

## CHAPTER 2017-175

### Committee Substitute for Committee Substitute for House Bill No. 925

An act relating to the Department of Financial Services; amending s. 17.575, F.S.; replacing, within the Division of Treasury, the Treasury Investment Committee with the Treasury Investment Council; specifying the composition and term length of members; specifying duties of the council; providing that members shall serve without additional compensation or honorarium but may receive per diem and travel expense reimbursement; amending s. 215.422, F.S.; providing applicability of certain requirements relating to payments, warrants, and invoices to payments made in relation to certain agreements funded with federal or state assistance; reordering and amending s. 554.1021, F.S.; defining and redefining terms; requiring the Department of Financial Services to adopt rules; authorizing the inspection of certain boilers by authorized inspection agencies; amending s. 554.103, F.S.; requiring, rather than authorizing, the department to adopt amendments and interpretations of a specified code into the State Boiler Code; revising requirements that installers, rather than owners, must comply with before installing a boiler that is placed in use after a specified date; authorizing the department to adopt rules; conforming provisions to changes made by the act; amending s. 554.104, F.S.; deleting a provision relating to boilers of special design which is recreated in s. 554.103, F.S.; requiring certification of boiler inspectors; requiring an application for a certification examination; specifying qualifications and requirements for the certification examination; requiring the department to adopt a specified training course; providing authorized methods and requirements for the training course; requiring the chief boiler inspector to issue a certificate of competency to a person meeting certain requirements; providing procedures for renewing a certificate; authorizing the department to adopt rules; amending s. 554.105, F.S.; renaming the chief inspector as the chief boiler inspector; revising requirements for the department through the state boiler inspection program; amending s. 554.106, F.S.; renaming deputy inspectors as deputy boiler inspectors; specifying required and authorized duties of deputy boiler inspectors; amending s. 554.107, F.S.; renaming special inspectors as special boiler inspectors; revising entities that may employ special boiler inspectors; specifying required inspection intervals for special boiler inspectors; amending s. 554.108, F.S.; providing an exemption, under certain conditions, from inspection requirements; specifying duties of an owner or an owner's designee to allow an inspector to conduct inspections; specifying requirements for boiler inspections and inspection reports; revising conditions that require a boiler to be shut down; revising requirements and procedures for a boiler that must be shut down; providing construction; authorizing the department to adopt rules; creating s. 554.1081, F.S.; revising requirements for boiler inspections by insurance companies and local governmental agencies; amending s.

554.109, F.S.; conforming provisions to changes made by the act; revising the boilers that are exempt from regulation under the chapter; revising requirements for certain exempt boilers and water heaters; amending s. 554.1101, F.S.; conforming provisions to changes made by the act; requiring a boiler insurance company to notify, within a specified timeframe, the chief boiler inspector under certain circumstances; requiring a certificateholder to submit a certain certificate of insurance to the chief boiler inspector under certain circumstances; amending s. 554.111, F.S.; requiring an application for a boiler permit to include a specified fee; requiring the chief boiler inspector to deposit fines into a specified trust fund; conforming provisions to changes made by the act; repealing ss. 554.112 and 554.113, F.S., relating to examinations, and certification of inspectors and renewals, respectively; amending s. 554.114, F.S.; revising prohibited acts; providing penalties for a boiler insurance company or authorized inspection agency that fails to conduct certain inspections; providing an exception; conforming provisions to changes made by the act; amending s. 554.115, F.S.; adding authorized disciplinary actions for the department; adding specified grounds for disciplinary action against an owner of a boiler; revising grounds for disciplinary action against a boiler inspector; deleting a provision requiring a chief inspector to report certain persons to the state attorney; deleting a provision authorizing certain administrative action by the chief inspector; deleting a provision relating to the duration of a suspended certificate of compliance; creating s. 554.1151, F.S.; authorizing the department to impose specified administrative fines in lieu of or in addition to certain disciplinary actions; authorizing procedures for payment of fines by a certificateholder; requiring a certificate to be revoked under certain circumstances; amending s. 624.307, F.S.; authorizing the department to expend funds for professional development of its employees; amending s. 626.015, F.S.; defining terms; conforming a cross-reference; amending s. 626.207, F.S.; defining the term "applicant"; revising a list of felonies subject to a permanent bar from licensure; revising a condition for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.221, F.S.; providing an exception from an examination requirement for an all-lines adjuster license applicant with a specified designation; amending s. 626.2815, F.S.; specifying the education hours that may be completed to meet continuing education requirements for such a designation; amending s. 626.8734, F.S.; providing an exception from an examination requirement for nonresident all-lines adjuster license applicants who hold certain certifications; amending s. 626.9954, F.S.; revising a list of felonies subject to a permanent bar from licensure; revising conditions for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.2815, F.S.; authorizing the department to approve a certain number of elective continuing education credits for certain insurance licensees; providing an exception from a certain

