as of January 1, 2003, whichever is greater.

1030 (c) As to reimbursement for a prescription medication, the
 1031 reimbursement amount for a prescription shall be the average
 1032 wholesale price plus \$4.18 for the dispensing fee. For
 1033 repackaged or relabeled prescription medications dispensed by a
 1034 dispensing practitioner as provided in s. 465.0276, the fee
 1035 schedule for reimbursement shall be 112.5 percent of the average
 1036 wholesale price, plus \$8.00 for the dispensing fee. For purposes
 1037 of this subsection, the average wholesale price shall be
 1038 calculated by multiplying the number of units dispensed times
 1039 the per-unit average wholesale price set by the original
 1040 manufacturer of the underlying drug dispensed by the
 1041 practitioner, based upon the published manufacturer's average
 1042 wholesale price published in the Medi-Span Master Drug Database
 1043 as of the date of dispensing. All pharmaceutical claims
 1044 submitted for repackaged or relabeled prescription medications
 1045 must include the National Drug Code of the original
 1046 manufacturer. Fees for pharmaceuticals and pharmaceutical
 1047 services shall be reimbursable at the applicable fee schedule
 1048 amount except where the employer or carrier, or a service
 1049 company, third party administrator, or any entity acting on
 1050 behalf of the employer or carrier directly contracts with the

1051 provider seeking reimbursement for a lower amount.

1052 (d) Reimbursement for all fees and other charges for such
1053 treatment, care, and attendance, including treatment, care, and
1054 attendance provided by any hospital or other health care
1055 provider, ambulatory surgical center, work-hardening program, or
1056 pain program, must not exceed the amounts provided by the
1057 uniform schedule of maximum reimbursement allowances as
1058 determined by the panel or as otherwise provided in this
1059 section. This subsection also applies to independent medical
1060 examinations performed by health care providers under this
1061 chapter. In determining the uniform schedule, the panel shall
1062 first approve the data which it finds representative of
1063 prevailing charges in the state for similar treatment, care, and
1064 attendance of injured persons. Each health care provider, health
1065 care facility, ambulatory surgical center, work-hardening
1066 program, or pain program receiving workers' compensation
1067 payments shall maintain records verifying their usual charges.
1068 In establishing the uniform schedule of maximum reimbursement
1069 allowances, the panel must consider:

1070 1. The levels of reimbursement for similar treatment,
1071 care, and attendance made by other health care programs or
1072 third-party providers;

1073 2. The impact upon cost to employers for providing a level
1074 of reimbursement for treatment, care, and attendance which will
1075 ensure the availability of treatment, care, and attendance

1076 required by injured workers;

1077 3. The financial impact of the reimbursement allowances
 1078 upon health care providers and health care facilities, including
 1079 trauma centers as defined in s. 395.4001, and its effect upon
 1080 their ability to make available to injured workers such
 1081 medically necessary remedial treatment, care, and attendance.
 1082 The uniform schedule of maximum reimbursement allowances must be
 1083 reasonable, must promote health care cost containment and
 1084 efficiency with respect to the workers' compensation health care
 1085 delivery system, and must be sufficient to ensure availability
 1086 of such medically necessary remedial treatment, care, and
 1087 attendance to injured workers; and

1088 4. The most recent average maximum allowable rate of
 1089 increase for hospitals determined by the Health Care Board under
 1090 chapter 408.

1091 (e) In addition to establishing the uniform schedule of
 1092 maximum reimbursement allowances, the panel shall:

1093 1. Take testimony, receive records, and collect data to
 1094 evaluate the adequacy of the workers' compensation fee schedule,
 1095 nationally recognized fee schedules and alternative methods of
 1096 reimbursement to health care providers and health care
 1097 facilities for inpatient and outpatient treatment and care.

1098 2. Survey health care providers and health care facilities
 1099 to determine the availability and accessibility of workers'
 1100 compensation health care delivery systems for injured workers.

1101 3. Survey carriers to determine the estimated impact on
1102 carrier costs and workers' compensation premium rates by
1103 implementing changes to the carrier reimbursement schedule or
1104 implementing alternative reimbursement methods.

1105 4. Submit recommendations on or before January 15, 2017,
1106 and biennially thereafter, to the President of the Senate and
1107 the Speaker of the House of Representatives on methods to
1108 improve the workers' compensation health care delivery system.

1109
1110 The department, as requested, shall provide data to the panel,
1111 including, but not limited to, utilization trends in the
1112 workers' compensation health care delivery system. The
1113 department shall provide the panel with an annual report
1114 regarding the resolution of medical reimbursement disputes and
1115 any actions pursuant to subsection (8). The department shall
1116 provide administrative support and service to the panel to the
1117 extent requested by the panel and may adopt rules necessary to
1118 administer this subsection. For prescription medication
1119 purchased under the requirements of this subsection, a
1120 dispensing practitioner shall not possess such medication unless
1121 payment has been made by the practitioner, the practitioner's
1122 professional practice, or the practitioner's practice management
1123 company or employer to the supplying manufacturer, wholesaler,
1124 distributor, or drug repackager within 60 days of the dispensing
1125 practitioner taking possession of that medication.

1126 Section 17. Subsection (3) of section 440.185, Florida
 1127 Statutes, is amended to read:

1128 440.185 Notice of injury or death; reports; penalties for
 1129 violations.—

1130 (3) Within 3 business days after the employer or the
 1131 employee informs the carrier of an injury, the carrier shall
 1132 send by regular mail or e-mail to the injured worker an
 1133 informational brochure approved by the department which sets
 1134 forth in clear and understandable language an explanation of the
 1135 rights, benefits, procedures for obtaining benefits and
 1136 assistance, criminal penalties, and obligations of injured
 1137 workers and their employers under the Florida Workers'
 1138 Compensation Law. Annually, the carrier or its third-party
 1139 administrator shall send by regular mail or e-mail to the
 1140 employer an informational brochure approved by the department
 1141 which sets forth in clear and understandable language an
 1142 explanation of the rights, benefits, procedures for obtaining
 1143 benefits and assistance, criminal penalties, and obligations of
 1144 injured workers and their employers under the Florida Workers'
 1145 Compensation Law. All such informational brochures shall contain
 1146 a notice that clearly states in substance the following: "Any
 1147 person who, knowingly and with intent to injure, defraud, or
 1148 deceive any employer or employee, insurance company, or self-
 1149 insured program, files a statement of claim containing any false
 1150 or misleading information commits a felony of the third degree."

1151 Section 18. Subsection (3) of section 440.381, Florida
1152 Statutes, is amended to read:

1153 440.381 Application for coverage; reporting payroll;
1154 payroll audit procedures; penalties.—

1155 (3) The Financial Services Commission, in consultation
1156 with the department, shall establish by rule minimum
1157 requirements for audits of payroll and classifications ~~in order~~
1158 to ensure that the appropriate premium is charged for workers'
1159 compensation coverage. The rules must ~~shall~~ ensure that audits
1160 performed by both carriers and employers are adequate to provide
1161 that all sources of payments to employees, subcontractors, and
1162 independent contractors are ~~have been~~ reviewed and that the
1163 accuracy of classification of employees is ~~has been~~ verified.
1164 The rules must require ~~shall provide~~ that employers in all
1165 classes other than the construction class be audited at least
1166 ~~not less frequently than~~ biennially and may provide for more
1167 frequent audits of employers in specified classifications based
1168 on factors such as amount of premium, type of business, loss
1169 ratios, or other relevant factors. ~~In no event shall~~ Employers
1170 in the construction class, generating more than the amount of
1171 premium required to be experience rated must, be audited at
1172 least ~~less than~~ annually. The annual audits required for
1173 construction classes must ~~shall~~ consist of physical onsite
1174 audits for policies only if the estimated annual premium is
1175 \$10,000 or more. Payroll verification audit rules must include,

1176 but need not be limited to, the use of state and federal reports
 1177 of employee income, payroll and other accounting records,
 1178 certificates of insurance maintained by subcontractors, and
 1179 duties of employees. At the completion of an audit, the employer
 1180 or officer of the corporation and the auditor must print and
 1181 sign their names on the audit document and attach proof of
 1182 identification to the audit document.

1183 Section 19. Subsection (2) of section 497.277, Florida
 1184 Statutes, is amended to read:

1185 497.277 Other charges.—Other than the fees for the sale of
 1186 burial rights, burial merchandise, and burial services, no other
 1187 fee may be directly or indirectly charged, contracted for, or
 1188 received by a cemetery company as a condition for a customer to
 1189 use any burial right, burial merchandise, or burial service,
 1190 except for:

1191 (2) Charges paid for transferring burial rights from one
 1192 purchaser to another; ~~however, no such fee may exceed \$50.~~

1193 Section 20. Paragraph (b) of subsection (1) of section
 1194 497.369, Florida Statutes, is amended to read:

1195 497.369 Embalmers; licensure as an embalmer by
 1196 endorsement; licensure of a temporary embalmer.—

1197 (1) The licensing authority shall issue a license by
 1198 endorsement to practice embalming to an applicant who has
 1199 remitted an examination fee set by rule of the licensing
 1200 authority not to exceed \$200 and who the licensing authority

1201 certifies:

1202 (b)1. Holds a valid license in good standing to practice
 1203 embalming in another state of the United States and has engaged
 1204 in the full-time, licensed practice of embalming in that state
 1205 for at least 5 years, ~~provided that, when the applicant secured~~
 1206 ~~her or his original license, the requirements for licensure were~~
 1207 ~~substantially equivalent to or more stringent than those~~
 1208 ~~existing in this state; or~~

1209 2. Meets the qualifications for licensure in s. 497.368,
 1210 except that the internship requirement shall be deemed to have
 1211 been satisfied by 1 year's practice as a licensed embalmer in
 1212 another state, and has, within 10 years before ~~prior to~~ the date
 1213 of application, successfully completed a state, regional, or
 1214 national examination in mortuary science, which, as determined
 1215 by rule of the licensing authority, is substantially equivalent
 1216 to or more stringent than the examination given by the licensing
 1217 authority.

