

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.; authorizing the  
74 Department of Financial Services to adopt rules;  
75 amending s. 440.185, F.S.; revising the timeline and

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

101 554.114, F.S.; revising the schedules of penalties  
102 against boiler insurance companies, inspection  
103 agencies, and other persons for specified violations;  
104 amending s. 624.307, F.S.; providing that certain  
105 regulated persons or unauthorized insurers are  
106 required to appoint the Chief Financial Officer as  
107 their agents, rather than as their attorneys, to  
108 receive service of legal process; revising the method  
109 by which the Chief Financial Officer makes the process  
110 available; amending s. 624.422, F.S.; requiring  
111 insurers to file with the department email-addresses,  
112 rather than addresses, of specified persons; providing  
113 that a specified method by which process is served  
114 upon the Chief Financial Officer is the sole method of  
115 service; conforming provisions to changes made by the  
116 act; amending s. 624.423, F.S.; revising procedures  
117 for service of process; requiring the Chief Financial  
118 Officer to promptly notify certain persons of the  
119 process and to make the process available to such  
120 persons through specified means; revising the method  
121 by which records are retained; amending s. 624.610,  
122 F.S.; conforming provisions to changes made by the  
123 act; amending s. 626.015, F.S.; revising the  
124 definition of the term "unaffiliated insurance agent";  
125 amending s. 626.171, F.S.; requiring fingerprints for

126 certain licenses to be processed in accordance with  
127 specified laws; amending s. 626.172, F.S.; revising  
128 the method by which fingerprints for applications for  
129 insurance agency licenses are submitted; deleting a  
130 fingerprint processing fee; creating s. 626.173, F.S.;  
131 providing duties for certain insurance agency persons  
132 within a specified timeframe after cessation of  
133 insurance transactions; authorizing the department to  
134 impose administrative fines against such persons for  
135 specified violations; prohibiting proceedings from  
136 being initiated and fines from accruing unless  
137 specified requirements are met; providing a cap on  
138 such fines; authorizing the department to suspend or  
139 revoke licenses under certain circumstances; providing  
140 requirements for determining penalties and remedies;  
141 amending s. 626.201, F.S.; conforming a provision to  
142 changes made by the act; providing continuation of  
143 jurisdiction of the department or office to  
144 investigate and prosecute specified violations under  
145 certain circumstances; amending s. 626.202, F.S.;  
146 conforming provisions to changes made by the act;  
147 amending s. 626.221, F.S.; adding a designation to the  
148 list of designations that allow applicants for all-  
149 lines adjuster license to be exempt from an  
150 examination; amending s. 626.311, F.S.; providing an

151 exception to the prohibition against unaffiliated  
152 insurance agents' holding appointments from insurers;  
153 amending ss. 626.321, 626.601, 626.8411, and 626.8412,  
154 F.S.; conforming provisions to changes made by the  
155 act; amending s. 626.8417, F.S.; revising requirements  
156 to qualify for title insurance agent licenses;  
157 amending s. 626.8421, F.S.; requiring title agencies  
158 to have separate appointments under certain  
159 circumstances; amending s. 626.843, F.S.; providing  
160 appointments of title insurance agencies; amending s.  
161 626.8433, F.S.; requiring title insurers that  
162 terminate appointments of title insurance agencies to  
163 file certain information with the department; amending  
164 s. 626.8447, F.S.; providing effects of suspension or  
165 revocation of title insurance agency licenses;  
166 amending s. 626.854, F.S.; revising restrictions on  
167 public adjuster compensations; prohibiting public  
168 adjuster compensations from being based on specified  
169 expenses; providing an exception; prohibiting  
170 increases of public adjuster rates of compensation  
171 from being based on a specified fact; 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. 633.336, F.S.;  
194 revising administrative fines for violations by  
195 certified fire protection contractors; requiring the  
196 State Fire Marshal to adopt guidelines for penalties  
197 and to identify mitigating and aggravating  
198 circumstances for penalties; amending s. 633.408,  
199 F.S.; revising requirements for the issuance of a  
200 Firefighter Certificate of Compliance and Special

201 Certificate of Compliance; deleting provisions  
 202 relating to requirements to retain a Special  
 203 Certificate of Compliance; amending s. 633.414, F.S.;  
 204 providing requirements to retain a Special Certificate  
 205 of Compliance; revising requirements to retain a  
 206 Firefighter Certificate of Compliance; providing a  
 207 definition; amending ss. 648.34 and 648.355, F.S.;  
 208 conforming provisions to changes made by the act;  
 209 amending s. 648.46, F.S.; providing continuation of  
 210 jurisdiction of the department or office to  
 211 investigate and prosecute specified violations under  
 212 certain circumstances; amending s. 766.105, F.S.;  
 213 deleting provisions relating to the duties of the  
 214 Agency for Health Care Administration and to the board  
 215 of governors of the Florida Patient's Compensation  
 216 Fund; requiring that the fund be subject to the  
 217 supervision and approval of the Chief Financial  
 218 Officer rather than the board of governors and be  
 219 dissolved on or before a specified date; providing  
 220 duties of the department before the legal dissolution  
 221 of the fund; requiring that provisions relating to the  
 222 fund be repealed on a specified date; amending ss.  
 223 945.6041 and 985.6441, F.S.; making technical changes;  
 224 transferring the Stop Inmate Fraud Program within the  
 225 Department of Financial Services to the Department of

226 Economic Opportunity by a type two transfer; providing  
 227 effective dates.

228

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

230

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

232 Section 2. Subsections (1) and (3) of section 48.151,  
 233 Florida Statutes, are amended to read:

234 48.151 Service on statutory agents for certain persons.—

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

251 the public officer, board, agency, or commission to the person  
252 being served and the time for pleading prescribed by the rules  
253 of procedure shall run from this date. The service is valid  
254 service for all purposes on the person for whom the public  
255 officer, board, agency, or commission is statutory agent for  
256 service of process.

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

275 Section 3. Subsections (9) through (13) of section

276 110.123, Florida Statutes, are renumbered as subsection (10)  
 277 through (14), respectively, paragraphs (b), (c), (f), (h), (i),  
 278 and (o) of subsection (2) and paragraph (i) of subsection (5)  
 279 are amended, and a new subsection (9) is added to that section,  
 280 to read:

281 110.123 State group insurance program.—

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

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

298 (c) "Full-time state employees" means employees of all  
 299 branches or agencies of state government holding salaried  
 300 positions who are paid by state warrant or from agency funds and

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

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

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

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

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

320 |           a. Is reasonably expected to work an average of at least  
 321 | 30 hours or more per week; or

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

324 |       (f) "Part-time state employee" means an employee of any  
 325 | branch or agency of state government paid by state warrant from

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

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

- 348 1. Meets the age and service requirements to qualify for  
349 normal retirement as set forth in s. 121.021(29); or  
350 2. Has attained the age specified by s. 72(t)(2)(A)(i) of

351 the Internal Revenue Code and has 6 years of creditable service.

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

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

372 (5) DEPARTMENT POWERS AND DUTIES.—The department is  
 373 responsible for the administration of the state group insurance  
 374 program. The department shall initiate and supervise the program  
 375 as established by this section and shall adopt such rules as are

376 necessary to perform its responsibilities. To implement this  
 377 program, the department shall, with prior approval by the  
 378 Legislature:

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

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

387 (9) COVERAGE AND ENROLLMENT PERIOD FOR EMPLOYEES,  
 388 RETIREEES, AND WIDOWS AND WIDOWERS OF EMPLOYEES AND RETIREEES OF  
 389 THE DIVISION OF REHABILITATION AND LIQUIDATION.—

390 (a) Beginning with the 2023 plan year:

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

400 2. A terminated employee of the Division of Rehabilitation

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

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

410 1. Current and retired employees of the Division of  
 411 Rehabilitation and Liquidation.

412 2. Widows and widowers of employees and of retired  
 413 employees of the Division of Rehabilitation and Liquidation.

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

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

420 110.131 Other-personal-services employment.—

421 (5) Beginning January 1, 2014, an other-personal-services  
 422 (OPS) employee who has worked an average of at least 30 or more  
 423 hours per week during the measurement period described in s.  
 424 110.123(14)(c) or (d) s. 110.123(13)(c) or (d), or who is  
 425 reasonably expected to work an average of at least 30 or more

426 hours per week following his or her employment, is eligible to  
427 participate in the state group insurance program as provided  
428 under s. 110.123.

429 Section 5. Paragraph (d) is added to subsection (4) of  
430 section 120.541, Florida Statutes, and paragraph (a) of  
431 subsection (2) and subsection (3) of that section are  
432 republished, to read:

433 120.541 Statement of estimated regulatory costs.—

434 (2) A statement of estimated regulatory costs shall  
435 include:

436 (a) An economic analysis showing whether the rule directly  
437 or indirectly:

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

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

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

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

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

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

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

462 215.34 State funds; noncollectible items; procedure.—

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

476 draft, or other order and shall accompany the item being  
 477 returned to the officer, agency, or entity of the judicial  
 478 branch being charged. The officer, agency, or entity of the  
 479 judicial branch receiving the charged-back item shall ~~prepare a~~  
 480 ~~journal transfer which shall~~ debit the charge against the fund  
 481 or account to which the same shall have been originally  
 482 credited. Such procedure for handling noncollectible items shall  
 483 not be construed as paying funds out of the State Treasury  
 484 without an appropriation, but shall be considered as an  
 485 administrative procedure for the efficient handling of state  
 486 records and accounts.

487 Section 7. Paragraph (c) of subsection (1) of section  
 488 215.93, Florida Statutes, is amended to read:

489 215.93 Florida Financial Management Information System.—

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

501 request data from any judicial branch information system or  
 502 information subsystem that the coordinating council and board  
 503 have determined to have statewide financial management  
 504 significance. Each functional owner information subsystem within  
 505 the Florida Financial Management Information System shall be  
 506 developed in such a fashion as to allow for timely, positive,  
 507 preplanned, and prescribed data transfers between the Florida  
 508 Financial Management Information System functional owner  
 509 information subsystems and from other information systems. The  
 510 principal unit of the system shall be the functional owner  
 511 information subsystem, and the system shall include, but shall  
 512 not be limited to, the following:

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

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

516 215.94 Designation, duties, and responsibilities of  
 517 functional owners.—

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

524 (a) Recording and reconciling credits and debits to  
 525 treasury fund accounts.

526 (b) Monitoring cash levels and activities in state bank  
527 accounts.

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

529 (d) Administering the provisions of the Federal Cash  
530 Management Improvement Act of 1990.

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

533 216.102 Filing of financial information; handling by Chief  
534 Financial Officer; penalty for noncompliance.—

535 (3) The Chief Financial Officer shall:

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

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

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

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

550 (e) Provide reports, as requested, to executive or

551 judicial branch entities, the President of the Senate, the  
552 Speaker of the House of Representatives, and the members of the  
553 Florida Congressional Delegation, detailing the federal  
554 financial assistance received and disbursed by state agencies  
555 and the judicial branch.

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

566  
567 The Chief Financial Officer may furnish and publish in  
568 electronic form the financial statements and the annual  
569 comprehensive ~~annual~~ financial report required under paragraphs  
570 (a), (b), and (c).

571 Section 10. Paragraph (h) of subsection (1) of section  
572 218.32, Florida Statutes, is amended, and paragraph (i) is added  
573 to subsection (1) of that section, to read:

574 218.32 Annual financial reports; local governmental  
575 entities.—

576 (1)

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

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

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

601 request for proposals process pursuant to chapter 287.

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

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

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

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

615 Section 11. 395.1061, Florida Statutes, is created to  
616 read:

617 395.1061 Professional liability coverage.—

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

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

624 (b) "Covered individuals" means the officers; trustees;  
625 volunteer workers; trainees; committee members, including

626 physicians, osteopathic physicians, podiatric physicians, and  
627 dentists; and employees of the hospital other than employed  
628 physicians licensed under chapter 458, physician assistants  
629 licensed under chapter 458, osteopathic physicians licensed  
630 under chapter 459, dentists licensed under chapter 466, and  
631 podiatric physicians licensed under chapter 461. However, with  
632 respect to a hospital, the term also includes house physicians,  
633 interns, employed physician residents in a resident training  
634 program, and physicians performing purely administrative duties  
635 for the hospital instead of treating patients.

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

638 (d) "House physician" means any physician, osteopathic  
639 physician, podiatric physician, or dentist at a hospital,  
640 except:

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

645 2. An anesthesiologist, pathologist, or radiologist.