continuing education requirement for such licensees; amending s. 626.611, F.S.; deleting a condition for the involvement of moral turpitude in felonies or certain crimes in relation to compulsory disciplinary actions by the department against certain entities' licenses or appointments; conforming a cross-reference; amending s. 626.621, F.S.; revising grounds for the department's discretionary refusal, suspension, or revocation of the license or appointment of certain persons; amending s. 626.7845, F.S.; revising an exception to the prohibition against the unlicensed transaction of life insurance; conforming a cross-reference; amending s. 626.8305, F.S.; revising an exception to the prohibition against the unlicensed transaction of health insurance; conforming a cross-reference; amending s. 626.861, F.S.; authorizing certain insurer employees to adjust specified claim losses or damage; amending s. 626.9543, F.S.; removing the scheduled expiration of a requirement for insurers to permit claims from a Holocaust victim or certain related persons irrespective of certain conditions; removing the scheduled expiration of an exception from statutes of limitations or laches for certain actions brought by Holocaust victims or certain related persons; amending s. 633.516, F.S.; authorizing the Division of State Fire Marshal within the division to contract for studies of, rather than to make a continuous study of, occupational diseases of firefighters; adding persons in other fire-related fields to such studies; authorizing the division to release confidential information of an individual firefighter or a person in another fire-related field to certain parties under certain circumstances; amending s. 768.28, F.S.; providing exceptions in tort claims against a county from requirements that a claimant present the written claim to the department within a specified timeframe and serve process upon the department; amending ss. 288.706, 626.7315, and 627.351, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 17.575, Florida Statutes, is amended to read:

17.575 Administration of funds; Treasury Investment Council ~~Committee~~.—

(1) There is created a Treasury Investment Council ~~Committee~~ within the Division of Treasury consisting of at least five members, at least three of whom are professionals from the private sector, who must possess special knowledge, experience, and familiarity in finance, investments, or accounting. The members of the council must ~~committee shall~~ be appointed by and serve at the pleasure of the Chief Financial Officer. Each member shall serve a term of 4 years from the date of appointment. The council ~~committee~~ shall annually elect a chair and vice chair from among its members ~~membership~~.

(2) The council shall review the investments required by s. 17.57; meet with staff of the Division of Treasury at least biannually; and provide recommendations to the Division of Treasury and the Chief Financial Officer regarding investment policy, strategy, and procedures ~~The committee shall administer the Treasury Investment Program consistent with policies~~

~~approved by the Chief Financial Officer for deposits and investments of public funds. The committee shall also make recommendations regarding investment policy to the Chief Financial Officer.~~

~~(3) Members of the council shall serve without additional compensation or honorarium, but may receive per diem and reimbursement for travel expenses as provided in s. 112.061 The committee shall submit an annual report outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee. The report shall be submitted on August 15, 2009, and annually thereafter.~~

Section 2. Present subsections (14) through (16) of section 215.422, Florida Statutes, are redesignated as subsections (15) through (17), respectively, and a new subsection (14) is added to that section, to read:

215.422 Payments, warrants, and invoices; processing time limits; dispute resolution; agency or judicial branch compliance.—

(14) All requirements set forth in this section apply to payments made in accordance with s. 215.971.

Section 3. Section 554.1021, Florida Statutes, is reordered and amended to read:

554.1021 Definitions.—As used in this chapter, the term ~~ss. 554.1011-554.115:~~

~~(3)~~<sup>(4)</sup> “Boiler” means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam is superheated, or any combination of these functions is accomplished, under pressure or vacuum, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy. The term “boiler” includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The varieties of boilers are as follows:

~~(f)~~<sup>(a)</sup> “Power boiler” means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(b) “High pressure, high temperature water boiler” means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 °F.

~~(a)~~<sup>(e)</sup> “Heating boiler” means a steam or vapor boiler operating at pressures not exceeding 15 psig, or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250 °F.

~~(c)~~<sup>(d)</sup> “Hot water supply boiler” means a boiler or a lined storage water heater supplying heated water for use external to itself operating at a pressure not exceeding 160 psig or temperature not exceeding 250 °F.

(g)(e) “Secondhand boiler” means a boiler that has changed ownership and location subsequent to its original installation and use.

(d) “Inservice boiler” means a boiler placed in use after test firing and required inspections have been satisfactorily completed.

(e) “Operating boiler” means a boiler connected and ready for use.

(h) “Secured boiler” means a boiler that has been:

1. Physically disconnected from the system, including disconnection from fuel, water, steam, electricity, and stack; or

2. Locked out and tagged out in accordance with the Occupational Safety and Health Administration’s standard relating to the control of hazardous energy and lockout or tagout in 29 C.F.R. s. 1910.147, as adopted by rule of the department.

(9)(2) “Public assembly locations” ~~includes~~ include schools, day care centers, community centers, churches, theaters, hospitals, nursing and convalescent homes, stadiums, amusement parks, and other locations open to the general public.

(5)(3) “Certificate inspection” means an inspection whose ~~the~~ report of ~~which~~ is used by the chief boiler inspector to determine whether or not a certificate of operation may be issued.

(7)(4) “Certificate of operation compliance” means a document issued to the owner of a boiler which authorizes the owner to operate the boiler, subject to any restrictions endorsed thereon.

(6)(5) “Certificate of competency” means a document issued to a person who has satisfied the minimum competency requirements for boiler inspectors under this chapter ss. 554.1011-554.115.

(8)(6) “Department” means the Department of Financial Services.