1218 Section 21. Paragraphs (b) and (f) of subsection (1) of
 1219 section 497.372, Florida Statutes, are amended to read:

1220 497.372 Funeral directing; conduct constituting practice
 1221 of funeral directing.-

1222 (1) The practice of funeral directing shall be construed
 1223 to consist of the following functions, which may be performed
 1224 only by a licensed funeral director:

1225 (b) Planning or arranging, on an at-need basis, the

1226 details of funeral services, embalming, cremation, or other
 1227 services relating to the final disposition of human remains, and
 1228 ~~including the removal of such remains from the state; setting~~
 1229 ~~the time of the services;~~ establishing the type of services to
 1230 be rendered; ~~acquiring the services of the clergy; and obtaining~~
 1231 ~~vital information for the filing of death certificates and~~
 1232 ~~obtaining of burial transit permits.~~

1233 (f) Directing, being in charge or apparent charge of, or
 1234 supervising, directly or indirectly, any memorial service ~~held~~
 1235 ~~prior to or within 72 hours of the burial or cremation,~~ if such
 1236 memorial service is sold or arranged by a licensee.

1237 Section 22. Paragraph (b) of subsection (1) of section
 1238 497.374, Florida Statutes, is amended to read:

1239 497.374 Funeral directing; licensure as a funeral director
 1240 by endorsement; licensure of a temporary funeral director.—

1241 (1) The licensing authority shall issue a license by
 1242 endorsement to practice funeral directing to an applicant who
 1243 has remitted a fee set by rule of the licensing authority not to
 1244 exceed \$200 and who:

1245 (b)1. Holds a valid license in good standing to practice
 1246 funeral directing in another state of the United States and has
 1247 engaged in the full-time, licensed practice of funeral directing
 1248 in that state for at least 5 years, ~~provided that, when the~~
 1249 ~~applicant secured her or his original license, the requirements~~
 1250 ~~for licensure were substantially equivalent to or more stringent~~

1251 ~~than those existing in this state; or~~

1252 2. Meets the qualifications for licensure in s. 497.373,
 1253 except that the applicant need not hold an associate degree or
 1254 higher if the applicant holds a diploma or certificate from an
 1255 accredited program of mortuary science, and has successfully
 1256 completed a state, regional, or national examination in mortuary
 1257 science or funeral service arts, which, as determined by rule of
 1258 the licensing authority, is substantially equivalent to or more
 1259 stringent than the examination given by the licensing authority.

1260 Section 23. Subsection (6) of section 554.108, Florida
 1261 Statutes, is renumbered as subsection (7), subsection (1) is
 1262 amended, and a new subsection (6) is added to that section, to
 1263 read:

1264 554.108 Inspection.—

1265 (1) The inspection requirements of this chapter apply only
 1266 to boilers located in public assembly locations. A ~~potable hot~~
 1267 ~~water supply~~ boiler with an ~~a heat~~ input of 200,000 British
 1268 thermal units (Btu) per hour and above, up to an ~~a heat~~ input
 1269 not exceeding 400,000 Btu per hour, is exempt from inspection;
 1270 however, such an exempt boiler, if manufactured after July 1,
 1271 2022, but must be stamped with the A.S.M.E. code symbol.
 1272 Additionally, "HLW" and the boiler's A.S.M.E data report of a
 1273 boiler with an input of 200,000 to 400,000 Btu per hour must be
 1274 filed as required under s. 554.103(2).

1275 (6) Each enclosed space or room containing a boiler

1276 regulated under this chapter which is fired by the direct
1277 application of energy from the combustion of fuels and which is
1278 located in any portion of a public lodging establishment under
1279 s. 509.242 shall be equipped with one or more carbon monoxide
1280 detector devices.

1281 Section 24. Paragraphs (a) and (e) of subsection (1) and
1282 paragraph (a) of subsection (2) of section 554.111, Florida
1283 Statutes, are amended to read:

1284 554.111 Fees.—

1285 (1) The department shall charge the following fees:

1286 (a) For an applicant for a certificate of competency, the
1287 initial application fee shall be \$50, and the annual renewal fee
1288 shall be \$30. ~~The fee for examination shall be \$50.~~

1289 (e) An application for a boiler permit must include the
1290 manufacturer's data report ~~applicable certificate inspection fee~~
1291 ~~provided in paragraph (b).~~

1292 (2) Not more than an amount equal to one certificate
1293 inspection fee may be charged or collected for any and all
1294 boiler inspections in any inspection period, except as otherwise
1295 provided in this chapter.

1296 (a) When it is necessary to make a special trip for
1297 testing and verification inspections ~~to observe the application~~
1298 ~~of a hydrostatic test~~, an additional fee equal to the fee for a
1299 certificate inspection of the boiler must be charged.

1300 Section 25. Subsection (4) of section 554.114, Florida

1301 Statutes, is amended to read:

1302 554.114 Prohibitions; penalties.—

1303 (4) A boiler insurance company, authorized inspection
 1304 agency, or other person in violation of this section for more
 1305 than 30 days shall pay a fine of \$10 per day for the subsequent
 1306 ~~first~~ 10 days of noncompliance, \$50 per day for the subsequent
 1307 20 days of noncompliance, and \$100 per day for each subsequent
 1308 day ~~over 20 days~~ of noncompliance thereafter.

1309 Section 26. Subsection (9) of section 624.307, Florida
 1310 Statutes, is amended to read:

1311 624.307 General powers; duties.—

1312 (9) Upon receiving service of legal process issued in any
 1313 civil action or proceeding in this state against any regulated
 1314 person or any unauthorized insurer under s. 626.906 or s.
 1315 626.937 that ~~which~~ is required to appoint the Chief Financial
 1316 Officer as its agent ~~attorney~~ to receive service of all legal
 1317 process, the Chief Financial Officer shall make the process
 1318 available through a secure online portal, ~~as attorney, may, in~~
 1319 ~~lieu of sending the process by registered or certified mail,~~
 1320 ~~send the process or make it available by any other verifiable~~
 1321 ~~means, including, but not limited to, making the documents~~
 1322 ~~available by electronic transmission from a secure website~~
 1323 established by the department to the person last designated by
 1324 the regulated person or the unauthorized insurer to receive the
 1325 process. When process documents are made available

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

1335 Section 27. Section 624.422, Florida Statutes, is amended
1336 to read:

1337 624.422 Service of process; appointment of Chief Financial
1338 Officer as process agent.—

1339 (1) Each licensed insurer, whether domestic, foreign, or
1340 alien, shall be deemed to have appointed the Chief Financial
1341 Officer and her or his successors in office as its agent
1342 ~~attorney~~ to receive service of all legal process issued against
1343 it in any civil action or proceeding in this state; and process
1344 so served shall be valid and binding upon the insurer.

1345 (2) Before ~~Prior to~~ its authorization to transact
1346 insurance in this state, each insurer shall file with the
1347 department designation of the name and e-mail address of the
1348 person to whom process against it served upon the Chief
1349 Financial Officer is to be made available through the
1350 department's secure online portal ~~forwarded~~. Each insurer shall

1351 also file with the department designation of the name and e-mail
1352 address of the person to whom the department shall forward civil
1353 remedy notices filed under s. 624.155. The insurer may change a
1354 designation at any time by a new filing.

1355 (3) Service of process submitted through the department's
1356 secure online portal upon the Chief Financial Officer as the
1357 insurer's agent ~~attorney~~ pursuant to such an appointment shall
1358 be the sole method of service of process upon an authorized
1359 domestic, foreign, or alien insurer in this state.