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

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

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

661       (a) Establish an escrow account in an amount equivalent to  
662 \$10,000 per claim for each bed in such hospital, not to exceed a  
663 \$2.5 million annual aggregate.

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

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

676 provide evidence of compliance or that provides evidence of  
 677 insufficient coverage.

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

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

686 Section 12. Section 414.40, Florida Statutes, is amended  
 687 to read:

688 414.40 Stop Inmate Fraud Program established; guidelines.—

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

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

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

701 public assistance benefits or entitlement benefits.

702 (b) Pursuant to these procedures, the program shall have  
703 access to records containing correctional information not exempt  
704 from the public records law on incarcerated persons which have  
705 been generated as criminal justice information. As used in this  
706 paragraph, the terms "record" and "criminal justice information"  
707 have the same meanings as provided in s. 943.045.

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

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

724 (e) Results of data comparisons shall be furnished to the  
725 appropriate office for use in the county in which the data

726 originated. The program may provide reports of the data it  
727 obtains to appropriate state, federal, and local government  
728 agencies or governmental entities, including, but not limited  
729 to:

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

733 2. The Social Security Administration, so that the data  
734 may be used to reduce federal entitlement fraud within the  
735 state.

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

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

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

748 (h) For purposes of program review and analysis, each  
749 agency or entity receiving data from the program shall submit  
750 reports to the program which indicate the results of how the

751 data was used.

752 Section 13. Paragraph (a) of subsection (16) of section  
753 440.02, Florida Statutes, is amended to read:

754 440.02 Definitions.—When used in this chapter, unless the  
755 context clearly requires otherwise, the following terms shall  
756 have the following meanings:

757 (16) (a) "Employer" means the state and all political  
758 subdivisions thereof, all public and quasi-public corporations  
759 therein, every person carrying on any employment, and the legal  
760 representative of a deceased person or the receiver or trustees  
761 of any person. The term "Employer" also includes employment  
762 agencies, employee leasing companies, as defined in s.  
763 468.520 (5), and employment agencies that ~~similar agents who~~  
764 provide their own employees to other persons. If the employer is  
765 a corporation, parties in actual control of the corporation,  
766 including, but not limited to, the president, officers who  
767 exercise broad corporate powers, directors, and all shareholders  
768 who directly or indirectly own a controlling interest in the  
769 corporation, are considered the employer for the purposes of ss.  
770 440.105, 440.106, and 440.107.

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

776           440.05 Election of exemption; revocation of election;  
 777 notice; certification.—  
 778           (3) The notice of election to be exempt must be  
 779 electronically submitted to the department by the officer of a  
 780 corporation who is allowed to claim an exemption as provided by  
 781 this chapter and must list the name, date of birth, valid driver  
 782 license number or Florida identification card number, and all  
 783 certified or registered licenses issued pursuant to chapter 489  
 784 held by the person seeking the exemption, the registration  
 785 number of the corporation filed with the Division of  
 786 Corporations of the Department of State, and the percentage of  
 787 ownership evidencing the required ownership under this chapter.  
 788 The notice of election to be exempt must identify each  
 789 corporation that employs the person electing the exemption and  
 790 must list the ~~social security number or~~ federal tax  
 791 identification number of each such employer and the additional  
 792 documentation required by this section. In addition, the notice  
 793 of election to be exempt must provide that the officer electing  
 794 an exemption is not entitled to benefits under this chapter,  
 795 must provide that the election does not exceed exemption limits  
 796 for officers provided in s. 440.02, ~~and~~ must certify that any  
 797 employees of the corporation whose officer elects an exemption  
 798 are covered by workers' compensation insurance, and must certify  
 799 that the officer electing an exemption has completed an online  
 800 workers' compensation coverage and compliance tutorial developed

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

826 ~~department, the department shall notify the workers'~~  
827 ~~compensation carriers identified in the request for exemption.~~

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

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

849 ~~(11)-(12)~~ Certificates of election to be exempt issued  
850 under subsection (3) ~~shall~~ apply only to the corporate officer

851 | named on the notice of election to be exempt ~~and apply only~~  
 852 | ~~within the scope of the business or trade listed on the notice~~  
 853 | ~~of election to be exempt.~~

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

857 |       440.107 Department powers to enforce employer compliance  
 858 | with coverage requirements.—

859 |       (7)(a) Whenever the department determines that an employer  
 860 | who is required to secure the payment to his or her employees of  
 861 | the compensation provided for by this chapter has failed to  
 862 | secure the payment of workers' compensation required by this  
 863 | chapter or to produce the required business records under  
 864 | subsection (5) within 21 ~~10-business~~ days after receipt of the  
 865 | written request of the department, such failure shall be deemed  
 866 | an immediate serious danger to public health, safety, or welfare  
 867 | sufficient to justify service by the department of a stop-work  
 868 | order on the employer, requiring the cessation of all business  
 869 | operations. If the department makes such a determination, the  
 870 | department shall issue a stop-work order within 72 hours. The  
 871 | order shall take effect when served upon the employer or, for a  
 872 | particular employer worksite, when served at that worksite. In  
 873 | addition to serving a stop-work order at a particular worksite  
 874 | which shall be effective immediately, the department shall  
 875 | immediately proceed with service upon the employer which shall

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

901 shall result in the immediate reinstatement of the stop-work  
902 order and the entire unpaid balance of the penalty shall become  
903 immediately due.

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

918 a. For an employer ~~employers~~ who has ~~have~~ not been  
919 previously issued a stop-work order or order of penalty  
920 assessment, the department must allow the employer to receive a  
921 credit for the initial payment of the estimated annual workers'  
922 compensation policy premium, as determined by the carrier, to be  
923 applied to the penalty. Before applying the credit to the  
924 penalty, the employer must provide the department with  
925 documentation reflecting that the employer has secured the

926 payment of compensation pursuant to s. 440.38 and proof of  
927 payment to the carrier. In order for the department to apply a  
928 credit for an employer that has secured workers' compensation  
929 for leased employees by entering into an employee leasing  
930 contract with a licensed employee leasing company, the employer  
931 must provide the department with a written confirmation, by a  
932 representative from the employee leasing company, of the dollar  
933 or percentage amount attributable to the initial estimated  
934 workers' compensation expense for leased employees, and proof of  
935 payment to the employee leasing company. The credit may not be  
936 applied unless the employer provides the documentation and proof  
937 of payment to the department within 21 ~~28~~ days after the  
938 employer's receipt of the written request to produce business  
939 records for calculating the penalty under this subparagraph  
940 ~~service of the stop-work order or first order of penalty~~  
941 ~~assessment upon the employer.~~

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

951 c. For an employer who has not been previously issued a  
952 stop-work order or order of penalty assessment, the department  
953 must reduce the final assessed penalty by 15 percent if the  
954 employer correctly answers at least 80 percent of the questions  
955 from an online workers' compensation coverage and compliance  
956 tutorial, developed by the department, within 21 days after the  
957 employer's receipt of the written request to produce business  
958 records for calculating the penalty under this subparagraph. The  
959 online tutorial must be taken in a department office location  
960 identified by rule.

961  
962 e. The \$1,000 penalty shall be assessed against the employer  
963 even if the calculated penalty after the credit provided in sub-  
964 subparagraph a., the ~~and~~ 25 percent reduction provided in sub-  
965 subparagraph b., and the 15 percent reduction provided in sub-  
966 subparagraph c., as applicable, have been applied is less than  
967 \$1,000.

968 2. Any subsequent violation within 5 years after the most  
969 recent violation shall, in addition to the penalties set forth  
970 in this subsection, be deemed a knowing act within the meaning  
971 of s. 440.105.

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

974 440.13 Medical services and supplies; penalty for  
975 violations; limitations.—

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

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

1001 schedules of maximum reimbursement allowances for physicians,  
1002 hospital inpatient care, hospital outpatient care, ambulatory  
1003 surgical centers, work-hardening programs, and pain programs. An  
1004 individual physician, hospital, ambulatory surgical center, pain  
1005 program, or work-hardening program shall be reimbursed either  
1006 the agreed-upon contract price or the maximum reimbursement  
1007 allowance in the appropriate schedule.

1008 (b) It is the intent of the Legislature to increase the  
1009 schedule of maximum reimbursement allowances for selected  
1010 physicians effective January 1, 2004, and to pay for the  
1011 increases through reductions in payments to hospitals. Revisions  
1012 developed pursuant to this subsection are limited to the  
1013 following:

1014 1. Payments for outpatient physical, occupational, and  
1015 speech therapy provided by hospitals shall be reduced to the  
1016 schedule of maximum reimbursement allowances for these services  
1017 which applies to nonhospital providers.

1018 2. Payments for scheduled outpatient nonemergency  
1019 radiological and clinical laboratory services that are not  
1020 provided in conjunction with a surgical procedure shall be  
1021 reduced to the schedule of maximum reimbursement allowances for  
1022 these services which applies to nonhospital providers.

1023 3. Outpatient reimbursement for scheduled surgeries shall  
1024 be reduced from 75 percent of charges to 60 percent of charges.

1025 4. Maximum reimbursement for a physician licensed under

1026 chapter 458 or chapter 459 shall be increased to 110 percent of  
1027 the reimbursement allowed by Medicare, using appropriate codes  
1028 and modifiers or the medical reimbursement level adopted by the  
1029 three-member panel as of January 1, 2003, whichever is greater.

1030 5. Maximum reimbursement for surgical procedures shall be  
1031 increased to 140 percent of the reimbursement allowed by  
1032 Medicare or the medical reimbursement level adopted by the  
1033 three-member panel as of January 1, 2003, whichever is greater.

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

1051 services shall be reimbursable at the applicable fee schedule  
1052 amount except where the employer or carrier, or a service  
1053 company, third party administrator, or any entity acting on  
1054 behalf of the employer or carrier directly contracts with the  
1055 provider seeking reimbursement for a lower amount.

1056 (d) Reimbursement for all fees and other charges for such  
1057 treatment, care, and attendance, including treatment, care, and  
1058 attendance provided by any hospital or other health care  
1059 provider, ambulatory surgical center, work-hardening program, or  
1060 pain program, must not exceed the amounts provided by the  
1061 uniform schedule of maximum reimbursement allowances as  
1062 determined by the panel or as otherwise provided in this  
1063 section. This subsection also applies to independent medical  
1064 examinations performed by health care providers under this  
1065 chapter. In determining the uniform schedule, the panel shall  
1066 first approve the data which it finds representative of  
1067 prevailing charges in the state for similar treatment, care, and  
1068 attendance of injured persons. Each health care provider, health  
1069 care facility, ambulatory surgical center, work-hardening  
1070 program, or pain program receiving workers' compensation  
1071 payments shall maintain records verifying their usual charges.  
1072 In establishing the uniform schedule of maximum reimbursement  
1073 allowances, the panel must consider:

1074 1. The levels of reimbursement for similar treatment,  
1075 care, and attendance made by other health care programs or

1076 | third-party providers;

1077 |         2. The impact upon cost to employers for providing a level  
 1078 | of reimbursement for treatment, care, and attendance which will  
 1079 | ensure the availability of treatment, care, and attendance  
 1080 | required by injured workers;

1081 |         3. The financial impact of the reimbursement allowances  
 1082 | upon health care providers and health care facilities, including  
 1083 | trauma centers as defined in s. 395.4001, and its effect upon  
 1084 | their ability to make available to injured workers such  
 1085 | medically necessary remedial treatment, care, and attendance.  
 1086 | The uniform schedule of maximum reimbursement allowances must be  
 1087 | reasonable, must promote health care cost containment and  
 1088 | efficiency with respect to the workers' compensation health care  
 1089 | delivery system, and must be sufficient to ensure availability  
 1090 | of such medically necessary remedial treatment, care, and  
 1091 | attendance to injured workers; and

1092 |         4. The most recent average maximum allowable rate of  
 1093 | increase for hospitals determined by the Health Care Board under  
 1094 | chapter 408.

1095 |         (e) In addition to establishing the uniform schedule of  
 1096 | maximum reimbursement allowances, the panel shall:

1097 |             1. Take testimony, receive records, and collect data to  
 1098 | evaluate the adequacy of the workers' compensation fee schedule,  
 1099 | nationally recognized fee schedules and alternative methods of  
 1100 | reimbursement to health care providers and health care

1101 facilities for inpatient and outpatient treatment and care.

1102 2. Survey health care providers and health care facilities  
 1103 to determine the availability and accessibility of workers'  
 1104 compensation health care delivery systems for injured workers.