(1)(7) “A.S.M.E.” means the American Society of Mechanical Engineers.

(2) “Authorized inspection agency” means:

(a) Any county, municipality, town, or other governmental subdivision that has adopted into law the Boiler and Pressure Vessel Code of the A.S.M.E. and the National Board Inspection Code for the construction, installation, inspection, maintenance, and repair of boilers to regulate boilers in public assembly locations, and whose boiler inspectors hold valid certificates of competency in accordance with s. 554.104;

(b) An insurer authorized by a subsisting certificate of authority, issued by the Office of Insurance Regulation, to transact boiler and machinery insurance in this state, and whose boiler inspectors hold valid certificates of competency in accordance with s. 554.104; or

(c) An inspecting agency accredited in accordance with the National Board of Boiler and Pressure Vessel Inspector's program entitled "Accreditation of Authorized Inspection Agencies (AIA) Performing Inservice or Repair/Alteration Inspection Activities," document number NB-369, and whose boiler inspectors hold valid certificates of competency in accordance with s. 554.104. The department shall by rule require an inspection agency authorized pursuant to this paragraph to maintain financial security adequate to indemnify the owner of the boiler if such agency's negligence or failure to inspect an uninsured boiler results in a loss. Such inspection agency may inspect uninsured boilers or, at the direction of an insurance company, may inspect a boiler insured by that insurance company.

(4) "Boiler insurance company" means a company authorized by a subsisting certificate of authority, issued by the Office of Insurance Regulation, to transact boiler and machinery insurance in this state.

Section 4. Section 554.103, Florida Statutes, is amended to read:

554.103 Boiler code.—The department shall adopt by rule a State Boiler Code for the safe construction, installation, inspection, maintenance, and repair of boilers in this state. The rules adopted shall be based upon and shall at all times follow generally accepted nationwide engineering standards, formulas, and practices pertaining to boiler construction and safety.

(1) The department shall adopt an existing code for new construction and installation known as the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, including all amendments and interpretations approved thereto by the Council on Codes and Standards of A.S.M.E. ~~The department may adopt amendments and interpretations to the A.S.M.E. Boiler and Pressure Vessel Code approved by the A.S.M.E. Council on Codes and Standards subsequent to the adoption of the State Boiler Code, and when so adopted by the department, such amendments and interpretations shall become a part of the State Boiler Code.~~

(2) The installer owner of any boiler placed in use in this state after January 1, 2018, must, before installing the boiler, apply on a form adopted by rule of the department for a permit to install the boiler from the chief boiler inspector. The application must include the boiler's A.S.M.E. manufacturer's data report and other documents required by the State Boiler Code before the boiler is placed in service. The installer must contact the chief boiler inspector to schedule an inspection for each boiler no later than 7 days before the boiler is placed in service after October 1, 1987, shall submit the A.S.M.E. manufacturer's data report on such boiler to the chief inspector not more than 90 days following the inservice date of the boiler.

(3) The maximum allowable working pressure of a boiler carrying the A.S.M.E. code symbol must ~~shall~~ be determined by the applicable sections of the code under which it was constructed and stamped. Subject to the

concurrence of the chief boiler inspector, such boiler may be rerated in accordance with the standards of the State Boiler Code.

(4) The maximum allowable working pressure of a boiler ~~that which~~ does not carry the A.S.M.E. code symbol ~~must shall~~ be computed in accordance with the standards of the State Boiler Code.

(5) ~~This chapter may not~~ Nothing in ss. 554.1011-554.115 shall be construed to in any way prevent the use, sale, or reinstallation of a boiler if such boiler has been made to conform to the applicable provisions of the State Boiler Code governing existing installations and if, upon inspection, the boiler has been found to be in a safe condition.

(6) The department, at its discretion, may authorize the construction, installation, and operation of boilers of special design or construction which do not meet the specific requirements of the State Boiler Code, but which are consistent with the intent of the safety objectives of the code.

(7) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this chapter. Such rules may include specifying the procedures and forms to be used to obtain an installation permit, an initial certificate, or a renewal certificate, and the submission of reports and notices required under this chapter.

Section 5. Section 554.104, Florida Statutes, is amended to read:

554.104 Certification of boiler inspectors required; application; qualifications; renewal Boilers of special design.—The department, at its discretion, may authorize the construction, installation, and operation of boilers of special design or construction that do not meet the specific requirements of the State Boiler Code but are not inconsistent with the intent of the safety objectives of such code.

(1) CERTIFICATE REQUIRED.—A person may not be, act as, or advertise or hold himself or herself out to be an inspector of a boiler that is subject to regulation by this chapter, unless he or she currently holds a certificate of competency issued by the department.

(2) APPLICATION.—A person who desires to be certified to inspect boilers that are subject to regulation by this chapter must apply in writing to the department to take the certification examination.