1360 Section 28. Subsection (1) of section 624.423, Florida
1361 Statutes, is amended to read:

1362 624.423 Serving process.—

1363 (1) Service of process upon the Chief Financial Officer as
1364 process agent of the insurer under s. 624.422 and s. 626.937
1365 shall be made ~~by serving a copy of the process upon the Chief~~
1366 ~~Financial Officer or upon her or his assistant, deputy, or other~~
1367 ~~person in charge of her or his office. Service may also be made~~
1368 ~~by mail or electronically as provided in s. 48.151(3) s. 48.151.~~
1369 Upon receiving such service, the Chief Financial Officer shall
1370 retain a record of the process ~~copy~~ and promptly notify and make
1371 ~~forward one copy of the process~~ available through the
1372 department's secure online portal ~~by registered or certified~~
1373 ~~mail or by other verifiable means~~, as provided under s.
1374 624.307(9), to the person last designated by the insurer to
1375 receive the same, as provided under s. 624.422(2). For purposes

1376 of this section, records shall ~~may~~ be retained electronically ~~as~~
 1377 ~~paper or electronic copies.~~

1378 Section 29. Paragraph (f) of subsection (3) and paragraph
 1379 (d) of subsection (4) of section 624.610, Florida Statutes, are
 1380 amended to read:

1381 624.610 Reinsurance.—

1382 (3)

1383 (f) If the assuming insurer is not authorized or
 1384 accredited to transact insurance or reinsurance in this state
 1385 pursuant to paragraph (a) or paragraph (b), the credit permitted
 1386 by paragraph (c) or paragraph (d) must not be allowed unless the
 1387 assuming insurer agrees in the reinsurance agreements:

1388 1.a. That in the event of the failure of the assuming
 1389 insurer to perform its obligations under the terms of the
 1390 reinsurance agreement, the assuming insurer, at the request of
 1391 the ceding insurer, shall submit to the jurisdiction of any
 1392 court of competent jurisdiction in any state of the United
 1393 States, will comply with all requirements necessary to give the
 1394 court jurisdiction, and will abide by the final decision of the
 1395 court or of any appellate court in the event of an appeal; and

1396 b. To designate the Chief Financial Officer, pursuant to
 1397 s. 48.151(3) ~~s. 48.151~~, as its true and lawful agent ~~attorney~~
 1398 upon whom may be served any lawful process in any action, suit,
 1399 or proceeding instituted by or on behalf of the ceding company.

1400 2. This paragraph is not intended to conflict with or

1401 | override the obligation of the parties to a reinsurance
 1402 | agreement to arbitrate their disputes, if this obligation is
 1403 | created in the agreement.

1404 | (4) Credit must be allowed when the reinsurance is ceded
 1405 | to an assuming insurer meeting the requirements of this
 1406 | subsection.

1407 | (d) The assuming insurer must, in a form specified by the
 1408 | commission:

1409 | 1. Agree to provide prompt written notice and explanation
 1410 | to the office if the assuming insurer falls below the minimum
 1411 | requirements set forth in paragraph (b) or paragraph (c), or if
 1412 | any regulatory action is taken against it for serious
 1413 | noncompliance with applicable law of any jurisdiction.

1414 | 2. Consent in writing to the jurisdiction of the courts of
 1415 | this state and to the designation of the Chief Financial
 1416 | Officer, pursuant to s. 48.151(3) ~~s. 48.151~~, as its true and
 1417 | lawful agent ~~attorney~~ upon whom may be served any lawful process
 1418 | in any action, suit, or proceeding instituted by or on behalf of
 1419 | the ceding insurer. This subparagraph does not limit or alter in
 1420 | any way the capacity of parties to a reinsurance agreement to
 1421 | agree to an alternative dispute resolution mechanism, except to
 1422 | the extent that such agreement is unenforceable under applicable
 1423 | insolvency or delinquency laws.

1424 | 3. Consent in writing to pay all final judgments, wherever
 1425 | enforcement is sought, obtained by a ceding insurer or its legal

1426 successor which have been declared enforceable in the
1427 jurisdiction where the judgment was obtained.

1428 4. Confirm in writing that it will include in each
1429 reinsurance agreement a provision requiring the assuming insurer
1430 to provide security in an amount equal to 100 percent of the
1431 assuming insurer's liabilities attributable to reinsurance ceded
1432 pursuant to that agreement, if the assuming insurer resists
1433 enforcement of a final judgment that is enforceable under the
1434 law of the jurisdiction in which it was obtained or enforcement
1435 of a properly enforceable arbitration award, whether obtained by
1436 the ceding insurer or by its legal successor on behalf of its
1437 resolution estate.

1438 5. Confirm in writing that it is not presently
1439 participating in any solvent scheme of arrangement which
1440 involves this state's ceding insurers, and agree to notify the
1441 ceding insurer and the office and to provide security in an
1442 amount equal to 100 percent of the assuming insurer's
1443 liabilities to the ceding insurer if the assuming insurer enters
1444 into such a solvent scheme of arrangement. Such security must be
1445 consistent with subsection (5) or as specified by commission
1446 rule.

1447 Section 30. Subsection (20) of section 626.015, Florida
1448 Statutes, is amended to read:

1449 626.015 Definitions.—As used in this part:

1450 (20) "Unaffiliated insurance agent" means a licensed

1451 insurance agent, except a limited lines agent, who is self-
 1452 appointed and who practices as an independent consultant in the
 1453 business of analyzing or abstracting insurance policies,
 1454 providing insurance advice or counseling, or making specific
 1455 recommendations or comparisons of insurance products for a fee
 1456 established in advance by written contract signed by the
 1457 parties. An unaffiliated insurance agent may not be affiliated
 1458 with an insurer, insurer-appointed insurance agent, or insurance
 1459 agency contracted with or employing insurer-appointed insurance
 1460 agents. A licensed adjuster who is also an unaffiliated
 1461 insurance agent may obtain an adjuster appointment in order to
 1462 adjust claims while holding an unaffiliated appointment on the
 1463 agent license.

1464 Section 31. Subsection (4) of section 626.171, Florida
 1465 Statutes, is amended to read:

1466 626.171 Application for license as an agent, customer
 1467 representative, adjuster, service representative, or reinsurance
 1468 intermediary.—

1469 (4) An applicant for a license under this chapter ~~as an~~
 1470 ~~agent, customer representative, adjuster, service~~
 1471 ~~representative, or reinsurance intermediary~~ must submit a set of
 1472 the individual applicant's fingerprints, or, if the applicant is
 1473 not an individual, a set of the fingerprints of the sole
 1474 proprietor, majority owner, partners, officers, and directors,
 1475 to the department and must pay the fingerprint processing fee

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

1488 Section 32. Paragraph (f) of subsection (2) of section
1489 626.172, Florida Statutes, is amended to read:

1490 626.172 Application for insurance agency license.—

1491 (2) An application for an insurance agency license must be
1492 signed by an individual required to be listed in the application
1493 under paragraph (a). An insurance agency may permit a third
1494 party to complete, submit, and sign an application on the
1495 insurance agency's behalf; however, the insurance agency is
1496 responsible for ensuring that the information on the application
1497 is true and correct and is accountable for any misstatements or
1498 misrepresentations. The application for an insurance agency
1499 license must include:

1500 (f) The fingerprints, submitted in accordance with s.

1501 626.171(4), of each of the following:

1502 1. A sole proprietor;

1503 2. Each individual required to be listed in the
1504 application under paragraph (a); and

1505 3. Each individual who directs or participates in the
1506 management or control of an incorporated agency whose shares are
1507 not traded on a securities exchange.

1508
1509 ~~Fingerprints must be taken by a law enforcement agency or other~~
1510 ~~entity approved by the department and must be accompanied by the~~
1511 ~~fingerprint processing fee specified in s. 624.501. Fingerprints~~
1512 ~~must be processed in accordance with s. 624.34. However,~~
1513 Fingerprints need not be filed for an individual who is
1514 currently licensed and appointed under this chapter. This
1515 paragraph does not apply to corporations whose voting shares are
1516 traded on a securities exchange.

1517 Section 33. Section 626.173, Florida Statutes, is created
1518 to read:

1519 626.173 Insurance agency closure; cancellation of
1520 licenses.—

1521 (1) If a licensed insurance agency permanently ceases the
1522 transacting of insurance or ceases the transacting of insurance
1523 for more than 31 days, the agent in charge, director of the
1524 agency, or other officer listed on the original application for
1525 licensure shall immediately cancel the insurance agency's

1526 license by completing and submitting a form to notify the Bureau
1527 of Licensing of the Division of Insurance Agent and Agency
1528 Services within the department of the cancellation of the
1529 license.

1530 (2) Within 30 days after the agency ceases the transacting
1531 of insurance, the agent in charge, director of the agency, or
1532 other officer listed on the original application for licensure
1533 shall:

1534 (a) Notify all insurers by which the agency or agent in
1535 charge is appointed of the agency's cessation of operations, the
1536 date on which operations ceased, the identity of any agency or
1537 agent to which the agency's current book of business has been
1538 transferred, and the method by which agency records may be
1539 obtained during the time periods specified in ss. 626.561 and
1540 626.748.

1541 (b) Notify all policyholders currently insured by a policy
1542 written, produced, or serviced by the agency of the agency's
1543 cessation of operations; the date on which operations ceased;
1544 and the identity of the agency or agent to which the agency's
1545 current book of business has been transferred or, if no transfer
1546 has occurred, a statement directing the policyholder to contact
1547 the insurance company for assistance in locating a licensed
1548 agent to service the policy.

1549 (c) Notify all premium finance companies through which
1550 active policies are financed of the agency's cessation of

1551 operations, the date on which operations ceased, and the
1552 identity of the agency or agent to which the agency's current
1553 book of business has been transferred.

1554 (d) Ensure that all funds held in a fiduciary capacity are
1555 properly distributed to the rightful owners.

1556 (3) (a) The department or office may, in a proceeding
1557 initiated pursuant to chapter 120, impose an administrative fine
1558 against the agent in charge or director or officer of the agency
1559 found in the proceeding to have violated any provision of this
1560 section. A proceeding may not be initiated and a fine may not
1561 accrue until after the person has been notified in writing of
1562 the nature of the violation, has been afforded 10 business days
1563 to correct the violation, and has failed to do so.

1564 (b) A fine imposed under this subsection may not exceed
1565 the amounts specified in s. 626.681 per violation.

1566 (c) The department or office may, in addition to the
1567 imposition of an administrative fine under this subsection, also
1568 suspend or revoke the license of the licensee fined under this
1569 subsection.