1105 3. Survey carriers to determine the estimated impact on  
 1106 carrier costs and workers' compensation premium rates by  
 1107 implementing changes to the carrier reimbursement schedule or  
 1108 implementing alternative reimbursement methods.

1109 4. Submit recommendations on or before January 15, 2017,  
 1110 and biennially thereafter, to the President of the Senate and  
 1111 the Speaker of the House of Representatives on methods to  
 1112 improve the workers' compensation health care delivery system.

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

1126 professional practice, or the practitioner's practice management  
1127 company or employer to the supplying manufacturer, wholesaler,  
1128 distributor, or drug repackager within 60 days of the dispensing  
1129 practitioner taking possession of that medication.

1130 Section 17. Subsection (3) of section 440.185, Florida  
1131 Statutes, is amended to read:

1132 440.185 Notice of injury or death; reports; penalties for  
1133 violations.—

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

1151 person who, knowingly and with intent to injure, defraud, or  
 1152 deceive any employer or employee, insurance company, or self-  
 1153 insured program, files a statement of claim containing any false  
 1154 or misleading information commits a felony of the third degree."

1155 Section 18. Subsection (3) of section 440.381, Florida  
 1156 Statutes, is amended to read:

1157 440.381 Application for coverage; reporting payroll;  
 1158 payroll audit procedures; penalties.-

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

1176 | least ~~less than~~ annually. The annual audits required for  
1177 | construction classes must ~~shall~~ consist of physical onsite  
1178 | audits for policies only if the estimated annual premium is  
1179 | \$10,000 or more. Payroll verification audit rules must include,  
1180 | but need not be limited to, the use of state and federal reports  
1181 | of employee income, payroll and other accounting records,  
1182 | certificates of insurance maintained by subcontractors, and  
1183 | duties of employees. At the completion of an audit, the employer  
1184 | or officer of the corporation and the auditor must print and  
1185 | sign their names on the audit document and attach proof of  
1186 | identification to the audit document.

1187 |       Section 19. Subsection (2) of section 497.277, Florida  
1188 | Statutes, is amended to read:

1189 |       497.277 Other charges.—Other than the fees for the sale of  
1190 | burial rights, burial merchandise, and burial services, no other  
1191 | fee may be directly or indirectly charged, contracted for, or  
1192 | received by a cemetery company as a condition for a customer to  
1193 | use any burial right, burial merchandise, or burial service,  
1194 | except for:

1195 |       (2) Charges paid for transferring burial rights from one  
1196 | purchaser to another; ~~however, no such fee may exceed \$50.~~

1197 |       Section 20. Paragraph (b) of subsection (1) of section  
1198 | 497.369, Florida Statutes, is amended to read:

1199 |       497.369 Embalmers; licensure as an embalmer by  
1200 | endorsement; licensure of a temporary embalmer.—

1201 (1) The licensing authority shall issue a license by  
 1202 endorsement to practice embalming to an applicant who has  
 1203 remitted an examination fee set by rule of the licensing  
 1204 authority not to exceed \$200 and who the licensing authority  
 1205 certifies:

1206 (b)1. Holds a valid license in good standing to practice  
 1207 embalming in another state of the United States and has engaged  
 1208 in the full-time, licensed practice of embalming in that state  
 1209 for at least 5 years, ~~provided that, when the applicant secured~~  
 1210 ~~her or his original license, the requirements for licensure were~~  
 1211 ~~substantially equivalent to or more stringent than those~~  
 1212 ~~existing in this state; or~~

1213 2. Meets the qualifications for licensure in s. 497.368,  
 1214 except that the internship requirement shall be deemed to have  
 1215 been satisfied by 1 year's practice as a licensed embalmer in  
 1216 another state, and has, within 10 years before ~~prior to~~ the date  
 1217 of application, successfully completed a state, regional, or  
 1218 national examination in mortuary science, which, as determined  
 1219 by rule of the licensing authority, is substantially equivalent  
 1220 to or more stringent than the examination given by the licensing  
 1221 authority.

1222 Section 21. Paragraphs (b) and (f) of subsection (1) of  
 1223 section 497.372, Florida Statutes, are amended to read:

1224 497.372 Funeral directing; conduct constituting practice  
 1225 of funeral directing.-

1226 (1) The practice of funeral directing shall be construed  
 1227 to consist of the following functions, which may be performed  
 1228 only by a licensed funeral director:

1229 (b) Planning or arranging, on an at-need basis, the  
 1230 details of funeral services, embalming, cremation, or other  
 1231 services relating to the final disposition of human remains, and  
 1232 ~~including the removal of such remains from the state; setting~~  
 1233 ~~the time of the services;~~ establishing the type of services to  
 1234 be rendered; ~~acquiring the services of the clergy; and obtaining~~  
 1235 ~~vital information for the filing of death certificates and~~  
 1236 ~~obtaining of burial transit permits.~~

1237 (f) Directing, being in charge or apparent charge of, or  
 1238 supervising, directly or indirectly, any memorial service ~~held~~  
 1239 ~~prior to or within 72 hours of the burial or cremation,~~ if such  
 1240 memorial service is sold or arranged by a licensee.

1241 Section 22. Paragraph (b) of subsection (1) of section  
 1242 497.374, Florida Statutes, is amended to read:

1243 497.374 Funeral directing; licensure as a funeral director  
 1244 by endorsement; licensure of a temporary funeral director.—

1245 (1) The licensing authority shall issue a license by  
 1246 endorsement to practice funeral directing to an applicant who  
 1247 has remitted a fee set by rule of the licensing authority not to  
 1248 exceed \$200 and who:

1249 (b)1. Holds a valid license in good standing to practice  
 1250 funeral directing in another state of the United States and has

1251 engaged in the full-time, licensed practice of funeral directing  
 1252 in that state for at least 5 years, ~~provided that, when the~~  
 1253 ~~applicant secured her or his original license, the requirements~~  
 1254 ~~for licensure were substantially equivalent to or more stringent~~  
 1255 ~~than those existing in this state; or~~

1256 2. Meets the qualifications for licensure in s. 497.373,  
 1257 except that the applicant need not hold an associate degree or  
 1258 higher if the applicant holds a diploma or certificate from an  
 1259 accredited program of mortuary science, and has successfully  
 1260 completed a state, regional, or national examination in mortuary  
 1261 science or funeral service arts, which, as determined by rule of  
 1262 the licensing authority, is substantially equivalent to or more  
 1263 stringent than the examination given by the licensing authority.

1264 Section 23. Subsection (6) of section 554.108, Florida  
 1265 Statutes, is renumbered as subsection (7), subsection (1) is  
 1266 amended, and a new subsection (6) is added to that section, to  
 1267 read:

1268 554.108 Inspection.—

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

1276 Additionally, "HLW" and the boiler's A.S.M.E data report of a  
1277 boiler with an input of 200,000 to 400,000 Btu per hour must be  
1278 filed as required under s. 554.103(2).

1279 (6) Each enclosed space or room containing a boiler  
1280 regulated under this chapter which is fired by the direct  
1281 application of energy from the combustion of fuels and which is  
1282 located in any portion of a public lodging establishment under  
1283 s. 509.242 shall be equipped with one or more carbon monoxide  
1284 detector devices.

1285 Section 24. Paragraphs (a) and (e) of subsection (1) and  
1286 paragraph (a) of subsection (2) of section 554.111, Florida  
1287 Statutes, are amended to read:

1288 554.111 Fees.—

1289 (1) The department shall charge the following fees:

1290 (a) For an applicant for a certificate of competency, the  
1291 initial application fee shall be \$50, and the annual renewal fee  
1292 shall be \$30. ~~The fee for examination shall be \$50.~~

1293 (e) An application for a boiler permit must include the  
1294 manufacturer's data report ~~applicable certificate inspection fee~~  
1295 ~~provided in paragraph (b).~~

1296 (2) Not more than an amount equal to one certificate  
1297 inspection fee may be charged or collected for any and all  
1298 boiler inspections in any inspection period, except as otherwise  
1299 provided in this chapter.

1300 (a) When it is necessary to make a special trip for

1301 ~~testing and verification inspections to observe the application~~  
 1302 ~~of a hydrostatic test,~~ an additional fee equal to the fee for a  
 1303 certificate inspection of the boiler must be charged.

1304 Section 25. Subsection (4) of section 554.114, Florida  
 1305 Statutes, is amended to read:

1306 554.114 Prohibitions; penalties.—

1307 (4) A boiler insurance company, authorized inspection  
 1308 agency, or other person in violation of this section for more  
 1309 than 30 days shall pay a fine of \$10 per day for the subsequent  
 1310 ~~first~~ 10 days of noncompliance, \$50 per day for the subsequent  
 1311 20 days of noncompliance, and \$100 per day for each subsequent  
 1312 day ~~over 20 days~~ of noncompliance thereafter.

1313 Section 26. Subsection (9) of section 624.307, Florida  
 1314 Statutes, is amended to read:

1315 624.307 General powers; duties.—

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

1326 ~~available by electronic transmission from a secure website~~  
1327 established by the department to the person last designated by  
1328 the regulated person or the unauthorized insurer to receive the  
1329 process. When process documents are made available  
1330 electronically, the Chief Financial Officer shall promptly send  
1331 a notice of receipt of service of process to the person last  
1332 designated by the regulated person or unauthorized insurer to  
1333 receive legal process. The notice must state the date ~~and manner~~  
1334 ~~in which the copy of~~ the process was made available to the  
1335 regulated person or unauthorized insurer being served and  
1336 contain the uniform resource locator (URL) where ~~for a hyperlink~~  
1337 ~~to access files and information on the department's website to~~  
1338 ~~obtain a copy of~~ the process may be obtained.

1339 Section 27. Section 624.422, Florida Statutes, is amended  
1340 to read:

1341 624.422 Service of process; appointment of Chief Financial  
1342 Officer as process agent.—

1343 (1) Each licensed insurer, whether domestic, foreign, or  
1344 alien, shall be deemed to have appointed the Chief Financial  
1345 Officer and her or his successors in office as its agent  
1346 ~~attorney~~ to receive service of all legal process issued against  
1347 it in any civil action or proceeding in this state; and process  
1348 so served shall be valid and binding upon the insurer.

1349 (2) Before ~~Prior to~~ its authorization to transact  
1350 insurance in this state, each insurer shall file with the

1351 department designation of the name and e-mail address of the  
 1352 person to whom process against it served upon the Chief  
 1353 Financial Officer is to be made available through the  
 1354 department's secure online portal ~~forwarded~~. Each insurer shall  
 1355 also file with the department designation of the name and e-mail  
 1356 address of the person to whom the department shall forward civil  
 1357 remedy notices filed under s. 624.155. The insurer may change a  
 1358 designation at any time by a new filing.

1359 (3) Service of process submitted through the department's  
 1360 secure online portal upon the Chief Financial Officer as the  
 1361 insurer's agent ~~attorney~~ pursuant to such an appointment shall  
 1362 be the sole method of service of process upon an authorized  
 1363 domestic, foreign, or alien insurer in this state.

1364 Section 28. Subsection (1) of section 624.423, Florida  
 1365 Statutes, is amended to read:

1366 624.423 Serving process.—

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

1376 department's secure online portal ~~by registered or certified~~  
 1377 ~~mail or by other verifiable means~~, as provided under s.  
 1378 624.307(9), to the person last designated by the insurer to  
 1379 receive the same, as provided under s. 624.422(2). For purposes  
 1380 of this section, records shall ~~may~~ be retained electronically ~~as~~  
 1381 ~~paper or electronic copies.~~

1382 Section 29. Paragraph (f) of subsection (3) and paragraph  
 1383 (d) of subsection (4) of section 624.610, Florida Statutes, are  
 1384 amended to read:

1385 624.610 Reinsurance.—

1386 (3)

1387 (f) If the assuming insurer is not authorized or  
 1388 accredited to transact insurance or reinsurance in this state  
 1389 pursuant to paragraph (a) or paragraph (b), the credit permitted  
 1390 by paragraph (c) or paragraph (d) must not be allowed unless the  
 1391 assuming insurer agrees in the reinsurance agreements:

1392 1.a. That in the event of the failure of the assuming  
 1393 insurer to perform its obligations under the terms of the  
 1394 reinsurance agreement, the assuming insurer, at the request of  
 1395 the ceding insurer, shall submit to the jurisdiction of any  
 1396 court of competent jurisdiction in any state of the United  
 1397 States, will comply with all requirements necessary to give the  
 1398 court jurisdiction, and will abide by the final decision of the  
 1399 court or of any appellate court in the event of an appeal; and

1400 b. To designate the Chief Financial Officer, pursuant to

1401 s. 48.151(3) ~~s. 48.151~~, as its true and lawful agent ~~attorney~~  
 1402 upon whom may be served any lawful process in any action, suit,  
 1403 or proceeding instituted by or on behalf of the ceding company.