(3) QUALIFICATIONS.—A person is qualified to take the certification examination if the person:

(a) Has submitted the application for examination together with the fee required under s. 554.111(1)(a);

(b) Is at least 18 years of age;

(c) Has completed the 2-hour training course under subsection (4) on the requirements of this chapter and any related rules adopted by the department. The course must be completed no later than 12 months before issuance of an initial or renewal certificate; and

(d) Has:

1. At least 3 years of experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure, high temperature water boilers; or

2. Met the requirements to qualify as a commissioned inspector by the National Board of Boiler and Pressure Vessel Inspectors as set forth in NB-263, RCI-1, Rules for Commissioned Inspectors, as adopted by rule of the department.

(4) TRAINING COURSE.—The department shall adopt by rule a 2-hour training course on the requirements of this chapter and any related rules adopted by the department. The department shall make the training course available online and may make the course available in a classroom setting. A boiler insurance company may include the department’s course as part of its in-house training of a boiler inspector student, in lieu of the student taking the online training course. A boiler insurance company that includes the department’s course in its in-house training of a boiler inspector student must indicate that the student completed the training on an application filed with the department for certification of competency.

(5) EXAMINATION.—A person applying for a certificate of competency must have successfully passed the examination administered by the National Board of Boiler and Pressure Vessel Inspectors and be eligible to obtain a National Board commission.

(6) ISSUANCE OF CERTIFICATE.—The chief boiler inspector must issue a certificate of competency to each person who is qualified under this section and who holds a commission from the National Board of Boiler and Pressure Vessel Inspectors.

(7) RENEWAL OF CERTIFICATE.—A certificate of competency expires on December 31 of each year and may be renewed upon the filing of a renewal application with the department. A secured electronic application must be used, if available on the department’s website.

(8) RULES.—The department may adopt rules necessary to administer this section.

Section 6. Section 554.105, Florida Statutes, is amended to read:

554.105 Chief boiler inspector.—

(1) The Chief Financial Officer shall appoint a chief boiler inspector, who must have at least ~~shall have not less than~~ 5 years’ experience in the



construction, installation, inspection, operation, maintenance, or repair of high pressure, high temperature water boilers and who ~~must shall~~ hold a commission from the National Board of Boiler and Pressure Vessel Inspectors or a certificate of competency from the department.

(2) The department, through the chief boiler inspector, shall administer the state boiler inspection program, and shall:

(a) Take all action necessary to enforce the State Boiler Code and the rules adopted pursuant to this chapter ss. 554.1011-554.115.

(b) Keep a complete record on all boilers at public assembly locations. Such record ~~must shall~~ include the name of each boiler owner or user and the location, type, ~~dimensions~~, maximum allowable working pressure, age, ~~and~~ last recorded inspection of each boiler, and any other information necessary to expedite the certification process.

(c) ~~Publish and make available to anyone, upon request, copies of the rules adopted pursuant to ss. 554.1011-554.115.~~

(d) Expend funds necessary to meet the expenses authorized by this chapter ss. 554.1011-554.115, including the necessary travel expenses of the chief boiler inspector and deputy boiler inspectors, and the expenses incident to the maintenance of this ~~his or her~~ office.

Section 7. Section 554.106, Florida Statutes, is amended to read:

554.106 Deputy boiler inspectors.—

(1) The department shall employ deputy boiler inspectors who shall be responsible to the chief boiler inspector ~~and who shall each hold a certificate of competency from the department.~~

(2) A deputy boiler inspector shall perform inspections of uninsured boilers that are subject to regulation under this chapter, in accordance with the inspection frequency set forth in s. 554.108. A deputy boiler inspector may also engage in public outreach activities of the department and conduct other duties as assigned by the chief boiler inspector.

Section 8. Section 554.107, Florida Statutes, is amended to read:

554.107 Special boiler inspectors.—

(1) Upon application by any authorized inspection agency company licensed to insure boilers in this state, the chief boiler inspector shall issue a certificate of competency as a special boiler inspector to any inspector employed by the authorized inspection agency company, if provided that such boiler inspector satisfies the competency requirements for inspectors as provided in s. 554.104 s. 554.113. Special boiler inspectors shall perform inspections of insured boilers in accordance with the inspection frequency set forth in s. 554.108.

(2) The certificate of competency of a special boiler inspector ~~remains shall remain~~ in effect only so long as the special boiler inspector is employed by ~~an authorized inspection agency a company~~ licensed to insure boilers in this state. Upon termination of employment with such company, ~~such company a special inspector~~ shall, in writing, notify the chief boiler inspector of such ~~special boiler inspector's~~ termination. Such notice ~~must shall~~ be given within 15 days following the date of termination.

Section 9. Subsections (1), (2), (4), and (5) of section 554.108, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

554.108 Inspection.—

(1) ~~The inspection requirements of this chapter apply only to boilers located in public assembly locations. A potable hot water supply boiler with a heat input of 200,000 British thermal units (Btu) per hour and above, up to a heat input not exceeding 400,000 Btu per hour, is exempt from inspection, but must be stamped with the A.S.M.E. code symbol "HLW" and the boiler's A.S.M.E data report must be filed as required under s. 554.103(2) The only boilers required to be inspected under the provisions of ss. 554.1011-554.115 are boilers located in public assembly locations.~~