1570 (d) In imposing any administrative penalty or remedy
1571 provided under this subsection, the department or office shall
1572 take into account the appropriateness of the penalty with
1573 respect to the size of the financial resources and the good
1574 faith of the person charged, the gravity of the violation, the
1575 history of previous violations, and other matters as justice may

1576 require.

1577 Section 34. Subsection (3) of section 626.201, Florida
 1578 Statutes, is amended, and subsection (4) is added to that
 1579 section, to read:

1580 626.201 Investigation.—

1581 (3) An inquiry or investigation of the applicant's
 1582 qualifications, character, experience, background, and fitness
 1583 must include submission of the applicant's fingerprints, in
 1584 accordance with s. 626.171(4), to the Department of Law
 1585 Enforcement and the Federal Bureau of Investigation and
 1586 consideration of any state criminal records, federal criminal
 1587 records, or local criminal records obtained from these agencies
 1588 or from local law enforcement agencies.

1589 (4) The expiration, nonrenewal, or surrender of a license
 1590 under this chapter does not eliminate jurisdiction of the
 1591 licensing authority to investigate and prosecute for a violation
 1592 committed by the licensee while licensed under this chapter. The
 1593 prosecution of any matter may be initiated or continued
 1594 notwithstanding the withdrawal of a complaint.

1595 Section 35. Section 626.202, Florida Statutes, is amended
 1596 to read:

1597 626.202 Fingerprinting requirements.—

1598 (1) The requirements for completion and submission of
 1599 fingerprints under this chapter in accordance with s. 626.171(4)
 1600 are deemed to be met when an individual currently licensed under

1601 this chapter seeks additional licensure and has previously
1602 submitted fingerprints to the department within the past 48
1603 months. However, the department may require the individual to
1604 file fingerprints if it has reason to believe that an applicant
1605 or licensee has been found guilty of, or pleaded guilty or nolo
1606 contendere to, a felony or a crime related to the business of
1607 insurance in this state or any other state or jurisdiction.

1608 (2) If there is a change in ownership or control of any
1609 entity licensed under this chapter, or if a new partner,
1610 officer, or director is employed or appointed, a set of
1611 fingerprints of the new owner, partner, officer, or director
1612 must be filed with the department or office within 30 days after
1613 the change. The acquisition of 10 percent or more of the voting
1614 securities of a licensed entity is considered a change of
1615 ownership or control. The fingerprints must be submitted in
1616 accordance with s. 626.171(4) ~~taken by a law enforcement agency~~
1617 ~~or other department-approved entity and be accompanied by the~~
1618 ~~fingerprint processing fee in s. 624.501.~~

1619 Section 36. Paragraph (j) of subsection (2) of section
1620 626.221, Florida Statutes, is amended to read:

1621 626.221 Examination requirement; exemptions.—

1622 (2) However, an examination is not necessary for any of
1623 the following:

1624 (j) An applicant for license as an all-lines adjuster who
1625 has the designation of Accredited Claims Adjuster (ACA) from a

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

1643 Section 37. Subsection (6) of section 626.311, Florida
1644 Statutes, is amended to read:

1645 626.311 Scope of license.—

1646 (6) An agent who appoints his or her license as an
1647 unaffiliated insurance agent may not hold an appointment from an
1648 insurer for any license he or she holds, with the exception of
1649 an adjuster license; transact, solicit, or service an insurance
1650 contract on behalf of an insurer; interfere with commissions

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

1670 Section 38. Paragraph (h) of subsection (1) of section
1671 626.321, Florida Statutes, is amended to read:

1672 626.321 Limited licenses and registration.—

1673 (1) The department shall issue to a qualified applicant a
1674 license as agent authorized to transact a limited class of
1675 business in any of the following categories of limited lines

1676 insurance:

1677 (h) Portable electronics insurance.—License for property
1678 insurance or inland marine insurance that covers only loss,
1679 theft, mechanical failure, malfunction, or damage for portable
1680 electronics.

1681 1. The license may be issued only to:

1682 a. Employees or authorized representatives of a licensed
1683 general lines agent; or

1684 b. The lead business location of a retail vendor that
1685 sells portable electronics insurance. The lead business location
1686 must have a contractual relationship with a general lines agent.

1687 2. Employees or authorized representatives of a licensee
1688 under subparagraph 1. may sell or offer for sale portable
1689 electronics coverage without being subject to licensure as an
1690 insurance agent if:

1691 a. Such insurance is sold or offered for sale at a
1692 licensed location or at one of the licensee's branch locations
1693 if the branch location is appointed by the licensed lead
1694 business location or its appointing insurers;

1695 b. The insurer issuing the insurance directly supervises
1696 or appoints a general lines agent to supervise the sale of such
1697 insurance, including the development of a training program for
1698 the employees and authorized representatives of vendors that are
1699 directly engaged in the activity of selling or offering the
1700 insurance; and

1701 c. At each location where the insurance is offered,
1702 brochures or other written materials that provide the
1703 information required by this subparagraph are made available to
1704 all prospective customers. The brochures or written materials
1705 may include information regarding portable electronics
1706 insurance, service warranty agreements, or other incidental
1707 services or benefits offered by a licensee.

1708 3. Individuals not licensed to sell portable electronics
1709 insurance may not be paid commissions based on the sale of such
1710 coverage. However, a licensee who uses a compensation plan for
1711 employees and authorized representatives which includes
1712 supplemental compensation for the sale of noninsurance products,
1713 in addition to a regular salary or hourly wages, may include
1714 incidental compensation for the sale of portable electronics
1715 insurance as a component of the overall compensation plan.

1716 4. Brochures or other written materials related to
1717 portable electronics insurance must:

1718 a. Disclose that such insurance may duplicate coverage
1719 already provided by a customer's homeowners insurance policy,
1720 renters insurance policy, or other source of coverage;

1721 b. State that enrollment in insurance coverage is not
1722 required in order to purchase or lease portable electronics or
1723 services;

1724 c. Summarize the material terms of the insurance coverage,
1725 including the identity of the insurer, the identity of the

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

1731 d. Summarize the process for filing a claim, including a
1732 description of how to return portable electronics and the
1733 maximum fee applicable if the customer fails to comply with
1734 equipment return requirements; and

1735 e. State that an enrolled customer may cancel coverage at
1736 any time and that the person paying the premium will receive a
1737 refund of any unearned premium.

1738 5. A licensed and appointed general lines agent is not
1739 required to obtain a portable electronics insurance license to
1740 offer or sell portable electronics insurance at locations
1741 already licensed as an insurance agency, but may apply for a
1742 portable electronics insurance license for branch locations not
1743 otherwise licensed to sell insurance.

1744 6. A portable electronics license authorizes the sale of
1745 individual policies or certificates under a group or master
1746 insurance policy. The license also authorizes the sale of
1747 service warranty agreements covering only portable electronics
1748 to the same extent as if licensed under s. 634.419 or s.
1749 634.420.

1750 7. A licensee may bill and collect the premium for the

- 1751 purchase of portable electronics insurance provided that:
- 1752 a. If the insurance is included with the purchase or lease
- 1753 of portable electronics or related services, the licensee
- 1754 clearly and conspicuously discloses that insurance coverage is
- 1755 included with the purchase. Disclosure of the stand-alone cost
- 1756 of the premium for same or similar insurance must be made on the
- 1757 customer's bill and in any marketing materials made available at
- 1758 the point of sale. If the insurance is not included, the charge
- 1759 to the customer for the insurance must be separately itemized on
- 1760 the customer's bill.
- 1761 b. Premiums are incidental to other fees collected, are
- 1762 maintained in a manner that is readily identifiable, and are
- 1763 accounted for and remitted to the insurer or supervising entity
- 1764 within 60 days of receipt. Licensees are not required to
- 1765 maintain such funds in a segregated account.
- 1766 c. All funds received by a licensee from an enrolled
- 1767 customer for the sale of the insurance are considered funds held
- 1768 in trust by the licensee in a fiduciary capacity for the benefit
- 1769 of the insurer. Licensees may receive compensation for billing
- 1770 and collection services.
- 1771 8. Notwithstanding any other provision of law, the terms
- 1772 for the termination or modification of coverage under a policy
- 1773 of portable electronics insurance are those set forth in the
- 1774 policy.
- 1775 9. Notice or correspondence required by the policy, or

1776 otherwise required by law, may be provided by electronic means
1777 if the insurer or licensee maintains proof that the notice or
1778 correspondence was sent. Such notice or correspondence may be
1779 sent on behalf of the insurer or licensee by the general lines
1780 agent appointed by the insurer to supervise the administration
1781 of the program. For purposes of this subparagraph, an enrolled
1782 customer's provision of an electronic mail address to the
1783 insurer or licensee is deemed to be consent to receive notices
1784 and correspondence by electronic means if a conspicuously
1785 located disclosure is provided to the customer indicating the
1786 same.

1787 10. ~~The provisions of this chapter requiring submission of~~
1788 fingerprints requirements in s. 626.171(4) do not apply to
1789 licenses issued to qualified entities under this paragraph.