1404 2. This paragraph is not intended to conflict with or  
 1405 override the obligation of the parties to a reinsurance  
 1406 agreement to arbitrate their disputes, if this obligation is  
 1407 created in the agreement.

1408 (4) Credit must be allowed when the reinsurance is ceded  
 1409 to an assuming insurer meeting the requirements of this  
 1410 subsection.

1411 (d) The assuming insurer must, in a form specified by the  
 1412 commission:

1413 1. Agree to provide prompt written notice and explanation  
 1414 to the office if the assuming insurer falls below the minimum  
 1415 requirements set forth in paragraph (b) or paragraph (c), or if  
 1416 any regulatory action is taken against it for serious  
 1417 noncompliance with applicable law of any jurisdiction.

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

1426 | the extent that such agreement is unenforceable under applicable  
1427 | insolvency or delinquency laws.

1428 |         3. Consent in writing to pay all final judgments, wherever  
1429 | enforcement is sought, obtained by a ceding insurer or its legal  
1430 | successor which have been declared enforceable in the  
1431 | jurisdiction where the judgment was obtained.

1432 |         4. Confirm in writing that it will include in each  
1433 | reinsurance agreement a provision requiring the assuming insurer  
1434 | to provide security in an amount equal to 100 percent of the  
1435 | assuming insurer's liabilities attributable to reinsurance ceded  
1436 | pursuant to that agreement, if the assuming insurer resists  
1437 | enforcement of a final judgment that is enforceable under the  
1438 | law of the jurisdiction in which it was obtained or enforcement  
1439 | of a properly enforceable arbitration award, whether obtained by  
1440 | the ceding insurer or by its legal successor on behalf of its  
1441 | resolution estate.

1442 |         5. Confirm in writing that it is not presently  
1443 | participating in any solvent scheme of arrangement which  
1444 | involves this state's ceding insurers, and agree to notify the  
1445 | ceding insurer and the office and to provide security in an  
1446 | amount equal to 100 percent of the assuming insurer's  
1447 | liabilities to the ceding insurer if the assuming insurer enters  
1448 | into such a solvent scheme of arrangement. Such security must be  
1449 | consistent with subsection (5) or as specified by commission  
1450 | rule.

1451 Section 30. Subsection (20) of section 626.015, Florida  
 1452 Statutes, is amended to read:

1453 626.015 Definitions.—As used in this part:

1454 (20) "Unaffiliated insurance agent" means a licensed  
 1455 insurance agent, except a limited lines agent, who is self-  
 1456 appointed and who practices as an independent consultant in the  
 1457 business of analyzing or abstracting insurance policies,  
 1458 providing insurance advice or counseling, or making specific  
 1459 recommendations or comparisons of insurance products for a fee  
 1460 established in advance by written contract signed by the  
 1461 parties. An unaffiliated insurance agent may not be affiliated  
 1462 with an insurer, insurer-appointed insurance agent, or insurance  
 1463 agency contracted with or employing insurer-appointed insurance  
 1464 agents. A licensed adjuster who is also an unaffiliated  
 1465 insurance agent may obtain an adjuster appointment in order to  
 1466 adjust claims while holding an unaffiliated appointment on the  
 1467 agent license.

1468 Section 31. Subsection (4) of section 626.171, Florida  
 1469 Statutes, is amended to read:

1470 626.171 Application for license as an agent, customer  
 1471 representative, adjuster, service representative, or reinsurance  
 1472 intermediary.—

1473 (4) An applicant for a license issued by the department  
 1474 under this chapter ~~as an agent, customer representative,~~  
 1475 ~~adjuster, service representative, or reinsurance intermediary~~

1476 must submit a set of the individual applicant's fingerprints,  
1477 or, if the applicant is not an individual, a set of the  
1478 fingerprints of the sole proprietor, majority owner, partners,  
1479 officers, and directors, to the department and must pay the  
1480 fingerprint processing fee set forth in s. 624.501. Fingerprints  
1481 must be processed in accordance with s. 624.34 and used to  
1482 investigate the applicant's qualifications pursuant to s.  
1483 626.201. The fingerprints must be taken by a law enforcement  
1484 agency, designated examination center, or other department-  
1485 approved entity. The department shall require all designated  
1486 examination centers to have fingerprinting equipment and to take  
1487 fingerprints from any applicant or prospective applicant who  
1488 pays the applicable fee. The department may not approve an  
1489 application for licensure as an agent, customer service  
1490 representative, adjuster, service representative, or reinsurance  
1491 intermediary if fingerprints have not been submitted.

1492 Section 32. Paragraph (f) of subsection (2) of section  
1493 626.172, Florida Statutes, is amended to read:

1494 626.172 Application for insurance agency license.—

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

1501 is true and correct and is accountable for any misstatements or  
 1502 misrepresentations. The application for an insurance agency  
 1503 license must include:

1504 (f) The fingerprints, submitted in accordance with s.  
 1505 626.171(4), of each of the following:

1506 1. A sole proprietor;

1507 2. Each individual required to be listed in the  
 1508 application under paragraph (a); and

1509 3. Each individual who directs or participates in the  
 1510 management or control of an incorporated agency whose shares are  
 1511 not traded on a securities exchange.

1512  
 1513 ~~Fingerprints must be taken by a law enforcement agency or other~~  
 1514 ~~entity approved by the department and must be accompanied by the~~  
 1515 ~~fingerprint processing fee specified in s. 624.501. Fingerprints~~  
 1516 ~~must be processed in accordance with s. 624.34. However,~~  
 1517 Fingerprints need not be filed for an individual who is  
 1518 currently licensed and appointed under this chapter. This  
 1519 paragraph does not apply to corporations whose voting shares are  
 1520 traded on a securities exchange.

1521 Section 33. Section 626.173, Florida Statutes, is created  
 1522 to read:

1523 626.173 Insurance agency closure; cancellation of  
 1524 licenses.-

1525 (1) If a licensed insurance agency permanently ceases the

1526 transacting of insurance or ceases the transacting of insurance  
1527 for more than 30 days, the agent in charge, the director of the  
1528 agency, or other officer listed on the original application for  
1529 licensure must, within 35 days after the agency first ceases the  
1530 transacting of insurance, do all of the following:

1531 (a) Cancel the insurance agency's license by completing  
1532 and submitting a form prescribed by the department to notify the  
1533 department of the cancellation of the license.

1534 (b) 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 (c) 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 (d) 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 any agency or agent to which the agency's current  
1553 book of business has been transferred.

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

1556 (2) (a) The department may, in a proceeding initiated  
1557 pursuant to chapter 120, impose an administrative fine against  
1558 the agent in charge or the 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 and the person has been afforded 10  
1563 business days to correct the violation but 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 may, in addition to the imposition of  
1567 an administrative fine under this subsection, also suspend or  
1568 revoke the license of the licensee fined under this subsection.

1569 (d) In imposing any administrative penalty or remedy  
1570 provided under this subsection, the department shall take into  
1571 account the appropriateness of the penalty or remedy with  
1572 respect to the size of the financial resources and the good  
1573 faith of the person charged, the gravity of the violation, the  
1574 history of previous violations, and other matters as justice may  
1575 require.

1576 Section 34. Subsection (3) of section 626.201, Florida  
 1577 Statutes, is amended, and subsection (4) is added to that  
 1578 section, to read:

1579 626.201 Investigation.—

1580 (3) An inquiry or investigation of the applicant's  
 1581 qualifications, character, experience, background, and fitness  
 1582 must include submission of the applicant's fingerprints, in  
 1583 accordance with s. 626.171(4), to the Department of Law  
 1584 Enforcement and the Federal Bureau of Investigation and  
 1585 consideration of any state criminal records, federal criminal  
 1586 records, or local criminal records obtained from these agencies  
 1587 or from local law enforcement agencies.

1588 (4) The expiration, nonrenewal, or surrender of a license  
 1589 under this chapter does not eliminate jurisdiction of the  
 1590 department or office to investigate and prosecute for a  
 1591 violation committed by the licensee while licensed under this  
 1592 chapter. The prosecution of any matter may be initiated or  
 1593 continued notwithstanding the withdrawal of a complaint.

1594 Section 35. Section 626.202, Florida Statutes, is amended  
 1595 to read:

1596 626.202 Fingerprinting requirements.—

1597 (1) The requirements for completion and submission of  
 1598 fingerprints under this chapter in accordance with s. 626.171(4)  
 1599 are deemed to be met when an individual currently licensed under  
 1600 this chapter seeks additional licensure and has previously

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

1607 (2) If there is a change in ownership or control of any  
1608 entity licensed under this chapter, or if a new partner,  
1609 officer, or director is employed or appointed, a set of  
1610 fingerprints of the new owner, partner, officer, or director  
1611 must be filed with the department or office within 30 days after  
1612 the change. The acquisition of 10 percent or more of the voting  
1613 securities of a licensed entity is considered a change of  
1614 ownership or control. The fingerprints must be submitted in  
1615 accordance with s. 626.171(4) ~~taken by a law enforcement agency~~  
1616 ~~or other department-approved entity and be accompanied by the~~  
1617 ~~fingerprint processing fee in s. 624.501.~~

1618 Section 36. Paragraph (j) of subsection (2) of section  
1619 626.221, Florida Statutes, is amended to read:

1620 626.221 Examination requirement; exemptions.—

1621 (2) However, an examination is not necessary for any of  
1622 the following:

1623 (j) An applicant for license as an all-lines adjuster who  
1624 has the designation of Accredited Claims Adjuster (ACA) from a  
1625 regionally accredited postsecondary institution in this state,

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

1642 Section 37. Subsection (6) of section 626.311, Florida  
 1643 Statutes, is amended to read:

1644 626.311 Scope of license.—

1645 (6) An agent who appoints his or her license as an  
 1646 unaffiliated insurance agent may not hold an appointment from an  
 1647 insurer for any license he or she holds, with the exception of  
 1648 an adjuster license; transact, solicit, or service an insurance  
 1649 contract on behalf of an insurer; interfere with commissions  
 1650 received or to be received by an insurer-appointed insurance

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

1669 Section 38. Paragraph (h) of subsection (1) of section  
1670 626.321, Florida Statutes, is amended to read:

1671 626.321 Limited licenses and registration.—

1672 (1) The department shall issue to a qualified applicant a  
1673 license as agent authorized to transact a limited class of  
1674 business in any of the following categories of limited lines  
1675 insurance:

1676 (h) Portable electronics insurance.—License for property  
1677 insurance or inland marine insurance that covers only loss,  
1678 theft, mechanical failure, malfunction, or damage for portable  
1679 electronics.

1680 1. The license may be issued only to:

1681 a. Employees or authorized representatives of a licensed  
1682 general lines agent; or

1683 b. The lead business location of a retail vendor that  
1684 sells portable electronics insurance. The lead business location  
1685 must have a contractual relationship with a general lines agent.

1686 2. Employees or authorized representatives of a licensee  
1687 under subparagraph 1. may sell or offer for sale portable  
1688 electronics coverage without being subject to licensure as an  
1689 insurance agent if:

1690 a. Such insurance is sold or offered for sale at a  
1691 licensed location or at one of the licensee's branch locations  
1692 if the branch location is appointed by the licensed lead  
1693 business location or its appointing insurers;

1694 b. The insurer issuing the insurance directly supervises  
1695 or appoints a general lines agent to supervise the sale of such  
1696 insurance, including the development of a training program for  
1697 the employees and authorized representatives of vendors that are  
1698 directly engaged in the activity of selling or offering the  
1699 insurance; and

1700 c. At each location where the insurance is offered,

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

1707 3. Individuals not licensed to sell portable electronics  
 1708 insurance may not be paid commissions based on the sale of such  
 1709 coverage. However, a licensee who uses a compensation plan for  
 1710 employees and authorized representatives which includes  
 1711 supplemental compensation for the sale of noninsurance products,  
 1712 in addition to a regular salary or hourly wages, may include  
 1713 incidental compensation for the sale of portable electronics  
 1714 insurance as a component of the overall compensation plan.