(2) ~~Each inspection of a boiler conducted pursuant to this chapter must ss. 554.1011-554.115 shall be made by the chief boiler inspector, a deputy boiler inspector, or a special boiler inspector. An owner, or the owner's designee, shall perform all operation, testing, manipulation of boiler controls and safety devices, removal of lagging, and disassembly of boiler components to allow the chief boiler inspector, deputy boiler inspector, or special boiler inspector to conduct inspections as required by this section.~~

(4) ~~Each boiler subject to inspection must be inspected within 30 days after expiration of the boiler's certificate of operation. However, an inspection report must be received by the chief boiler inspector no later than 30 days after the projected expiration date of the certificate of operation. If, upon inspection, the chief boiler inspector, deputy boiler inspector, or special boiler inspector finds that a boiler is in violation of any provision of the State Boiler Code, the inspector must promptly notify the owner or user and state what repairs or other corrective measures are needed. Deputy boiler inspectors and special boiler inspectors shall file a written report, on a form adopted by rule of the department, on each certificate inspection with the chief boiler inspector within 15 days after the following such inspection. A certificate inspection report must list all violations of the State Boiler Code and any conditions that may adversely affect the operation of the boiler. The filing of reports of inspections, other than statutorily required certificate inspections, is are not required unless such inspections disclose that a boiler is in an unsafe condition or unless the boiler has failed and requires major repair or replacement. The inspection report must list the extent of damage to the boiler, as well as the cause of the failure, if known, and any other pertinent information. However, an inspection report must be filed for any inspection performed on a boiler~~

with a previously identified code violation. The report must indicate whether the violation has been corrected. The agency responsible for conducting the inspection must perform followup inspections, not more than every 6 months, of a previously identified code violation until it is corrected.

~~(5) Upon a determination by the chief boiler inspector determining that a boiler cannot be safely operated, is in an unsafe condition and poses an imminent danger to the public health, safety, and welfare, the chief inspector, a deputy inspector, or a special inspector may immediately order the boiler must immediately to be shut down. The chief boiler inspector or a deputy boiler inspector shall attach a tag to the boiler indicating that the boiler has been shut down due to an unsafe condition. The boiler must shall remain shut down until a reinspection by the chief boiler inspector or a deputy boiler a certified inspector determines that all violations have been corrected, that the boiler may be operated safely, and that a certificate of compliance has been issued. A boiler that may not be safely operated, as determined by the chief boiler inspector, is deemed to constitute an imminent danger to the public health, safety, and welfare.~~

(6) The department may adopt rules necessary to administer this section.

Section 10. Section 554.1081, Florida Statutes, is created to read:

554.1081 Boiler inspections by insurance companies and local governmental agencies.—

(1) An insurance company insuring a boiler located in a public assembly location in this state shall inspect, or shall contract with an authorized inspection agency to inspect, the insured boiler. A boiler insurance company shall annually report to the department the name of any authorized inspection agency performing any required boiler inspections on its behalf and shall actively monitor insured boilers to ensure that inspections are conducted as required by this chapter.

(2) A county, municipality, town, or other governmental subdivision that has adopted into law the Boiler and Pressure Vessel Code of the A.S.M.E. and the National Board Inspection Code for the construction, installation, inspection, maintenance, and repair of boilers to regulate boilers in public assembly locations may inspect such boilers. All boiler inspections must be conducted by special boiler inspectors in accordance with this chapter.

Section 11. Section 554.109, Florida Statutes, is amended to read:

554.109 Exemptions.—

~~(1) Any insurance company insuring a boiler located in a public assembly location in this state shall inspect such boiler so insured, and any county, city, town, or other governmental subdivision which has adopted into law the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and the National Board Inspection Code for the construction,~~

~~installation, inspection, maintenance, and repair of boilers, regulating such boilers in public assembly locations, shall inspect such boilers so regulated; provided that such inspection shall be conducted by a special inspector licensed pursuant to ss. 554.1011-554.115. Upon filing of a report of satisfactory inspection with the department, such boiler is exempt from inspection by the department.~~

(2) ~~The provisions of This chapter~~ does shall not apply to potable hot water supply boilers or lined storage water heaters ~~that which~~ are directly fired with oil, gas, electricity, or solar energy, provided that none of the following limitations is are exceeded:

- (1)(a) Heat input of 400,000 Btu per hour.
- (2)(b) Water temperature of 210 degrees Fahrenheit.
- (3)(c) Nominal water-containing capacity of 120 gallons.

~~These exempt hot water supply boilers and lined storage water heaters shall be equipped with safety relief valves conforming to the requirements of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and of the National Board Inspection Code.~~

Section 12. Section 554.1101, Florida Statutes, is amended to read:

554.1101 Certificate of operation ~~compliance~~.—

(1) If an inspection report filed pursuant to s. 554.108 shows a boiler to be in compliance with all applicable provisions of the State Boiler Code, the chief boiler inspector must ~~shall~~, upon receipt of the inspection fee, issue a certificate of operation ~~compliance~~ to the owner. Such certificate must ~~shall~~ bear the date of the inspection and specify the maximum pressure at which the boiler may be operated.

(2) The certificate for a power boiler or a high pressure, high temperature water boiler is valid for a period of 12 months from the date of the certificate inspection. The certificate for a heating boiler or a hot water supply boiler is valid for a period of 24 months from the date of the certificate inspection. The certificate must ~~shall~~ be posted under glass, or be similarly protected, in the room containing the boiler.