1790 11. A branch location that sells portable electronics
1791 insurance may, in lieu of obtaining an appointment from an
1792 insurer or warranty association, obtain a single appointment
1793 from the associated lead business location licensee and pay the
1794 prescribed appointment fee under s. 624.501 if the lead business
1795 location has a single appointment from each insurer or warranty
1796 association represented and such appointment applies to the lead
1797 business location and all of its branch locations. Branch
1798 location appointments shall be renewed 24 months after the
1799 initial appointment date of the lead business location and every
1800 24 months thereafter. Notwithstanding s. 624.501, the renewal

1801 fee applicable to such branch location appointments is \$30 per
 1802 appointment.

1803 12. For purposes of this paragraph:

1804 a. "Branch location" means any physical location in this
 1805 state at which a licensee offers its products or services for
 1806 sale.

1807 b. "Portable electronics" means personal, self-contained,
 1808 easily carried by an individual, battery-operated electronic
 1809 communication, viewing, listening, recording, gaming, computing
 1810 or global positioning devices, including cell or satellite
 1811 phones, pagers, personal global positioning satellite units,
 1812 portable computers, portable audio listening, video viewing or
 1813 recording devices, digital cameras, video camcorders, portable
 1814 gaming systems, docking stations, automatic answering devices,
 1815 and other similar devices and their accessories, and service
 1816 related to the use of such devices.

1817 c. "Portable electronics transaction" means the sale or
 1818 lease of portable electronics or a related service, including
 1819 portable electronics insurance.

1820 Section 39. Subsection (5) of section 626.601, Florida
 1821 Statutes, is amended to read:

1822 626.601 Improper conduct; inquiry; fingerprinting.—

1823 (5) If the department or office, after investigation, has
 1824 reason to believe that an individual may have been found guilty
 1825 of or pleaded guilty or nolo contendere to a felony or a crime

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

1834 Section 40. Paragraph (d) of subsection (2) of section
1835 626.8411, Florida Statutes, is amended, and paragraph (f) is
1836 added to subsection (1) of that section, to read:

1837 626.8411 Application of Florida Insurance Code provisions
1838 to title insurance agents or agencies.—

1839 (1) The following provisions applicable to general lines
1840 agents or agencies also apply to title insurance agents or
1841 agencies:

1842 (f) Section 626.172(2)(f), relating to fingerprints.

1843 (2) The following provisions of part I do not apply to
1844 title insurance agents or title insurance agencies:

1845 (d) Section 626.172, except for paragraph (2)(f) of that
1846 section, relating to agent in full-time charge.

1847 Section 41. Paragraph (b) of subsection (1) of section
1848 626.8412, Florida Statutes, is amended to read:

1849 626.8412 License and appointments required.—

1850 (1) Except as otherwise provided in this part:

1851 (b) A title insurance agent may not sell a title insurance
1852 policy issued by an insurer for which the agent and the agency
1853 do ~~does~~ not hold a current appointment.

1854 Section 42. Paragraph (a) of subsection (3) of section
1855 626.8417, Florida Statutes, is amended to read:

1856 626.8417 Title insurance agent licensure; exemptions.—

1857 (3) The department may not grant or issue a license as a
1858 title insurance agent to an individual who is found by the
1859 department to be untrustworthy or incompetent, who does not meet
1860 the qualifications for examination specified in s. 626.8414, or
1861 who does not meet the following qualifications:

1862 (a) Within the 4 years immediately preceding the date of
1863 the application for license, the applicant must have completed a
1864 40-hour ~~classroom~~ course in title insurance, 3 hours of which
1865 are on the subject matter of ethics, as approved by the
1866 department, or must have had at least 12 months of experience in
1867 responsible title insurance duties, under the supervision of a
1868 licensed title insurance agent, title insurer, or attorney while
1869 working in the title insurance business as a substantially full-
1870 time, bona fide employee of a title insurance agency, title
1871 insurance agent, title insurer, or attorney who conducts real
1872 estate closing transactions and issues title insurance policies
1873 but who is exempt from licensure under subsection (4). If an
1874 applicant's qualifications are based upon the periods of
1875 employment at responsible title insurance duties, the applicant

1876 must submit, with the license application, an affidavit of the
 1877 applicant and of the employer affirming the period of such
 1878 employment, that the employment was substantially full time, and
 1879 giving a brief abstract of the nature of the duties performed by
 1880 the applicant.

1881 Section 43. Section 626.8421, Florida Statutes, is amended
 1882 to read:

1883 626.8421 Number of appointments permitted or required.—A
 1884 title agent and a title agency shall be required to have a
 1885 separate appointment as to each insurer by which they are ~~he or~~
 1886 ~~she is~~ appointed as agents ~~agent~~. As a part of each appointment
 1887 there shall be a certified statement or affidavit of an
 1888 appropriate officer or official of the appointing insurer
 1889 stating that to the best of the insurer's knowledge and belief
 1890 the applicant, or its principals in the case of a corporation or
 1891 other legal entity, has met the requirements of s. 626.8417.

1892 Section 44. Subsections (1) and (2) of section 626.843,
 1893 Florida Statutes, are amended to read:

1894 626.843 Renewal, continuation, reinstatement, termination
 1895 of title insurance agent's and title insurance agency's
 1896 appointments ~~appointment~~.—

1897 (1) Appointments ~~the appointment~~ of a title insurance
 1898 agent and a title insurance agency shall continue in force until
 1899 suspended, revoked, or otherwise terminated, but subject to a
 1900 renewed request filed by the insurer every 24 months after the

1901 original issue dates ~~date~~ of the appointments ~~appointment~~,
 1902 accompanied by payments ~~payment~~ of the renewal appointment fees
 1903 ~~fee~~ and taxes as prescribed in s. 624.501.

1904 (2) Title insurance agent and title insurance agency
 1905 appointments shall be renewed pursuant to s. 626.381 for
 1906 insurance representatives in general.

1907 Section 45. Subsection (1) of section 626.8433, Florida
 1908 Statutes, is amended to read:

1909 626.8433 Filing of reasons for terminating appointments
 1910 ~~appointment~~ of title insurance agent and title insurance agency;
 1911 confidential information.-

1912 (1) Any title insurer that is terminating the appointment
 1913 of a title insurance agent or title insurance agency, whether
 1914 such termination is by direct action of the appointing title
 1915 insurer or by failure to renew or continue the appointment as
 1916 provided, shall file with the department a statement of the
 1917 reasons, if any, for, and the facts relative to, such
 1918 termination.

1919 Section 46. Section 626.8447, Florida Statutes, is amended
 1920 to read:

1921 626.8447 Effect of suspension or revocation upon other
 1922 licensees, appointees.-In case of the suspension or revocation
 1923 of the license and appointment of any title insurance agent or
 1924 title insurance agency, the licenses and appointments of all
 1925 other title insurance agents who knowingly were parties to the

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

1933 Section 47. Paragraph (d) of subsection (10) of section
 1934 626.854, Florida Statutes, is redesignated as paragraph (f), and
 1935 a new paragraph (d) and paragraph (e) are added to subsection
 1936 (10) of that section, to read:

1937 626.854 "Public adjuster" defined; prohibitions.—The
 1938 Legislature finds that it is necessary for the protection of the
 1939 public to regulate public insurance adjusters and to prevent the
 1940 unauthorized practice of law.

1941 (10)

1942 (d) Public adjuster compensation may not be based on
 1943 amounts attributable to additional living expenses, unless such
 1944 compensation is affirmatively agreed to in a separate agreement
 1945 that includes a disclosure in substantially the following form:
 1946 "I agree to retain and compensate the public adjuster for
 1947 adjusting my additional living expenses and securing payment
 1948 from my insurer for amounts attributable to additional living
 1949 expenses payable under the policy issued on my (home/mobile
 1950 home/condominium unit)."

1951 (e) Public adjuster compensation may not be increased
 1952 based on a claim being resolved by litigation.

1953 Section 48. Section 626.8561, Florida Statutes, is amended
 1954 to read:

1955 626.8561 "Public adjuster apprentice" defined.—The term
 1956 "public adjuster apprentice" means a person licensed as an all-
 1957 lines adjuster who:

1958 (1) Is appointed and employed or contracted by ~~a public~~
 1959 ~~adjuster or~~ a public adjusting firm;

1960 (2) Assists the ~~public adjuster or~~ public adjusting firm
 1961 in ascertaining and determining the amount of any claim, loss,
 1962 or damage payable under an insurance contract, or who undertakes
 1963 to effect settlement of such claim, loss, or damage; and

1964 (3) Satisfies the requirements of s. 626.8651.

1965 Section 49. Paragraph (e) of subsection (1) and subsection
 1966 (2) of section 626.865, Florida Statutes, are amended to read:

1967 626.865 Public adjuster's qualifications, bond.—

1968 (1) The department shall issue a license to an applicant
 1969 for a public adjuster's license upon determining that the
 1970 applicant has paid the applicable fees specified in s. 624.501
 1971 and possesses the following qualifications:

1972 (e) Has been licensed and appointed in this state as a
 1973 nonresident public adjuster on a continual basis for the
 1974 previous 6 months, or has been licensed as an all-lines
 1975 adjuster, and has been appointed on a continual basis for the

1976 previous 6 months as a public adjuster apprentice under s.
 1977 626.8561, as an independent adjuster under s. 626.855, or as a
 1978 company employee adjuster under s. 626.856.