1715 4. Brochures or other written materials related to  
 1716 portable electronics insurance must:

1717 a. Disclose that such insurance may duplicate coverage  
 1718 already provided by a customer's homeowners insurance policy,  
 1719 renters insurance policy, or other source of coverage;

1720 b. State that enrollment in insurance coverage is not  
 1721 required in order to purchase or lease portable electronics or  
 1722 services;

1723 c. Summarize the material terms of the insurance coverage,  
 1724 including the identity of the insurer, the identity of the  
 1725 supervising entity, the amount of any applicable deductible and

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

1730 |       d. Summarize the process for filing a claim, including a  
1731 | description of how to return portable electronics and the  
1732 | maximum fee applicable if the customer fails to comply with  
1733 | equipment return requirements; and

1734 |       e. State that an enrolled customer may cancel coverage at  
1735 | any time and that the person paying the premium will receive a  
1736 | refund of any unearned premium.

1737 |       5. A licensed and appointed general lines agent is not  
1738 | required to obtain a portable electronics insurance license to  
1739 | offer or sell portable electronics insurance at locations  
1740 | already licensed as an insurance agency, but may apply for a  
1741 | portable electronics insurance license for branch locations not  
1742 | otherwise licensed to sell insurance.

1743 |       6. A portable electronics license authorizes the sale of  
1744 | individual policies or certificates under a group or master  
1745 | insurance policy. The license also authorizes the sale of  
1746 | service warranty agreements covering only portable electronics  
1747 | to the same extent as if licensed under s. 634.419 or s.  
1748 | 634.420.

1749 |       7. A licensee may bill and collect the premium for the  
1750 | purchase of portable electronics insurance provided that:

1751           a. If the insurance is included with the purchase or lease  
1752 of portable electronics or related services, the licensee  
1753 clearly and conspicuously discloses that insurance coverage is  
1754 included with the purchase. Disclosure of the stand-alone cost  
1755 of the premium for same or similar insurance must be made on the  
1756 customer's bill and in any marketing materials made available at  
1757 the point of sale. If the insurance is not included, the charge  
1758 to the customer for the insurance must be separately itemized on  
1759 the customer's bill.

1760           b. Premiums are incidental to other fees collected, are  
1761 maintained in a manner that is readily identifiable, and are  
1762 accounted for and remitted to the insurer or supervising entity  
1763 within 60 days of receipt. Licensees are not required to  
1764 maintain such funds in a segregated account.

1765           c. All funds received by a licensee from an enrolled  
1766 customer for the sale of the insurance are considered funds held  
1767 in trust by the licensee in a fiduciary capacity for the benefit  
1768 of the insurer. Licensees may receive compensation for billing  
1769 and collection services.

1770           8. Notwithstanding any other provision of law, the terms  
1771 for the termination or modification of coverage under a policy  
1772 of portable electronics insurance are those set forth in the  
1773 policy.

1774           9. Notice or correspondence required by the policy, or  
1775 otherwise required by law, may be provided by electronic means

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

1786 10. The ~~provisions of this chapter requiring submission of~~  
1787 fingerprints requirements in s. 626.171(4) do not apply to  
1788 licenses issued to qualified entities under this paragraph.

1789 11. A branch location that sells portable electronics  
1790 insurance may, in lieu of obtaining an appointment from an  
1791 insurer or warranty association, obtain a single appointment  
1792 from the associated lead business location licensee and pay the  
1793 prescribed appointment fee under s. 624.501 if the lead business  
1794 location has a single appointment from each insurer or warranty  
1795 association represented and such appointment applies to the lead  
1796 business location and all of its branch locations. Branch  
1797 location appointments shall be renewed 24 months after the  
1798 initial appointment date of the lead business location and every  
1799 24 months thereafter. Notwithstanding s. 624.501, the renewal  
1800 fee applicable to such branch location appointments is \$30 per

1801 appointment.

1802 12. For purposes of this paragraph:

1803 a. "Branch location" means any physical location in this  
 1804 state at which a licensee offers its products or services for  
 1805 sale.

1806 b. "Portable electronics" means personal, self-contained,  
 1807 easily carried by an individual, battery-operated electronic  
 1808 communication, viewing, listening, recording, gaming, computing  
 1809 or global positioning devices, including cell or satellite  
 1810 phones, pagers, personal global positioning satellite units,  
 1811 portable computers, portable audio listening, video viewing or  
 1812 recording devices, digital cameras, video camcorders, portable  
 1813 gaming systems, docking stations, automatic answering devices,  
 1814 and other similar devices and their accessories, and service  
 1815 related to the use of such devices.

1816 c. "Portable electronics transaction" means the sale or  
 1817 lease of portable electronics or a related service, including  
 1818 portable electronics insurance.

1819 Section 39. Subsection (5) of section 626.601, Florida  
 1820 Statutes, is amended to read:

1821 626.601 Improper conduct; inquiry; fingerprinting.—

1822 (5) If the department or office, after investigation, has  
 1823 reason to believe that an individual may have been found guilty  
 1824 of or pleaded guilty or nolo contendere to a felony or a crime  
 1825 related to the business of insurance in this or any other state

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

1833 Section 40. Paragraph (d) of subsection (2) of section  
 1834 626.8411, Florida Statutes, is amended, and paragraph (f) is  
 1835 added to subsection (1) of that section, to read:

1836 626.8411 Application of Florida Insurance Code provisions  
 1837 to title insurance agents or agencies.—

1838 (1) The following provisions applicable to general lines  
 1839 agents or agencies also apply to title insurance agents or  
 1840 agencies:

1841 (f) Section 626.172(2)(f), relating to fingerprints.

1842 (2) The following provisions of part I do not apply to  
 1843 title insurance agents or title insurance agencies:

1844 (d) Section 626.172, except for paragraph (2)(f) of that  
 1845 section, relating to agent in full-time charge.

1846 Section 41. Paragraph (b) of subsection (1) of section  
 1847 626.8412, Florida Statutes, is amended to read:

1848 626.8412 License and appointments required.—

1849 (1) Except as otherwise provided in this part:

1850 (b) A title insurance agent may not sell a title insurance

1851 policy issued by an insurer for which the agent and the agency  
1852 do ~~does~~ not hold a current appointment.

1853 Section 42. Paragraph (a) of subsection (3) of section  
1854 626.8417, Florida Statutes, is amended to read:

1855 626.8417 Title insurance agent licensure; exemptions.—

1856 (3) The department may not grant or issue a license as a  
1857 title insurance agent to an individual who is found by the  
1858 department to be untrustworthy or incompetent, who does not meet  
1859 the qualifications for examination specified in s. 626.8414, or  
1860 who does not meet the following qualifications:

1861 (a) Within the 4 years immediately preceding the date of  
1862 the application for license, the applicant must have completed a  
1863 40-hour ~~classroom~~ course in title insurance, 3 hours of which  
1864 are on the subject matter of ethics, as approved by the  
1865 department, or must have had at least 12 months of experience in  
1866 responsible title insurance duties, under the supervision of a  
1867 licensed title insurance agent, title insurer, or attorney while  
1868 working in the title insurance business as a substantially full-  
1869 time, bona fide employee of a title insurance agency, title  
1870 insurance agent, title insurer, or attorney who conducts real  
1871 estate closing transactions and issues title insurance policies  
1872 but who is exempt from licensure under subsection (4). If an  
1873 applicant's qualifications are based upon the periods of  
1874 employment at responsible title insurance duties, the applicant  
1875 must submit, with the license application, an affidavit of the

1876 applicant and of the employer affirming the period of such  
 1877 employment, that the employment was substantially full time, and  
 1878 giving a brief abstract of the nature of the duties performed by  
 1879 the applicant.

1880 Section 43. Section 626.8421, Florida Statutes, is amended  
 1881 to read:

1882 626.8421 Number of appointments permitted or required.—A  
 1883 title agent and a title agency shall be required to have a  
 1884 separate appointment as to each insurer by which they are ~~he or~~  
 1885 ~~she is~~ appointed as agents agent. As a part of each appointment  
 1886 there shall be a certified statement or affidavit of an  
 1887 appropriate officer or official of the appointing insurer  
 1888 stating that to the best of the insurer's knowledge and belief  
 1889 the applicant, or its principals in the case of a corporation or  
 1890 other legal entity, has met the requirements of s. 626.8417.

1891 Section 44. Subsections (1) and (2) of section 626.843,  
 1892 Florida Statutes, are amended to read:

1893 626.843 Renewal, continuation, reinstatement, termination  
 1894 of title insurance agent's and title insurance agency's  
 1895 appointments ~~appointment~~.—

1896 (1) Appointments ~~the appointment~~ of a title insurance  
 1897 agent and a title insurance agency shall continue in force until  
 1898 suspended, revoked, or otherwise terminated, but subject to a  
 1899 renewed request filed by the insurer every 24 months after the  
 1900 original issue dates ~~date~~ of the appointments ~~appointment~~,

1901 accompanied by payments ~~payment~~ of the renewal appointment fees  
 1902 ~~fee~~ and taxes as prescribed in s. 624.501.

1903 (2) Title insurance agent and title insurance agency  
 1904 appointments shall be renewed pursuant to s. 626.381 for  
 1905 insurance representatives in general.

1906 Section 45. Subsection (1) of section 626.8433, Florida  
 1907 Statutes, is amended to read:

1908 626.8433 Filing of reasons for terminating appointments  
 1909 ~~appointment~~ of title insurance agent and title insurance agency;  
 1910 confidential information.—

1911 (1) Any title insurer that is terminating the appointment  
 1912 of a title insurance agent or title insurance agency, whether  
 1913 such termination is by direct action of the appointing title  
 1914 insurer or by failure to renew or continue the appointment as  
 1915 provided, shall file with the department a statement of the  
 1916 reasons, if any, for, and the facts relative to, such  
 1917 termination.

1918 Section 46. Section 626.8447, Florida Statutes, is amended  
 1919 to read:

1920 626.8447 Effect of suspension or revocation upon other  
 1921 licensees, appointees.—In case of the suspension or revocation  
 1922 of the license and appointment of any title insurance agent or  
 1923 title insurance agency, the licenses and appointments of all  
 1924 other title insurance agents who knowingly were parties to the  
 1925 act that ~~which~~ formed the ground for such suspension or

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

1932 |       Section 47. Paragraph (d) of subsection (10) of section  
 1933 | 626.854, Florida Statutes, is redesignated as paragraph (f),  
 1934 | paragraphs (a) and (b) of that subsection are amended, and a new  
 1935 | paragraph (d) and paragraph (e) are added to that subsection, to  
 1936 | 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) (a) If a public adjuster enters into a contract with  
 1942 | an insured or claimant to reopen a claim or file a supplemental  
 1943 | claim that seeks additional payments for a claim that has been  
 1944 | previously paid in part or in full or settled by the insurer,  
 1945 | the public adjuster may not charge, agree to, or accept from any  
 1946 | source compensation, payment, commission, fee, or any other  
 1947 | thing of value based on a previous settlement or previous claim  
 1948 | payments by the insurer for the same cause of loss. The charge,  
 1949 | compensation, payment, commission, fee, or any other thing of  
 1950 | value must be based only on the claim payments or settlements

1951 paid to the insured, exclusive of attorney fees and costs,  
 1952 ~~settlement~~ obtained through the work of the public adjuster  
 1953 after entering into the contract with the insured or claimant.  
 1954 Compensation for the reopened or supplemental claim may not  
 1955 exceed 20 percent of the reopened or supplemental claim payment.  
 1956 In no event shall the contracts described in this paragraph  
 1957 exceed the limitations in paragraph (b).

1958 (b) A public adjuster may not charge, agree to, or accept  
 1959 from any source compensation, payment, commission, fee, or any  
 1960 other thing of value in excess of:

1961 1. Ten percent of the amount of insurance claim payments  
 1962 or settlements, exclusive of attorney fees and costs, paid to  
 1963 the insured ~~made~~ by the insurer for claims based on events that  
 1964 are the subject of a declaration of a state of emergency by the  
 1965 Governor. This provision applies to claims made during the year  
 1966 after the declaration of emergency. After that year, the  
 1967 limitations in subparagraph 2. apply.

1968 2. Twenty percent of the amount of insurance claim  
 1969 payments or settlements, exclusive of attorney fees and costs,  
 1970 paid to the insured ~~made~~ by the insurer for claims that are not  
 1971 based on events that are the subject of a declaration of a state  
 1972 of emergency by the Governor.