(3) A boiler insurance company shall notify the chief boiler inspector within 30 days after the issuance of a new or renewal boiler and machinery insurance policy, or the cancellation or nonrenewal of a boiler and machinery insurance policy, covering places of public assembly in this state.

(4) If the chief boiler inspector has knowledge that a boiler regulated under this chapter was covered by a boiler and machinery insurance policy after its most recent certification inspection, the certificateholder must, upon the request of the chief boiler inspector, submit its certificate of boiler and machinery insurance for the boiler if the department has not received

the special boiler inspector’s annual inspection report within 30 days after its due date.

Section 13. Section 554.111, Florida Statutes, is amended to read:

554.111 Fees.—

(1) The department shall charge the following fees:

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

(b) For certificate inspections conducted by the department:

1. For power boilers and high pressure, high temperature water boilers of:

4,000 square feet or less heating surface.....	\$60
More than 4,000 square feet heating surface and less than 10,000 square feet of heating surface.....	\$70
10,000 square feet or more heating surface.....	\$90

2. For heating boilers:

Without a manhole.....	\$40
With a manhole.....	\$70

3. For hot water supply boilers.....\$40

(c) For issuance of a ~~compliance~~ compliance certificate of operation without a department inspection.....\$30

(d) Duplicate certificates or address changes..... \$5

(e) An application for a boiler permit must include the applicable certificate inspection fee provided in paragraph (b).

(2) Not more than an amount equal to one certificate inspection fee may ~~shall~~ be charged or collected for any and all boiler inspections in any inspection period, except as otherwise provided in this chapter ss. 554.1011-554.1115.

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

(b) All other inspections, including shop inspections, surveys, and inspections of secondhand boilers made by the chief boiler inspector or a

deputy boiler inspector, must shall be charged at the rate of not less than \$270 for one-half day of 4 hours, and \$500 for 1 full day of 8 hours, plus travel, hotel, and incidental expenses in accordance with chapter 112.

(3) The chief boiler inspector shall deposit all fees or fines received pursuant to this chapter ~~ss. 554.1011-554.115~~ into the Insurance Regulatory Trust Fund.

Section 14. Sections 554.112 and 554.113, Florida Statutes, are repealed.

Section 15. Section 554.114, Florida Statutes, is amended to read:

554.114 Prohibitions; penalties.—

(1) A person may not:

(a) Operate a boiler at a public assembly location without a valid certificate of operation ~~compliance~~ for that boiler;

~~(b) Give false or forged information to the department or an inspector for the purpose of obtaining a certificate of compliance;~~

~~(e) Use a certificate of operation ~~compliance~~ for any boiler other than for the boiler for which it was issued;~~

~~(c)(d) Operate a boiler for which the certificate of operation ~~compliance~~ has been suspended, revoked, or not renewed;~~

~~(e) Give false or forged information to the department for the purpose of obtaining a certificate of competence; or~~

~~(d)(f) Inspect any boiler regulated under this chapter ~~the provisions of ss. 554.1011-554.115~~ without having a valid certificate of competency.~~

(2) A boiler insurance company that fails to inspect or to have inspected, in accordance with this chapter, any boiler insured by the company and regulated under this chapter is subject to the penalties provided in subsection (4), unless the failure to inspect was the result of an owner's or operator's failure to provide reasonable access to the boiler. Any person who violates this section is guilty of a misdemeanor of the second degree, punishable by fine as provided in s. 775.083.

(3) An authorized inspection agency that is under contract with a boiler insurance company and that fails to inspect, in accordance with this chapter, any boiler insured by the company and regulated under this chapter is subject to the penalties provided in subsection (4), unless the failure to inspect was the result of an owner's or operator's failure to provide reasonable access to the boiler.

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

subsequent 20 days of noncompliance, and \$100 per day for each subsequent day over 20 days of noncompliance.

Section 16. Section 554.115, Florida Statutes, is amended to read:

554.115 Disciplinary proceedings.—

(1) The department may deny, refuse to renew, suspend, or revoke a certificate of operation ~~compliance~~ upon proof that:

- (a) The certificate has been obtained by fraud or misrepresentation;
- (b) The boiler for which the certificate was issued cannot be operated safely; ~~or~~

(c) The person who received the certificate willfully or deliberately violated the State Boiler Code, this chapter, ~~or ss. 554.1011-554.115~~ or any other rule adopted pursuant to this chapter; ~~or ss. 554.1011-554.115.~~

(d) The owner of a boiler:

1. Operated a boiler at a public assembly location without a valid certificate of operation for that boiler;

2. Used a certificate of operation for a boiler other than the boiler for which the certificate of operation was issued;

3. Gave false or forged information to the department, to an authorized inspection agency, or to another boiler inspector for the purpose of obtaining a certificate of operation;

4. Operated a boiler after the certificate of operation for the boiler expired, was not renewed, or was suspended or revoked;

5. Operated a boiler that is in an unsafe condition; or

6. Operated a boiler in a manner that is contrary to the requirements of this chapter or any rule adopted under this chapter.