1979 (2) At the time of application for license as a public
 1980 adjuster, the applicant shall file with the department a bond
 1981 executed and issued by a surety insurer authorized to transact
 1982 such business in this state, in the amount of \$50,000,
 1983 conditioned for the faithful performance of his or her duties as
 1984 a public adjuster under the license for which the applicant has
 1985 applied, and thereafter maintain the bond unimpaired throughout
 1986 the existence of the license ~~and for at least 1 year after~~
 1987 ~~termination of the license.~~

1988 (a) The bond must ~~shall~~ be in favor of the department and
 1989 must ~~shall~~ specifically authorize recovery by the department of
 1990 the damages sustained in case the licensee is guilty of fraud or
 1991 unfair practices in connection with his or her business as
 1992 public adjuster.

1993 (b) The bond must remain in effect for 1 year after the
 1994 expiration or termination of the license.

1995 (c) The aggregate liability of the surety for all such
 1996 damages may not ~~shall in no event~~ exceed the amount of the bond.
 1997 The ~~Such~~ bond may ~~shall~~ not be terminated unless at least 30
 1998 days' written notice is given to the licensee and filed with the
 1999 department.

2000 Section 50. Paragraph (a) of subsection (1) and subsection

2001 (3) of section 626.8651, Florida Statutes, are amended to read:
 2002 626.8651 Public adjuster apprentice appointment;
 2003 qualifications.—

2004 (1)(a) The department shall issue an appointment as a
 2005 public adjuster apprentice to a licensee who:

2006 1. Is licensed as an all-lines adjuster under s. 626.866;

2007 2. Has filed with the department a bond executed and
 2008 issued by a surety insurer that is authorized to transact such
 2009 business in this state in the amount of \$50,000, which is
 2010 conditioned upon the faithful performance of his or her duties
 2011 as a public adjuster apprentice; and

2012 3. Maintains such bond unimpaired throughout the existence
 2013 of the appointment. The bond must remain in effect for 1 year
 2014 after the expiration or termination of the license ~~and for at~~
 2015 ~~least 1 year after termination of the appointment.~~

2016 (3) A public adjuster apprentice has the same authority as
 2017 the licensed public adjuster or public adjusting firm that
 2018 employs the apprentice except that an apprentice may not execute
 2019 contracts for the services of a public adjuster or public
 2020 adjusting firm. An individual may not be, act as, or hold
 2021 himself or herself out to be a public adjuster apprentice unless
 2022 the individual is licensed as an all-lines adjuster and holds a
 2023 current appointment by a licensed ~~public all-lines adjuster or a~~
 2024 public adjusting firm that has designated with the department a
 2025 primary ~~employs a licensed public~~ adjuster as required by s.

2026 | 626.8695.

2027 | Section 51. Section 626.8696, Florida Statutes, is amended
2028 | to read:

2029 | 626.8696 Application for adjusting firm license.—

2030 | (1) The application for an adjusting firm license must
2031 | include:

2032 | (a) The name of each majority owner, partner, officer, and
2033 | director of the adjusting firm.

2034 | (b) The resident address of each person required to be
2035 | listed in the application under paragraph (a).

2036 | (c) The name of the adjusting firm and its principal
2037 | business address.

2038 | (d) The location of each adjusting firm office and the
2039 | name under which each office conducts or will conduct business.

2040 | (e) The name and license number of the designated primary
2041 | adjuster for each adjusting firm location as required in s.

2042 | 626.8695.

2043 | (f) The fingerprints of each individual required to be
2044 | listed in the application under paragraph (a), filed in
2045 | accordance with s. 626.171(4). However, fingerprints need not be
2046 | filed for an individual who is currently licensed and appointed
2047 | under this chapter.

2048 | (g) ~~(e)~~ Any additional information that the department
2049 | requires.

2050 | (2) An application for an adjusting firm license must be

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

2055 ~~(3) Each application must be accompanied by payment of any~~
 2056 ~~applicable fee as prescribed in s. 624.501.~~

2057 ~~(4) License fees are not refundable.~~

2058 ~~(5) An adjusting firm required to be licensed pursuant to~~
 2059 ~~s. 626.8695 must remain so licensed for a period of 3 years from~~
 2060 ~~the date of licensure, unless the license is suspended or~~
 2061 ~~revoked. The department may suspend or revoke the adjusting~~
 2062 ~~firm's authority to do business for activities occurring during~~
 2063 ~~the time the firm is licensed, regardless of whether the~~
 2064 ~~licensing period has terminated.~~

2065 Section 52. Subsection (3) of section 626.8732, Florida
 2066 Statutes, is amended to read:

2067 626.8732 Nonresident public adjuster's qualifications,
 2068 bond.—

2069 (3) At the time of application for license as a
 2070 nonresident public adjuster, the applicant shall file with the
 2071 department a bond executed and issued by a surety insurer
 2072 authorized to transact surety business in this state, in the
 2073 amount of \$50,000, conditioned for the faithful performance of
 2074 his or her duties as a nonresident public adjuster under the
 2075 license applied for. Thereafter, the applicant shall maintain

2076 the bond unimpaired throughout the existence of the license and
 2077 for 1 year after the expiration or termination of the license.

2078 (a) The bond must be in favor of the department and must
 2079 specifically authorize recovery by the department of the damages
 2080 sustained if the licensee commits fraud or unfair practices in
 2081 connection with his or her business as nonresident public
 2082 adjuster.

2083 (b) The aggregate liability of the surety for all the
 2084 damages may not exceed the amount of the bond. The bond may not
 2085 be terminated unless at least 30 days' written notice is given
 2086 to the licensee and filed with the department.

2087 Section 53. Paragraph (a) of subsection (2) of section
 2088 626.8734, Florida Statutes, is amended to read:

2089 626.8734 Nonresident all-lines adjuster license
 2090 qualifications.—

2091 (2) The applicant must furnish the following with his or
 2092 her application:

2093 (a) A complete set of his or her fingerprints in
 2094 accordance with s. 626.171(4). ~~The applicant's fingerprints must~~
 2095 ~~be certified by an authorized law enforcement officer.~~

2096 Section 54. Section 626.906, Florida Statutes, is amended
 2097 to read:

2098 626.906 Acts constituting Chief Financial Officer as
 2099 process agent.—Any of the following acts in this state, effected
 2100 by mail or otherwise, by an unauthorized foreign insurer, alien

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

2113 (1) The issuance or delivery of contracts of insurance to
 2114 residents of this state or to corporations authorized to do
 2115 business therein;

2116 (2) The solicitation of applications for such contracts;

2117 (3) The collection of premiums, membership fees,
 2118 assessments, or other considerations for such contracts; or

2119 (4) Any other transaction of insurance.

2120 Section 55. Subsection (4) of section 626.912, Florida
 2121 Statutes, is amended to read:

2122 626.912 Exemptions from ss. 626.904-626.911.—The
 2123 provisions of ss. 626.904-626.911 do not apply to any action,
 2124 suit, or proceeding against any unauthorized foreign insurer,
 2125 alien insurer, or person representing or aiding such an insurer

2126 arising out of any contract of insurance:

2127 (4) Issued under and in accordance with the Surplus Lines

2128 Law, when such insurer or person representing or aiding such

2129 insurer enters a general appearance or when such contract of

2130 insurance contains a provision designating the Chief Financial

2131 Officer or designating a Florida resident agent to be the true

2132 and lawful agent ~~attorney~~ of such unauthorized insurer or person

2133 representing or aiding such insurer upon whom may be served all

2134 lawful process in any action, suit, or proceeding instituted by

2135 or on behalf of an insured or person representing or aiding such

2136 insurer or beneficiary arising out of any such contract of

2137 insurance; and service of process effected on such Chief

2138 Financial Officer or such resident agent shall be deemed to

2139 confer complete jurisdiction over such unauthorized insurer or

2140 person representing or aiding such insurer in such action.

2141 Section 56. Subsections (3) and (4) of section 626.937,

2142 Florida Statutes, are amended to read:

2143 626.937 Actions against insurer; service of process.—

2144 (3) Each unauthorized insurer requesting eligibility

2145 pursuant to s. 626.918 shall file with the department its

2146 appointment of the Chief Financial Officer, on a form as

2147 furnished by the department, as its agent ~~attorney~~ to receive

2148 service of all legal process issued against it in any civil

2149 action or proceeding in this state, and agreeing that process so

2150 served shall be valid and binding upon the insurer. The

2151 appointment shall be irrevocable, shall bind the insurer and any
2152 successor in interest as to the assets or liabilities of the
2153 insurer, and shall remain in effect as long as there is
2154 outstanding in this state any obligation or liability of the
2155 insurer resulting from its insurance transactions therein.

2156 (4) At the time of such appointment of the Chief Financial
2157 Officer as its process agent, the insurer shall file with the
2158 department designation of the name and e-mail address of the
2159 person to whom process against it served upon the Chief
2160 Financial Officer is to be made available through the
2161 department's secure online portal ~~forwarded~~. The insurer may
2162 change the designation at any time by a new filing.

2163 Section 57. Subsection (5) of section 626.9953, Florida
2164 Statutes, is amended to read:

2165 626.9953 Qualifications for registration; application
2166 required.—

2167 (5) An applicant must submit a set of his or her
2168 fingerprints in accordance with s. 626.171(4) ~~to the department~~
2169 ~~and pay the processing fee established under s. 624.501(23)~~. The
2170 department shall submit the applicant's fingerprints to the
2171 Department of Law Enforcement for processing state criminal
2172 history records checks and local criminal records checks through
2173 local law enforcement agencies and for forwarding to the Federal
2174 Bureau of Investigation for national criminal history records
2175 checks. The fingerprints shall be taken by a law enforcement

2176 agency, a designated examination center, or another department-
 2177 approved entity. The department may not approve an application
 2178 for registration as a navigator if fingerprints have not been
 2179 submitted.