1973 (d) Public adjuster compensation may not be based on  
 1974 amounts attributable to additional living expenses, unless such  
 1975 compensation is affirmatively agreed to in a separate agreement

1976 that includes a disclosure in substantially the following form:  
 1977 "I agree to retain and compensate the public adjuster for  
 1978 adjusting my additional living expenses and securing payment  
 1979 from my insurer for amounts attributable to additional living  
 1980 expenses payable under the policy issued on my (home/mobile  
 1981 home/condominium unit)."

1982 (e) Public adjuster rate of compensation may not be  
 1983 increased based solely on the fact that the claim is litigated.

1984 Section 48. Section 626.8561, Florida Statutes, is amended  
 1985 to read:

1986 626.8561 "Public adjuster apprentice" defined.—The term  
 1987 "public adjuster apprentice" means a person licensed as an all-  
 1988 lines adjuster who:

1989 (1) Is appointed and employed or contracted by ~~a public~~  
 1990 ~~adjuster or~~ a public adjusting firm;

1991 (2) Assists the ~~public adjuster or~~ public adjusting firm  
 1992 in ascertaining and determining the amount of any claim, loss,  
 1993 or damage payable under an insurance contract, or who undertakes  
 1994 to effect settlement of such claim, loss, or damage; and

1995 (3) Satisfies the requirements of s. 626.8651.

1996 Section 49. Paragraph (e) of subsection (1) and subsection  
 1997 (2) of section 626.865, Florida Statutes, are amended to read:

1998 626.865 Public adjuster's qualifications, bond.—

1999 (1) The department shall issue a license to an applicant  
 2000 for a public adjuster's license upon determining that the

2001 applicant has paid the applicable fees specified in s. 624.501  
 2002 and possesses the following qualifications:

2003 (e) Has been licensed and appointed in this state as a  
 2004 nonresident public adjuster on a continual basis for the  
 2005 previous 6 months, or has been licensed as an all-lines  
 2006 adjuster, and has been appointed on a continual basis for the  
 2007 previous 6 months as a public adjuster apprentice under s.  
 2008 626.8561, as an independent adjuster under s. 626.855, or as a  
 2009 company employee adjuster under s. 626.856.

2010 (2) At the time of application for license as a public  
 2011 adjuster, the applicant shall file with the department a bond  
 2012 executed and issued by a surety insurer authorized to transact  
 2013 such business in this state, in the amount of \$50,000,  
 2014 conditioned for the faithful performance of his or her duties as  
 2015 a public adjuster under the license for which the applicant has  
 2016 applied, and thereafter maintain the bond unimpaired throughout  
 2017 the existence of the license ~~and for at least 1 year after~~  
 2018 ~~termination of the license.~~

2019 (a) The bond must ~~shall~~ be in favor of the department and  
 2020 must ~~shall~~ specifically authorize recovery by the department of  
 2021 the damages sustained in case the licensee is guilty of fraud or  
 2022 unfair practices in connection with his or her business as  
 2023 public adjuster.

2024 (b) The bond must remain in effect for 1 year after the  
 2025 expiration or termination of the license.

2026            (c) The aggregate liability of the surety for all such  
 2027 damages may not ~~shall in no event~~ exceed the amount of the bond.  
 2028 The ~~Such~~ bond may ~~shall~~ not be terminated unless at least 30  
 2029 days' written notice is given to the licensee and filed with the  
 2030 department.

2031            Section 50. Paragraph (a) of subsection (1) and subsection  
 2032 (3) of section 626.8651, Florida Statutes, are amended to read:  
 2033            626.8651 Public adjuster apprentice appointment;  
 2034 qualifications.—

2035            (1)(a) The department shall issue an appointment as a  
 2036 public adjuster apprentice to a licensee who:

2037            1. Is licensed as an all-lines adjuster under s. 626.866;

2038            2. Has filed with the department a bond executed and  
 2039 issued by a surety insurer that is authorized to transact such  
 2040 business in this state in the amount of \$50,000, which is  
 2041 conditioned upon the faithful performance of his or her duties  
 2042 as a public adjuster apprentice; and

2043            3. Maintains such bond unimpaired throughout the existence  
 2044 of the appointment. The bond must remain in effect for 1 year  
 2045 after the expiration or termination of the license ~~and for at~~  
 2046 ~~least 1 year after termination of the appointment.~~

2047            (3) A public adjuster apprentice has the same authority as  
 2048 the licensed public adjuster or public adjusting firm that  
 2049 employs the apprentice except that an apprentice may not execute  
 2050 contracts for the services of a public adjuster or public

2051 adjusting firm. An individual may not be, act as, or hold  
 2052 himself or herself out to be a public adjuster apprentice unless  
 2053 the individual is licensed as an all-lines adjuster and holds a  
 2054 current appointment by a licensed ~~public all-lines adjuster or a~~  
 2055 public adjusting firm that has designated with the department a  
 2056 primary ~~employs a licensed public~~ adjuster as required by s.  
 2057 626.8695.

2058 Section 51. Section 626.8696, Florida Statutes, is amended  
 2059 to read:

2060 626.8696 Application for adjusting firm license.—

2061 (1) The application for an adjusting firm license must  
 2062 include:

2063 (a) The name of each majority owner, partner, officer, and  
 2064 director of the adjusting firm.

2065 (b) The resident address of each person required to be  
 2066 listed in the application under paragraph (a).

2067 (c) The name of the adjusting firm and its principal  
 2068 business address.

2069 (d) The location of each adjusting firm office and the  
 2070 name under which each office conducts or will conduct business.

2071 (e) The name and license number of the designated primary  
 2072 adjuster for each adjusting firm location as required in s.  
 2073 626.8695.

2074 (f) The fingerprints of each individual required to be  
 2075 listed in the application under paragraph (a), filed in

2076 accordance with s. 626.171(4). However, fingerprints need not be  
2077 filed for an individual who is currently licensed and appointed  
2078 under this chapter.

2079 ~~(g)(e)~~ Any additional information that the department  
2080 requires.

2081 (2) An application for an adjusting firm license must be  
2082 signed by one of the individuals required to be listed in the  
2083 application under paragraph (1)(a) each owner of the firm. If  
2084 ~~the firm is incorporated, the application must be signed by the~~  
2085 ~~president and secretary of the corporation.~~

2086 ~~(3) Each application must be accompanied by payment of any~~  
2087 ~~applicable fee as prescribed in s. 624.501.~~

2088 ~~(4) License fees are not refundable.~~

2089 ~~(5) An adjusting firm required to be licensed pursuant to~~  
2090 ~~s. 626.8695 must remain so licensed for a period of 3 years from~~  
2091 ~~the date of licensure, unless the license is suspended or~~  
2092 ~~revoked. The department may suspend or revoke the adjusting~~  
2093 ~~firm's authority to do business for activities occurring during~~  
2094 ~~the time the firm is licensed, regardless of whether the~~  
2095 ~~licensing period has terminated.~~

2096 Section 52. Subsection (3) of section 626.8732, Florida  
2097 Statutes, is amended to read:

2098 626.8732 Nonresident public adjuster's qualifications,  
2099 bond.—

2100 (3) At the time of application for license as a

2101 nonresident public adjuster, the applicant shall file with the  
2102 department a bond executed and issued by a surety insurer  
2103 authorized to transact surety business in this state, in the  
2104 amount of \$50,000, conditioned for the faithful performance of  
2105 his or her duties as a nonresident public adjuster under the  
2106 license applied for. Thereafter, the applicant shall maintain  
2107 the bond unimpaired throughout the existence of the license and  
2108 for 1 year after the expiration or termination of the license.

2109 (a) The bond must be in favor of the department and must  
2110 specifically authorize recovery by the department of the damages  
2111 sustained if the licensee commits fraud or unfair practices in  
2112 connection with his or her business as nonresident public  
2113 adjuster.

2114 (b) The aggregate liability of the surety for all the  
2115 damages may not exceed the amount of the bond. The bond may not  
2116 be terminated unless at least 30 days' written notice is given  
2117 to the licensee and filed with the department.

2118 Section 53. Paragraph (a) of subsection (2) of section  
2119 626.8734, Florida Statutes, is amended to read:

2120 626.8734 Nonresident all-lines adjuster license  
2121 qualifications.—

2122 (2) The applicant must furnish the following with his or  
2123 her application:

2124 (a) A complete set of his or her fingerprints in  
2125 accordance with s. 626.171(4). ~~The applicant's fingerprints must~~

2126 ~~be certified by an authorized law enforcement officer.~~

2127 Section 54. Section 626.906, Florida Statutes, is amended  
 2128 to read:

2129 626.906 Acts constituting Chief Financial Officer as  
 2130 process agent.—Any of the following acts in this state, effected  
 2131 by mail or otherwise, by an unauthorized foreign insurer, alien  
 2132 insurer, or person representing or aiding such an insurer is  
 2133 equivalent to and shall constitute an appointment by such  
 2134 insurer or person representing or aiding such insurer of the  
 2135 Chief Financial Officer to be its true and lawful agent  
 2136 ~~attorney~~, upon whom may be served all lawful process in any  
 2137 action, suit, or proceeding instituted by or on behalf of an  
 2138 insured or beneficiary, arising out of any such contract of  
 2139 insurance; and any such act shall be signification of the  
 2140 insurer's or person's agreement that such service of process is  
 2141 of the same legal force and validity as personal service of  
 2142 process in this state upon such insurer or person representing  
 2143 or aiding such insurer:

2144 (1) The issuance or delivery of contracts of insurance to  
 2145 residents of this state or to corporations authorized to do  
 2146 business therein;

2147 (2) The solicitation of applications for such contracts;

2148 (3) The collection of premiums, membership fees,  
 2149 assessments, or other considerations for such contracts; or

2150 (4) Any other transaction of insurance.

2151 Section 55. Subsection (4) of section 626.912, Florida  
 2152 Statutes, is amended to read:

2153 626.912 Exemptions from ss. 626.904-626.911.—The  
 2154 provisions of ss. 626.904-626.911 do not apply to any action,  
 2155 suit, or proceeding against any unauthorized foreign insurer,  
 2156 alien insurer, or person representing or aiding such an insurer  
 2157 arising out of any contract of insurance:

2158 (4) Issued under and in accordance with the Surplus Lines  
 2159 Law, when such insurer or person representing or aiding such  
 2160 insurer enters a general appearance or when such contract of  
 2161 insurance contains a provision designating the Chief Financial  
 2162 Officer or designating a Florida resident agent to be the true  
 2163 and lawful agent ~~attorney~~ of such unauthorized insurer or person  
 2164 representing or aiding such insurer upon whom may be served all  
 2165 lawful process in any action, suit, or proceeding instituted by  
 2166 or on behalf of an insured or person representing or aiding such  
 2167 insurer or beneficiary arising out of any such contract of  
 2168 insurance; and service of process effected on such Chief  
 2169 Financial Officer or such resident agent shall be deemed to  
 2170 confer complete jurisdiction over such unauthorized insurer or  
 2171 person representing or aiding such insurer in such action.

2172 Section 56. Subsections (3) and (4) of section 626.937,  
 2173 Florida Statutes, are amended to read:

2174 626.937 Actions against insurer; service of process.—

2175 (3) Each unauthorized insurer requesting eligibility

2176 | pursuant to s. 626.918 shall file with the department its  
2177 | appointment of the Chief Financial Officer, on a form as  
2178 | furnished by the department, as its agent ~~attorney~~ to receive  
2179 | service of all legal process issued against it in any civil  
2180 | action or proceeding in this state, and agreeing that process so  
2181 | served shall be valid and binding upon the insurer. The  
2182 | appointment shall be irrevocable, shall bind the insurer and any  
2183 | successor in interest as to the assets or liabilities of the  
2184 | insurer, and shall remain in effect as long as there is  
2185 | outstanding in this state any obligation or liability of the  
2186 | insurer resulting from its insurance transactions therein.

2187 |       (4) At the time of such appointment of the Chief Financial  
2188 | Officer as its process agent, the insurer shall file with the  
2189 | department designation of the name and e-mail address of the  
2190 | person to whom process against it served upon the Chief  
2191 | Financial Officer is to be made available through the  
2192 | department's secure online portal ~~forwarded~~. The insurer may  
2193 | change the designation at any time by a new filing.

2194 |       Section 57. Subsection (5) of section 626.9953, Florida  
2195 | Statutes, is amended to read:

2196 |       626.9953 Qualifications for registration; application  
2197 | required.—

2198 |       (5) An applicant must submit a set of his or her  
2199 | fingerprints in accordance with s. 626.171(4) ~~to the department~~  
2200 | ~~and pay the processing fee established under s. 624.501(23)~~. The

2201 department shall submit the applicant's fingerprints to the  
 2202 Department of Law Enforcement for processing state criminal  
 2203 history records checks and local criminal records checks through  
 2204 local law enforcement agencies and for forwarding to the Federal  
 2205 Bureau of Investigation for national criminal history records  
 2206 checks. The fingerprints shall be taken by a law enforcement  
 2207 agency, a designated examination center, or another department-  
 2208 approved entity. The department may not approve an application  
 2209 for registration as a navigator if fingerprints have not been  
 2210 submitted.