(2) The department may deny, refuse to renew, suspend, or revoke a certificate of competency upon proof that:

- (a) The certificate was obtained by fraud or misrepresentation;
- (b) The inspector to whom the certificate was issued is no longer qualified under this chapter ~~ss. 554.1011-554.115~~ to inspect boilers; or
- (c) The boiler inspector:

~~1. Operated a boiler at a public assembly location without a valid certificate of compliance for that boiler;~~

~~2. Gave false or forged information to the department, an authorized inspection agency, or to another boiler inspector for the purpose of obtaining a certificate of operation; or compliance;~~

~~3.—Used a certificate of compliance for any boiler other than the boiler for which it was issued;~~

~~4.—Operated a boiler for which the certificate of compliance has been suspended or revoked or has expired;~~

~~2.5. Inspected any boiler regulated under this chapter ss. 554.1011-554.115 without having obtained a valid certificate of competency.;~~

~~6.—Operated a boiler that is in an unsafe condition; or~~

~~7.—Operated a boiler in a manner that is contrary to the requirements of this chapter or any rule adopted under this chapter.~~

(3) Each suspension of a certificate of operation ~~compliance~~ or certificate of competency shall continue in effect until all violations have been corrected and, for boiler safety violations, until the boiler has been inspected by an authorized inspector and shown to be in a safe working condition.

~~(4) A person in violation of this section who does not have a valid certificate of competency shall be reported by the chief inspector to the appropriate state attorney.~~

~~(5) A person in violation of this section who has a valid certificate of competency is subject to administrative action by the chief inspector.~~

~~(4)(6) A revocation of a certificate of competency is permanent, and a revoked certificate of competency may not be reinstated or a new certificate of competency issued to the same person. A suspension of a certificate of competency continues in effect until all violations have been corrected. A suspension of a certificate of compliance for any boiler safety violation continues in effect until the boiler has been inspected by an authorized inspector and shown to be in safe working condition.~~

Section 17. Section 554.1151, Florida Statutes, is created to read:

554.1151 Administrative fine in lieu of or in addition to suspension, revocation, or refusal to renew a certificate of operation or competency.—

(1) If the department finds that one or more grounds exist for the suspension, revocation, or refusal to renew any certificate of operation or certificate of competency issued under this chapter, the department may, in its discretion, in lieu of or in addition to suspension or revocation or in lieu of refusal to renew, impose upon the certificateholder an administrative penalty in an amount up to \$500, or, if the department has found willful misconduct or willful violation on the part of the certificateholder, in an amount up to \$3,500.



(2) The department may allow the certificateholder a reasonable period, no more than 30 days, within which to pay to the department the amount of the penalty so imposed. If the certificateholder fails to pay the penalty in its entirety to the department within the period so allowed, the certificate of that person must be suspended until the penalty is paid. If the certificateholder fails to pay the penalty in its entirety to the department within 90 days after the period so allowed, the certificate of that person must be revoked.

Section 18. Subsection (7) of section 624.307, Florida Statutes, is amended to read:

624.307 General powers; duties.—

(7) The department and office, within existing resources, may expend funds for the professional development of its employees, including, but not limited to, professional dues for employees who are required to be members of professional organizations; examinations leading to professional designations required for employment with the office; training courses and examinations provided through, and to ensure compliance with, the National Association of Insurance Commissioners; or other training courses related to the regulation of insurance.

Section 19. Present subsections (1), (2), and (3) and (4) through (19) of section 626.015, Florida Statutes, are redesignated as subsections (2), (3), and (4) and (6) through (21), respectively, present subsection (8) is amended, and new subsections (1) and (5) are added to that section, to read:

626.015 Definitions.—As used in this part:

(1) “Active participant” means a member in good standing of an association who attends 4 or more hours of association meetings every year, not including any department-approved continuing education course.

(5) “Association” includes the Florida Association of Insurance Agents (FAIA), the National Association of Insurance and Financial Advisors (NAIFA), the Florida Association of Health Underwriters (FAHU), the Latin American Association of Insurance Agencies (LAAIA), the Florida Association of Public Insurance Adjusters (FAPIA), the Florida Bail Agents Association (FBAA), or the Professional Bail Agents of the United States (PBUS).

~~(10)~~(8) “Insurance agency” means a business location at which an individual, firm, partnership, corporation, association, or other entity, other than an employee of the individual, firm, partnership, corporation, association, or other entity and other than an insurer as defined by s. 624.03 or an adjuster as defined by subsection (2) ~~(1)~~, engages in any activity or employs individuals to engage in any activity which by law may be performed only by a licensed insurance agent.

Section 20. Section 626.207, Florida Statutes, is amended to read:

626.207 Disqualification of applicants and licensees; penalties against licensees; rulemaking authority.—

(1) For purposes of this section, the term or terms:

(a) “Applicant” means an individual applying for licensure or relicensure under this chapter, and an officer, director, majority owner, partner, manager, or other person who manages or controls an entity applying for licensure or relicensure under this chapter.

(c) “Financial services business” means any financial activity regulated by the Department of Financial Services, the Office of Insurance Regulation, or the Office of Financial Regulation.