2180 Section 58. Paragraphs (e) and (f) are added to subsection
 2181 (4) of section 633.135, Florida Statutes, to read:

2182 633.135 Firefighter Assistance Grant Program.—

2183 (4) Funds shall be used to:

2184 (e) Purchase other equipment and tools that improve
 2185 firesafety and fire rescue capabilities for firefighters.

2186 (f) Purchase protective clothing and equipment compliant
 2187 with NFPA 1977, "Standard on Protective Clothing and Equipment
 2188 for Wildland Fire Fighting and Urban Interface Fire Fighting."

2189 Section 59. Subsections (6) through (9) of section
 2190 633.216, Florida Statutes, are renumbered as subsections (5)
 2191 through (8), respectively, and subsection (4) and present
 2192 subsection (5) of that section are amended, to read:

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

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

2207 (4) Every firesafety inspector certificate is valid for a
 2208 period of 4 years from the date of issuance. Renewal of
 2209 certification is subject to the affected person's completing
 2210 proper application for renewal and meeting all of the
 2211 requirements for renewal as established under this chapter or by
 2212 rule adopted under this chapter, which must include completion
 2213 of at least 54 hours during the preceding 4-year period of
 2214 continuing education as required by the rule of the department
 2215 ~~er, in lieu thereof, successful passage of an examination as~~
 2216 ~~established by the department.~~

2217 ~~(5) A previously certified firesafety inspector whose~~
 2218 ~~certification has lapsed for 8 years or more must repeat the~~
 2219 ~~fire safety inspector training as specified by the division.~~

2220 Section 60. Paragraph (b) of subsection (4) and paragraphs
 2221 (a) and (c) of subsection (6) of section 633.408, Florida
 2222 Statutes, are amended to read:

2223 633.408 Firefighter and volunteer firefighter training and
 2224 certification.—

2225 (4) The division shall issue a Firefighter Certificate of

2226 Compliance to an individual who does all of the following:

2227 (b) Passes the Minimum Standards Course certification

2228 ~~examination~~ within 12 months after completing the required

2229 courses.

2230 (6) (a) The division may issue a Special Certificate of

2231 Compliance to an individual who does all of the following:

2232 1. Satisfactorily completes the course established by rule

2233 by the division and successfully passes any examination

2234 corresponding to such course in paragraph ~~(1) (b)~~ to obtain a

2235 Special Certificate of Compliance.

2236 ~~2. Passes the examination established in paragraph (1) (b)~~

2237 ~~to obtain a Special Certificate of Compliance.~~

2238 ~~2.3.~~ Possesses the qualifications in s. 633.412.

2239 ~~(c) In order to retain a Special Certificate of~~

2240 ~~Compliance, every 4 years an individual must:~~

2241 ~~1. Be active as a firefighter;~~

2242 ~~2. Maintain a current and valid fire service instructor~~

2243 ~~certificate, instruct at least 40 hours during the 4-year~~

2244 ~~period, and provide proof of such instruction to the division,~~

2245 ~~which proof must be registered in an electronic database~~

2246 ~~designated by the division; or~~

2247 ~~3. Within 6 months before the 4-year period expires,~~

2248 ~~successfully complete a Firefighter Retention Refresher Course~~

2249 ~~consisting of a minimum of 40 hours of training as prescribed by~~

2250 ~~rule.~~

2251 Section 61. Subsections (5), (6), and (7) of section
 2252 633.414, Florida Statutes, are renumbered as subsections (4),
 2253 (5), and (6) respectively, and subsection (1) and present
 2254 subsection (4) of that section are amended, to read:

2255 633.414 Retention of firefighter and volunteer firefighter
 2256 certifications.—

2257 (1) In order for a firefighter to retain her or his
 2258 Firefighter Certificate of Compliance or Special Certificate of
 2259 Compliance, every 4 years he or she must meet the requirements
 2260 for renewal provided in this chapter and by rule, which must
 2261 include at least one of the following:

2262 (a) Be active as a firefighter. As used in this section,
 2263 the term "active" means being employed as a firefighter or
 2264 providing service as a volunteer firefighter as evidenced by the
 2265 individual's name appearing on a fire service provider's
 2266 employment roster in the Florida State Fire College database or
 2267 a letter by the fire service provider attesting to dates of
 2268 employment.

2269 (b) Maintain a current and valid fire service instructor
 2270 certificate, instruct at least 40 hours during the 4-year
 2271 period, and provide proof of such instruction to the division,
 2272 which proof must be registered in an electronic database
 2273 designated by the division.

2274 (c) Before the expiration of the certificate ~~Within 6~~
 2275 ~~months before the 4-year period expires,~~ successfully complete a

2276 Firefighter Retention Refresher Course consisting of a minimum
 2277 of 40 hours of training to be prescribed by rule.

2278 (d) Before the expiration of the certificate ~~Within 6~~
 2279 ~~months before the 4-year period expires,~~ successfully retake and
 2280 pass the Minimum Standards Course examination pursuant to s.
 2281 633.408.

2282 ~~(4) For the purposes of this section, the term "active"~~
 2283 ~~means being employed as a firefighter or providing service as a~~
 2284 ~~volunteer firefighter for a cumulative period of 6 months within~~
 2285 ~~a 4-year period.~~

2286
 2287 The 4-year period may, in the discretion of the department, be
 2288 extended to 12 months after discharge from military service if
 2289 the military service does not exceed 3 years, but in no event
 2290 more than 6 years from the date of issue or renewal, if
 2291 applicable, for an honorably discharged veteran of the United
 2292 States Armed Forces or the spouse of such a veteran. A qualified
 2293 individual must provide a copy of a military identification
 2294 card, military dependent identification card, military service
 2295 record, military personnel file, veteran record, discharge
 2296 paper, or separation document that indicates such member is
 2297 currently in good standing or such veteran is honorably
 2298 discharged.

2299 Section 62. Subsection (4) of section 648.34, Florida
 2300 Statutes, is amended to read:

2301 648.34 Bail bond agents; qualifications.—

2302 (4) The applicant shall furnish, with his or her
 2303 application, a complete set of his or her fingerprints in
 2304 accordance with s. 626.171(4) and a recent credential-sized,
 2305 fullface photograph of the applicant. ~~The applicant's~~
 2306 ~~fingerprints shall be certified by an authorized law enforcement~~
 2307 ~~officer.~~ The department shall not authorize an applicant to take
 2308 the required examination until the department has received a
 2309 report from the Department of Law Enforcement and the Federal
 2310 Bureau of Investigation relative to the existence or
 2311 nonexistence of a criminal history report based on the
 2312 applicant's fingerprints.

2313 Section 63. Subsection (4) of section 648.355, Florida
 2314 Statutes, is amended to read:

2315 648.355 Temporary limited license as limited surety agent
 2316 or professional bail bond agent; pending examination.—

2317 (4) The applicant shall furnish, with the application for
 2318 temporary license, a complete set of the applicant's
 2319 fingerprints in accordance with s. 626.171(4) and a recent
 2320 credential-sized, fullface photograph of the applicant. ~~The~~
 2321 ~~applicant's fingerprints shall be certified by an authorized law~~
 2322 ~~enforcement officer.~~ The department shall not issue a temporary
 2323 license under this section until the department has received a
 2324 report from the Department of Law Enforcement and the Federal
 2325 Bureau of Investigation relative to the existence or

2326 nonexistence of a criminal history report based on the
2327 applicant's fingerprints.

2328 Section 64. Subsection (4) is added to section 648.46,
2329 Florida Statutes, to read:

2330 648.46 Procedure for disciplinary action against
2331 licensees.—

2332 (4) The expiration, nonrenewal, or surrender of licensure
2333 under this chapter does not eliminate the jurisdiction of the
2334 licensing authority to investigate and prosecute for a violation
2335 committed by a licensee while licensed under this chapter. The
2336 prosecution of any matter may be initiated or continued
2337 notwithstanding the withdrawal of a complaint.

2338 Section 65. Paragraph (d) of subsection (2) and paragraphs
2339 (b), (c), and (e) of subsection (3) of section 766.105, Florida
2340 Statutes, are amended, and paragraph (i) is added to subsection
2341 (3) and subsection (4) is added to that section, to read:

2342 766.105 Florida Patient's Compensation Fund.—

2343 (2) COVERAGE.—

2344 (d)1. Any health care provider who participates in the
2345 fund and who does not meet the provisions of paragraph (b) shall
2346 not be covered by the fund.

2347 2. Annually, the Agency for Health Care Administration
2348 shall require documentation by each hospital that such hospital
2349 is in compliance, and will remain in compliance, with the
2350 provisions of this section. ~~The agency shall review the~~

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

2362 (3) THE FUND.—

2363 (b) Fund administration and operation.—

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

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

2401 ~~fund for expenses incurred by him or her as a member, or~~
 2402 ~~alternate member, of the board and for committee work, but he or~~
 2403 ~~she may not otherwise be compensated by the fund for his or her~~
 2404 ~~service as a board member or alternate.~~

2405 2. There shall be no liability on the part of, and no
 2406 cause of action of any nature shall arise against, the fund or
 2407 its agents or employees, professional advisers or consultants,
 2408 the Chief Financial Officer or his or her designee ~~members of~~
 2409 ~~the board of governors or their alternates,~~ or the Department of
 2410 Financial Services or the Office of Insurance Regulation of the
 2411 Financial Services Commission or their representatives for any
 2412 action taken by them in the performance of their powers and
 2413 duties pursuant to this section.