2211 Section 58. Paragraphs (e) and (f) are added to subsection  
 2212 (4) of section 633.135, Florida Statutes, to read:

2213 633.135 Firefighter Assistance Grant Program.—

2214 (4) Funds shall be used to:

2215 (e) Purchase other equipment and tools that improve  
 2216 firesafety and fire rescue capabilities for firefighters.

2217 (f) Purchase protective clothing and equipment compliant  
 2218 with NFPA 1977, "Standard on Protective Clothing and Equipment  
 2219 for Wildland Fire Fighting and Urban Interface Fire Fighting."

2220 Section 59. Subsections (6) through (9) of section  
 2221 633.216, Florida Statutes, are renumbered as subsections (5)  
 2222 through (8), respectively, and subsection (4) and present  
 2223 subsection (5) of that section are amended, to read:

2224 633.216 Inspection of buildings and equipment; orders;  
 2225 firesafety inspection training requirements; certification;

2226 disciplinary action.—The State Fire Marshal and her or his  
2227 agents or persons authorized to enforce laws and rules of the  
2228 State Fire Marshal shall, at any reasonable hour, when the State  
2229 Fire Marshal has reasonable cause to believe that a violation of  
2230 this chapter or s. 509.215, or a rule adopted thereunder, or a  
2231 minimum firesafety code adopted by the State Fire Marshal or a  
2232 local authority, may exist, inspect any and all buildings and  
2233 structures which are subject to the requirements of this chapter  
2234 or s. 509.215 and rules adopted thereunder. The authority to  
2235 inspect shall extend to all equipment, vehicles, and chemicals  
2236 which are located on or within the premises of any such building  
2237 or structure.

2238 (4) Every firesafety inspector certificate is valid for a  
2239 period of 4 years from the date of issuance. Renewal of  
2240 certification is subject to the affected person's completing  
2241 proper application for renewal and meeting all of the  
2242 requirements for renewal as established under this chapter or by  
2243 rule adopted under this chapter, which must include completion  
2244 of at least 54 hours during the preceding 4-year period of  
2245 continuing education as required by the rule of the department  
2246 ~~or, in lieu thereof, successful passage of an examination as~~  
2247 ~~established by the department.~~

2248 ~~(5) A previously certified firesafety inspector whose~~  
2249 ~~certification has lapsed for 8 years or more must repeat the~~  
2250 ~~fire safety inspector training as specified by the division.~~

2251 Section 60. Subsection (5) of section 633.336, Florida  
 2252 Statutes, is amended to read:

2253 633.336 Contracting without certificate prohibited;  
 2254 violations; penalty.—

2255 (5) In addition to the penalties provided in subsection  
 2256 (4), a fire protection contractor certified under this chapter  
 2257 or a person who violates any provision of this section or who  
 2258 commits any act constituting cause for disciplinary action is  
 2259 subject to:

2260 (a) Suspension or revocation of the certificate and  
 2261 administrative fines pursuant to s. 633.338; and

2262 (b) An administrative fine of up to \$10,000 in any one  
 2263 proceeding for violations of subsection (1) or subsection (2),  
 2264 and if applicable, may be in addition to or in lieu of  
 2265 suspension or revocation of a certificate.

2266  
 2267 The State Fire Marshal shall adopt by rule guidelines that  
 2268 specify a range of designated penalties under this subsection  
 2269 based upon the severity and repetition of specific offenses and  
 2270 shall identify mitigating and aggravating circumstances that  
 2271 allow the State Fire Marshal to impose a penalty other than that  
 2272 provided for in the guidelines, and for variations and a range  
 2273 of penalties permitted under such circumstances.

2274 Section 61. Paragraph (b) of subsection (4) and paragraphs  
 2275 (a) and (c) of subsection (6) of section 633.408, Florida

2276 Statutes, are amended to read:  
 2277       633.408 Firefighter and volunteer firefighter training and  
 2278 certification.—  
 2279       (4) The division shall issue a Firefighter Certificate of  
 2280 Compliance to an individual who does all of the following:  
 2281       (b) Passes the Minimum Standards Course certification  
 2282 ~~examination~~ within 12 months after completing the required  
 2283 courses.  
 2284       (6)(a) The division may issue a Special Certificate of  
 2285 Compliance to an individual who does all of the following:  
 2286       1. Satisfactorily completes the course established by rule  
 2287 by the division and successfully passes any examination  
 2288 corresponding to such course ~~in paragraph (1)(b)~~ to obtain a  
 2289 Special Certificate of Compliance.  
 2290       ~~2. Passes the examination established in paragraph (1)(b)~~  
 2291 ~~to obtain a Special Certificate of Compliance.~~  
 2292       ~~2.3.~~ Possesses the qualifications in s. 633.412.  
 2293       ~~(c) In order to retain a Special Certificate of~~  
 2294 ~~Compliance, every 4 years an individual must:~~  
 2295       ~~1. Be active as a firefighter;~~  
 2296       ~~2. Maintain a current and valid fire service instructor~~  
 2297 ~~certificate, instruct at least 40 hours during the 4-year~~  
 2298 ~~period, and provide proof of such instruction to the division,~~  
 2299 ~~which proof must be registered in an electronic database~~  
 2300 ~~designated by the division; or~~

2301           ~~3. Within 6 months before the 4-year period expires,~~  
2302 ~~successfully complete a Firefighter Retention Refresher Course~~  
2303 ~~consisting of a minimum of 40 hours of training as prescribed by~~  
2304 ~~rule.~~

2305           Section 62. Subsections (5), (6), and (7) of section  
2306 633.414, Florida Statutes, are renumbered as subsections (4),  
2307 (5), and (6) respectively, and subsection (1) and present  
2308 subsection (4) of that section are amended, to read:

2309           633.414 Retention of firefighter and volunteer firefighter  
2310 certifications.—

2311           (1) In order for a firefighter to retain her or his  
2312 Firefighter Certificate of Compliance or Special Certificate of  
2313 Compliance, every 4 years he or she must meet the requirements  
2314 for renewal provided in this chapter and by rule, which must  
2315 include at least one of the following:

2316           (a) Be active as a firefighter. As used in this section,  
2317 the term "active" means being employed as a firefighter or  
2318 providing service as a volunteer firefighter as evidenced by the  
2319 individual's name appearing on a fire service provider's  
2320 employment roster in the Florida State Fire College database or  
2321 a letter by the fire service provider attesting to dates of  
2322 employment.

2323           (b) Maintain a current and valid fire service instructor  
2324 certificate, instruct at least 40 hours during the 4-year  
2325 period, and provide proof of such instruction to the division,

2326 | which proof must be registered in an electronic database  
 2327 | designated by the division.

2328 |       (c) Before the expiration of the certificate ~~Within 6~~  
 2329 | ~~months before the 4-year period expires~~, successfully complete a  
 2330 | Firefighter Retention Refresher Course consisting of a minimum  
 2331 | of 40 hours of training to be prescribed by rule.

2332 |       (d) Before the expiration of the certificate ~~Within 6~~  
 2333 | ~~months before the 4-year period expires~~, successfully retake and  
 2334 | pass the Minimum Standards Course examination pursuant to s.  
 2335 | 633.408.

2336 |       ~~(4) For the purposes of this section, the term "active"~~  
 2337 | ~~means being employed as a firefighter or providing service as a~~  
 2338 | ~~volunteer firefighter for a cumulative period of 6 months within~~  
 2339 | ~~a 4-year period.~~

2340 |  
 2341 | The 4-year period may, in the discretion of the department, be  
 2342 | extended to 12 months after discharge from military service if  
 2343 | the military service does not exceed 3 years, but in no event  
 2344 | more than 6 years from the date of issue or renewal, if  
 2345 | applicable, for an honorably discharged veteran of the United  
 2346 | States Armed Forces or the spouse of such a veteran. A qualified  
 2347 | individual must provide a copy of a military identification  
 2348 | card, military dependent identification card, military service  
 2349 | record, military personnel file, veteran record, discharge  
 2350 | paper, or separation document that indicates such member is

2351 currently in good standing or such veteran is honorably  
 2352 discharged.

2353 Section 63. Subsection (4) of section 648.34, Florida  
 2354 Statutes, is amended to read:

2355 648.34 Bail bond agents; qualifications.—

2356 (4) The applicant shall furnish, with his or her  
 2357 application, a complete set of his or her fingerprints in  
 2358 accordance with s. 626.171(4) and a recent credential-sized,  
 2359 fullface photograph of the applicant. ~~The applicant's~~  
 2360 ~~fingerprints shall be certified by an authorized law enforcement~~  
 2361 ~~officer.~~ The department shall not authorize an applicant to take  
 2362 the required examination until the department has received a  
 2363 report from the Department of Law Enforcement and the Federal  
 2364 Bureau of Investigation relative to the existence or  
 2365 nonexistence of a criminal history report based on the  
 2366 applicant's fingerprints.

2367 Section 64. Subsection (4) of section 648.355, Florida  
 2368 Statutes, is amended to read:

2369 648.355 Temporary limited license as limited surety agent  
 2370 or professional bail bond agent; pending examination.—

2371 (4) The applicant shall furnish, with the application for  
 2372 temporary license, a complete set of the applicant's  
 2373 fingerprints in accordance with s. 626.171(4) and a recent  
 2374 credential-sized, fullface photograph of the applicant. ~~The~~  
 2375 ~~applicant's fingerprints shall be certified by an authorized law~~

2376 ~~enforcement officer.~~ The department shall not issue a temporary  
 2377 license under this section until the department has received a  
 2378 report from the Department of Law Enforcement and the Federal  
 2379 Bureau of Investigation relative to the existence or  
 2380 nonexistence of a criminal history report based on the  
 2381 applicant's fingerprints.

2382 Section 65. Subsection (4) is added to section 648.46,  
 2383 Florida Statutes, to read:

2384 648.46 Procedure for disciplinary action against  
 2385 licensees.—

2386 (4) The expiration, nonrenewal, or surrender of licensure  
 2387 under this chapter does not eliminate the jurisdiction of the  
 2388 department or office to investigate and prosecute for a  
 2389 violation committed by a licensee while licensed under this  
 2390 chapter. The prosecution of any matter may be initiated or  
 2391 continued notwithstanding the withdrawal of a complaint.

2392 Section 66. Paragraph (d) of subsection (2) and paragraphs  
 2393 (b), (c), and (e) of subsection (3) of section 766.105, Florida  
 2394 Statutes, are amended, and paragraph (i) is added to subsection  
 2395 (3) and subsection (4) is added to that section, to read:

2396 766.105 Florida Patient's Compensation Fund.—

2397 (2) COVERAGE.—

2398 (d)1. Any health care provider who participates in the  
 2399 fund and who does not meet the provisions of paragraph (b) shall  
 2400 not be covered by the fund.