2414 (c) Powers of the fund.—The fund has the power to:

2415 1. Sue and be sued, and appear and defend, in all actions
 2416 and proceedings in its name to the same extent as a natural
 2417 person.

2418 2. Adopt, change, amend, and repeal a plan of operation,
 2419 not inconsistent with law, for the regulation and administration
 2420 of the affairs of the fund. The plan and any changes thereto
 2421 shall be filed with the Office of Insurance Regulation of the
 2422 Financial Services Commission and are all subject to its
 2423 approval before implementation by the fund. All fund members,
 2424 board members, and employees shall comply with the plan of
 2425 operation.

2426 3. Have and exercise all powers necessary or convenient to
2427 effect any or all of the purposes for which the fund is created.

2428 4. Enter into such contracts as are necessary or proper to
2429 carry out the provisions and purposes of this section.

2430 5. Employ or retain such persons as are necessary to
2431 perform the administrative and financial transactions and
2432 responsibilities of the fund and to perform other necessary or
2433 proper functions unless prohibited by law.

2434 6. Take such legal action as may be necessary to avoid
2435 payment of improper claims.

2436 7. Indemnify any ~~employee, agent, member of the board of~~
2437 ~~governors or his or her alternate, or~~ person acting on behalf of
2438 the fund in an official capacity, for expenses, including
2439 attorney's fees, judgments, fines, and amounts paid in
2440 settlement actually and reasonably incurred by him or her in
2441 connection with any action, suit, or proceeding, including any
2442 appeal thereof, arising out of his or her capacity in acting on
2443 behalf of the fund, if he or she acted in good faith and in a
2444 manner he or she reasonably believed to be in, or not opposed
2445 to, the best interests of the fund and, with respect to any
2446 criminal action or proceeding, he or she had reasonable cause to
2447 believe his or her conduct was lawful.

2448 (e) Fund accounting and audit.—

2449 1. Money shall be withdrawn from the fund only upon a
2450 voucher as authorized by the Chief Financial Officer or his or

2451 her designee ~~board of governors~~.

2452 2. All books, records, and audits of the fund shall be
2453 open for reasonable inspection to the general public, except
2454 that a claim file in possession of the fund, fund members, and
2455 their insurers is confidential and exempt from the provisions of
2456 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
2457 until termination of litigation or settlement of the claim,
2458 although medical records and other portions of the claim file
2459 may remain confidential and exempt as otherwise provided by law.
2460 Any book, record, document, audit, or asset acquired by,
2461 prepared for, or paid for by the fund is subject to the
2462 authority of the Chief Financial Officer or his or her designee
2463 ~~board of governors~~, which shall be responsible therefor.

2464 3. Persons authorized to receive deposits, issue vouchers,
2465 or withdraw or otherwise disburse any fund moneys shall post a
2466 blanket fidelity bond in an amount reasonably sufficient to
2467 protect fund assets. The cost of such bond shall be paid from
2468 the fund.

2469 4. Annually, the fund shall furnish, upon request, audited
2470 financial reports to any fund participant and to the Office of
2471 Insurance Regulation and the Joint Legislative Auditing
2472 Committee. The reports shall be prepared in accordance with
2473 accepted accounting procedures and shall include income and such
2474 other information as may be required by the Office of Insurance
2475 Regulation or the Joint Legislative Auditing Committee.

2476 5. Any money held in the fund shall be invested in
 2477 interest-bearing investments ~~by the board of governors of the~~
 2478 ~~fund as administrator~~. However, in no case may any such money be
 2479 invested in the stock of any insurer participating in the Joint
 2480 Underwriting Association authorized by s. 627.351(4) or in the
 2481 parent company of, or company owning a controlling interest in,
 2482 such insurer. All income derived from such investments shall be
 2483 credited to the fund.

2484 6. Any health care provider participating in the fund may
 2485 withdraw from such participation only at the end of a fiscal
 2486 year; however, such health care provider shall remain subject to
 2487 any assessment or any refund pertaining to any year in which
 2488 such member participated in the fund.

2489 (i) Dissolution of the fund.—The fund shall operate
 2490 subject to the supervision of the Chief Financial Officer or his
 2491 or her designee, pursuant to the policies and procedures and
 2492 under the auspices of the Department of Financial Services'
 2493 Division of Rehabilitation and Liquidation, until the department
 2494 executes a legal dissolution of the fund on or before December
 2495 31, 2023. Before the legal dissolution of the fund, the
 2496 Department of Financial Services must:

2497 1. Obtain all existing records and retain necessary
 2498 records of the fund pursuant to law.

2499 2. Identify all remaining property held by the fund and
 2500 attempt to return such property to its owners and, for property

2501 that cannot be returned to the owner, transfer such property to
 2502 the Department of Financial Services' Division of Unclaimed
 2503 Property.

2504 3. Make a final accounting of the finances of the fund.

2505 4. Ensure that the fund has met all its obligations
 2506 pursuant to structured settlements, annuities, or other
 2507 instruments established to pay covered claims and, if the fund
 2508 has not done so, attempt to meet such obligations before final
 2509 and complete dissolution of the fund.

2510 5. Sell or otherwise dispose of all physical assets of the
 2511 fund.

2512 6. Execute a legal dissolution of the fund.

2513 7. Transfer any remaining money or assets of the fund to
 2514 the Chief Financial Officer for deposit in the General Revenue
 2515 Fund.

2516 (4) REPEAL.—This section is repealed January 1, 2024.

2517 Section 66. Paragraph (b) of subsection (1) of section
 2518 945.6041, Florida Statutes, is amended to read:

2519 945.6041 Inmate medical services.—

2520 (1) As used in this section, the term:

2521 (b) "Health care provider" means:

2522 1. A hospital licensed under chapter 395.

2523 2. A physician or physician assistant licensed under
 2524 chapter 458.

2525 3. An osteopathic physician or physician assistant

2526 | licensed under chapter 459.

2527 | 4. A podiatric physician licensed under chapter 461.

2528 | 5. A health maintenance organization certificated under

2529 | part I of chapter 641.

2530 | 6. An ambulatory surgical center licensed under chapter

2531 | 395.

2532 | 7. A professional association, partnership, corporation,

2533 | joint venture, or other association established by the

2534 | individuals set forth in subparagraphs 2., 3., and 4. for

2535 | professional activity.

2536 | 8. Other medical facility.

2537 | a. As used in this subparagraph, the term "other medical

2538 | facility" means:

2539 | (I) A facility the primary purpose of which is to provide

2540 | human medical diagnostic services, or a facility providing

2541 | nonsurgical human medical treatment which discharges patients on

2542 | the same working day that the patients are admitted; and

2543 | (II) A facility that is not part of a hospital.

2544 | b. The term does not include a facility existing for the

2545 | primary purpose of performing terminations of pregnancy, or an

2546 | office maintained by a physician or dentist for the practice of

2547 | medicine has the same meaning as provided in s. 766.105.

2548 | Section 67. Paragraph (a) of subsection (1) of section

2549 | 985.6441, Florida Statutes, is amended to read:

2550 | 985.6441 Health care services.—

- 2551 (1) As used in this section, the term:
- 2552 (a) "Health care provider" means:
- 2553 1. A hospital licensed under chapter 395.
- 2554 2. A physician or physician assistant licensed under
- 2555 chapter 458.
- 2556 3. An osteopathic physician or physician assistant
- 2557 licensed under chapter 459.
- 2558 4. A podiatric physician licensed under chapter 461.
- 2559 5. A health maintenance organization certificated under
- 2560 part I of chapter 641.
- 2561 6. An ambulatory surgical center licensed under chapter
- 2562 395.
- 2563 7. A professional association, partnership, corporation,
- 2564 joint venture, or other association established by the
- 2565 individuals set forth in subparagraphs 2., 3., and 4. for
- 2566 professional activity.
- 2567 8. Other medical facility.
- 2568 a. As used in this subparagraph, the term "other medical
- 2569 facility" means:
- 2570 (I) A facility the primary purpose of which is to provide
- 2571 human medical diagnostic services, or a facility providing
- 2572 nonsurgical human medical treatment which discharges patients on
- 2573 the same working day that the patients are admitted; and
- 2574 (II) A facility that is not part of a hospital.
- 2575 b. The term does not include a facility existing for the

2576 primary purpose of performing terminations of pregnancy, or an
 2577 office maintained by a physician or dentist for the practice of
 2578 medicine ~~has the same meaning as provided in s. 766.105.~~

2579 Section 68. All powers, duties, functions, records,
 2580 offices, personnel, associated administrative support positions,
 2581 property, pending issues, existing contracts, administrative
 2582 authority, and administrative rules relating to the Stop Inmate
 2583 Fraud Program within the Department of Financial Services are
 2584 transferred by a type two transfer, as defined in s. 20.06(2),
 2585 Florida Statutes, to the Department of Economic Opportunity.

2586 Section 69. Except as otherwise expressly provided in this
 2587 act, this act shall take effect July 1, 2022.