2401           2. Annually, the Agency for Health Care Administration  
 2402 shall require documentation by each hospital that such hospital  
 2403 is in compliance, and will remain in compliance, with the  
 2404 provisions of this section. ~~The agency shall review the~~  
 2405 ~~documentation and then deliver the documentation to the board of~~  
 2406 ~~governors. At least 60 days before the time a license will be~~  
 2407 ~~issued or renewed, the agency shall request from the board of~~  
 2408 ~~governors a certification that each hospital is in compliance~~  
 2409 ~~with the provisions of this section. The board of governors~~  
 2410 ~~shall not be liable under the law for any erroneous~~  
 2411 ~~certification. The agency may not issue or renew the license of~~  
 2412 ~~any hospital which has not been certified by the board of~~  
 2413 ~~governors. The license of any hospital that fails to remain in~~  
 2414 ~~compliance or fails to provide such documentation shall be~~  
 2415 ~~revoked or suspended by the agency.~~

2416           (3) THE FUND.—

2417           (b) Fund administration and operation.—

2418           1. The fund shall operate subject to the supervision and  
 2419 approval of the Chief Financial Officer or his or her designee ~~a~~  
 2420 ~~board of governors consisting of a representative of the~~  
 2421 ~~insurance industry appointed by the Chief Financial Officer, an~~  
 2422 ~~attorney appointed by The Florida Bar, a representative of~~  
 2423 ~~physicians appointed by the Florida Medical Association, a~~  
 2424 ~~representative of physicians' insurance appointed by the Chief~~  
 2425 ~~Financial Officer, a representative of physicians' self-~~

2426 ~~insurance appointed by the Chief Financial Officer, two~~  
2427 ~~representatives of hospitals appointed by the Florida Hospital~~  
2428 ~~Association, a representative of hospital insurance appointed by~~  
2429 ~~the Chief Financial Officer, a representative of hospital self-~~  
2430 ~~insurance appointed by the Chief Financial Officer, a~~  
2431 ~~representative of the osteopathic physicians' or podiatric~~  
2432 ~~physicians' insurance or self-insurance appointed by the Chief~~  
2433 ~~Financial Officer, and a representative of the general public~~  
2434 ~~appointed by the Chief Financial Officer. The board of governors~~  
2435 ~~shall, during the first meeting after June 30 of each year,~~  
2436 ~~choose one of its members to serve as chair of the board and~~  
2437 ~~another member to serve as vice chair of the board. The members~~  
2438 ~~of the board shall be appointed to serve terms of 4 years,~~  
2439 ~~except that the initial appointments of a representative of the~~  
2440 ~~general public by the Chief Financial Officer, an attorney by~~  
2441 ~~The Florida Bar, a representative of physicians by the Florida~~  
2442 ~~Medical Association, and one of the two representatives of the~~  
2443 ~~Florida Hospital Association shall be for terms of 3 years;~~  
2444 ~~thereafter, such representatives shall be appointed for terms of~~  
2445 ~~4 years. Subsequent to initial appointments for 4-year terms,~~  
2446 ~~the representative of the osteopathic physicians' or podiatric~~  
2447 ~~physicians' insurance or self-insurance appointed by the Chief~~  
2448 ~~Financial Officer and the representative of hospital self-~~  
2449 ~~insurance appointed by the Chief Financial Officer shall be~~  
2450 ~~appointed for 2-year terms; thereafter, such representatives~~

2451 ~~shall be appointed for terms of 4 years. Each appointed member~~  
2452 ~~may designate in writing to the chair an alternate to act in the~~  
2453 ~~member's absence or incapacity. A member of the board, or the~~  
2454 ~~member's alternate, may be reimbursed from the assets of the~~  
2455 ~~fund for expenses incurred by him or her as a member, or~~  
2456 ~~alternate member, of the board and for committee work, but he or~~  
2457 ~~she may not otherwise be compensated by the fund for his or her~~  
2458 ~~service as a board member or alternate.~~

2459       2. There shall be no liability on the part of, and no  
2460 cause of action of any nature shall arise against, the fund or  
2461 its agents or employees, professional advisers or consultants,  
2462 the Chief Financial Officer or his or her designee ~~members of~~  
2463 ~~the board of governors or their alternates~~, or the Department of  
2464 Financial Services or the Office of Insurance Regulation of the  
2465 Financial Services Commission or their representatives for any  
2466 action taken by them in the performance of their powers and  
2467 duties pursuant to this section.

2468       (c) Powers of the fund.—The fund has the power to:

2469       1. Sue and be sued, and appear and defend, in all actions  
2470 and proceedings in its name to the same extent as a natural  
2471 person.

2472       2. Adopt, change, amend, and repeal a plan of operation,  
2473 not inconsistent with law, for the regulation and administration  
2474 of the affairs of the fund. The plan and any changes thereto  
2475 shall be filed with the Office of Insurance Regulation of the

2476 Financial Services Commission and are all subject to its  
 2477 approval before implementation by the fund. All fund members,  
 2478 board members, and employees shall comply with the plan of  
 2479 operation.

2480 3. Have and exercise all powers necessary or convenient to  
 2481 effect any or all of the purposes for which the fund is created.

2482 4. Enter into such contracts as are necessary or proper to  
 2483 carry out the provisions and purposes of this section.

2484 5. Employ or retain such persons as are necessary to  
 2485 perform the administrative and financial transactions and  
 2486 responsibilities of the fund and to perform other necessary or  
 2487 proper functions unless prohibited by law.

2488 6. Take such legal action as may be necessary to avoid  
 2489 payment of improper claims.

2490 7. Indemnify any ~~employee, agent, member of the board of~~  
 2491 ~~governors or his or her alternate, or~~ person acting on behalf of  
 2492 the fund in an official capacity, for expenses, including  
 2493 attorney's fees, judgments, fines, and amounts paid in  
 2494 settlement actually and reasonably incurred by him or her in  
 2495 connection with any action, suit, or proceeding, including any  
 2496 appeal thereof, arising out of his or her capacity in acting on  
 2497 behalf of the fund, if he or she acted in good faith and in a  
 2498 manner he or she reasonably believed to be in, or not opposed  
 2499 to, the best interests of the fund and, with respect to any  
 2500 criminal action or proceeding, he or she had reasonable cause to

2501 | believe his or her conduct was lawful.

2502 |       (e) Fund accounting and audit.—

2503 |       1. Money shall be withdrawn from the fund only upon a  
 2504 | voucher as authorized by the Chief Financial Officer or his or  
 2505 | her designee ~~board of governors~~.

2506 |       2. All books, records, and audits of the fund shall be  
 2507 | open for reasonable inspection to the general public, except  
 2508 | that a claim file in possession of the fund, fund members, and  
 2509 | their insurers is confidential and exempt from the provisions of  
 2510 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 2511 | until termination of litigation or settlement of the claim,  
 2512 | although medical records and other portions of the claim file  
 2513 | may remain confidential and exempt as otherwise provided by law.  
 2514 | Any book, record, document, audit, or asset acquired by,  
 2515 | prepared for, or paid for by the fund is subject to the  
 2516 | authority of the Chief Financial Officer or his or her designee  
 2517 | ~~board of governors~~, which shall be responsible therefor.

2518 |       3. Persons authorized to receive deposits, issue vouchers,  
 2519 | or withdraw or otherwise disburse any fund moneys shall post a  
 2520 | blanket fidelity bond in an amount reasonably sufficient to  
 2521 | protect fund assets. The cost of such bond shall be paid from  
 2522 | the fund.

2523 |       4. Annually, the fund shall furnish, upon request, audited  
 2524 | financial reports to any fund participant and to the Office of  
 2525 | Insurance Regulation and the Joint Legislative Auditing

2526 | Committee. The reports shall be prepared in accordance with  
 2527 | accepted accounting procedures and shall include income and such  
 2528 | other information as may be required by the Office of Insurance  
 2529 | Regulation or the Joint Legislative Auditing Committee.

2530 |         5. Any money held in the fund shall be invested in  
 2531 | interest-bearing investments ~~by the board of governors of the~~  
 2532 | ~~fund as administrator.~~ However, in no case may any such money be  
 2533 | invested in the stock of any insurer participating in the Joint  
 2534 | Underwriting Association authorized by s. 627.351(4) or in the  
 2535 | parent company of, or company owning a controlling interest in,  
 2536 | such insurer. All income derived from such investments shall be  
 2537 | credited to the fund.

2538 |         6. Any health care provider participating in the fund may  
 2539 | withdraw from such participation only at the end of a fiscal  
 2540 | year; however, such health care provider shall remain subject to  
 2541 | any assessment or any refund pertaining to any year in which  
 2542 | such member participated in the fund.

2543 |         (i) Dissolution of the fund.—The fund shall operate  
 2544 | subject to the supervision of the Chief Financial Officer or his  
 2545 | or her designee, pursuant to the policies and procedures and  
 2546 | under the auspices of the Department of Financial Services'  
 2547 | Division of Rehabilitation and Liquidation, until the department  
 2548 | executes a legal dissolution of the fund on or before December  
 2549 | 31, 2023. Before the legal dissolution of the fund, the  
 2550 | Department of Financial Services must:

- 2551        1. Obtain all existing records and retain necessary  
 2552 records of the fund pursuant to law.
- 2553        2. Identify all remaining property held by the fund and  
 2554 attempt to return such property to its owners and, for property  
 2555 that cannot be returned to the owner, transfer such property to  
 2556 the Department of Financial Services' Division of Unclaimed  
 2557 Property.
- 2558        3. Make a final accounting of the finances of the fund.
- 2559        4. Ensure that the fund has met all its obligations  
 2560 pursuant to structured settlements, annuities, or other  
 2561 instruments established to pay covered claims and, if the fund  
 2562 has not done so, attempt to meet such obligations before final  
 2563 and complete dissolution of the fund.
- 2564        5. Sell or otherwise dispose of all physical assets of the  
 2565 fund.
- 2566        6. Execute a legal dissolution of the fund.
- 2567        7. Transfer any remaining money or assets of the fund to  
 2568 the Chief Financial Officer for deposit in the General Revenue  
 2569 Fund.
- 2570        (4) REPEAL.—This section is repealed January 1, 2024.  
 2571        Section 67. Paragraph (b) of subsection (1) of section  
 2572 945.6041, Florida Statutes, is amended to read:  
 2573        945.6041 Inmate medical services.—  
 2574        (1) As used in this section, the term:  
 2575        (b) "Health care provider" means:

- 2576        1. A hospital licensed under chapter 395.
- 2577        2. A physician or physician assistant licensed under  
 2578 chapter 458.
- 2579        3. An osteopathic physician or physician assistant  
 2580 licensed under chapter 459.
- 2581        4. A podiatric physician licensed under chapter 461.
- 2582        5. A health maintenance organization certificated under  
 2583 part I of chapter 641.
- 2584        6. An ambulatory surgical center licensed under chapter  
 2585 395.
- 2586        7. A professional association, partnership, corporation,  
 2587 joint venture, or other association established by the  
 2588 individuals set forth in subparagraphs 2., 3., and 4. for  
 2589 professional activity.
- 2590        8. Other medical facility.
- 2591        a. As used in this subparagraph, the term "other medical  
 2592 facility" means:
- 2593        (I) A facility the primary purpose of which is to provide  
 2594 human medical diagnostic services, or a facility providing  
 2595 nonsurgical human medical treatment which discharges patients on  
 2596 the same working day that the patients are admitted; and
- 2597        (II) A facility that is not part of a hospital.
- 2598        b. The term does not include a facility existing for the  
 2599 primary purpose of performing terminations of pregnancy, or an  
 2600 office maintained by a physician or dentist for the practice of

2601 ~~medicine has the same meaning as provided in s. 766.105.~~  
 2602       Section 68. Paragraph (a) of subsection (1) of section  
 2603 985.6441, Florida Statutes, is amended to read:  
 2604       985.6441 Health care services.—  
 2605       (1) As used in this section, the term:  
 2606       (a) "Health care provider" means:  
 2607       1. A hospital licensed under chapter 395.  
 2608       2. A physician or physician assistant licensed under  
 2609 chapter 458.  
 2610       3. An osteopathic physician or physician assistant  
 2611 licensed under chapter 459.  
 2612       4. A podiatric physician licensed under chapter 461.  
 2613       5. A health maintenance organization certificated under  
 2614 part I of chapter 641.  
 2615       6. An ambulatory surgical center licensed under chapter  
 2616 395.  
 2617       7. A professional association, partnership, corporation,  
 2618 joint venture, or other association established by the  
 2619 individuals set forth in subparagraphs 2., 3., and 4. for  
 2620 professional activity.  
 2621       8. Other medical facility.  
 2622       a. As used in this subparagraph, the term "other medical  
 2623 facility" means:  
 2624       (I) A facility the primary purpose of which is to provide  
 2625 human medical diagnostic services, or a facility providing

2626 nonsurgical human medical treatment which discharges patients on  
 2627 the same working day that the patients are admitted; and

2628 (II) A facility that is not part of a hospital.

2629 b. The term does not include a facility existing for the  
 2630 primary purpose of performing terminations of pregnancy, or an  
 2631 office maintained by a physician or dentist for the practice of  
 2632 medicine ~~has the same meaning as provided in s. 766.105.~~

2633 Section 69. All powers, duties, functions, records,  
 2634 offices, personnel, associated administrative support positions,  
 2635 property, pending issues, existing contracts, administrative  
 2636 authority, and administrative rules relating to the Stop Inmate  
 2637 Fraud Program within the Department of Financial Services are  
 2638 transferred by a type two transfer, as defined in s. 20.06(2),  
 2639 Florida Statutes, to the Department of Economic Opportunity.

2640 Section 70. Except as otherwise expressly provided in this  
 2641 act, this act shall take effect July 1, 2022.