~~(b)(2) For purposes of this section, the terms “Felony of the first degree” and “capital felony” include all felonies designated as such by the Florida Statutes, as well as any felony so designated in the jurisdiction in which the plea is entered or judgment is rendered.~~

~~(2)(3) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to any of the following crimes, regardless of adjudication, is permanently barred from licensure under this chapter: commits~~

~~(a) A felony of the first degree;~~

~~(b) A capital felony;~~

~~(c) A felony involving money laundering; fraud, or~~

~~(d) A felony embezzlement; or~~

~~(e) A felony directly related to the financial services business is permanently barred from applying for a license under this part. This bar applies to convictions, guilty pleas, or nolo contendere pleas, regardless of adjudication, by any applicant, officer, director, majority owner, partner, manager, or other person who manages or controls any applicant.~~

~~(3)(4) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to a crime For all other crimes not included in subsection (2), regardless of adjudication, is subject to (3), the department shall adopt rules establishing the process and application of disqualifying periods that include:~~

~~(a) A 15-year disqualifying period for all felonies involving moral turpitude which that are not specifically included in the permanent bar contained in subsection (2) (3).~~

~~(b) A 7-year disqualifying period for all felonies to which neither the permanent bar in subsection (2) (3) nor the 15-year disqualifying period in paragraph (a) applies.~~

(c) A 7-year disqualifying period for all misdemeanors directly related to the financial services business.

~~(4)(5)~~ The department shall adopt rules to administer this section. The rules must provide ~~providing~~ for additional disqualifying periods due to the commitment of multiple crimes and may include other factors reasonably related to the applicant’s criminal history. The rules shall provide for mitigating and aggravating factors. However, mitigation may not result in a period of disqualification of less than 7 years and may not mitigate the disqualifying periods in paragraphs ~~(3)(b) and (c) (4)(b) and (e)~~.

~~(5)(6)~~ For purposes of this section, the disqualifying periods begin upon the applicant’s final release from supervision or upon completion of the applicant’s criminal sentence, ~~including payment of fines, restitution, and court costs for the crime for which the disqualifying period applies. The department may not issue a license to an applicant unless all related fines, court costs and fees, and court-ordered restitution have been paid.~~

~~(6)(7)~~ After the disqualifying period has expired ~~been met~~, the burden is on the applicant to demonstrate that the applicant has been rehabilitated, does not pose a risk to the insurance-buying public, is fit and trustworthy to engage in the business of insurance pursuant to s. 626.611(1)(g), and is otherwise qualified for licensure.

(7) Notwithstanding subsections (2) and (3), upon a grant of a pardon or the restoration of civil rights pursuant to chapter 940 and s. 8, Art. IV of the State Constitution with respect to a finding of guilt or a plea under subsection (2) or subsection (3), such finding or plea no longer bars or disqualifies the applicant from licensure under this chapter unless the clemency specifically excludes licensure in the financial services business; however, a pardon or restoration of civil rights does not require the department to award such license.

(8) The department shall adopt rules establishing specific penalties against licensees in accordance with ss. 626.641 and 626.651 for violations of s. 626.611, s. 626.621, s. 626.8437, s. 626.844, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The purpose of the revocation or suspension is to provide a sufficient penalty to deter future violations of the Florida Insurance Code. The imposition of a revocation or the length of suspension shall be based on the type of conduct and the probability that the propensity to commit further illegal conduct has been overcome at the time of eligibility for relicensure. The length of suspension may be adjusted based on aggravating or mitigating factors, established by rule and consistent with this purpose.

(9) Section 112.011 does not apply to any applicants for licensure under the Florida Insurance Code, including, but not limited to, agents, agencies, adjusters, adjusting firms, customer representatives, or managing general agents.

Section 21. Paragraph (j) of subsection (2) of section 626.221, Florida Statutes, is amended to read:

626.221 Examination requirement; exemptions.—

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

(j) An applicant for license as an all-lines adjuster who has the designation of Accredited Claims Adjuster (ACA) from a regionally accredited postsecondary institution in this state, Associate in Claims (AIC) from the Insurance Institute of America, Professional Claims Adjuster (PCA) from the Professional Career Institute, Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, Certified Adjuster (CA) from ALL LINES Training, ~~or~~ Certified Claims Adjuster (CCA) from AE21 Incorporated, or Universal Claims Certification (UCC) from Claims and Litigation Management Alliance (CLM) whose curriculum has been approved by the department and which includes comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard department testing for the all-lines adjuster license. The department shall adopt rules establishing standards for the approval of curriculum.

Section 22. Present paragraphs (i) and (j) of subsection (7) of section 626.2815, Florida Statutes, are redesignated as paragraphs (j) and (k), respectively, and a new paragraph (i) is added to that subsection, to read:

626.2815 Continuing education requirements.—

(7) The following courses may be completed in order to meet the elective continuing education course requirements:

(i) Any part of the Claims and Litigation Management Alliance (CLM) Universal Claims Certification (UCC) professional designation: 19 hours of elective continuing education and 5 hours of the continuing education required under subsection (3).

Section 23. Paragraph (b) of subsection (1) of section 626.8734, Florida Statutes, is amended to read:

626.8734 Nonresident all-lines adjuster license qualifications.—

(1) The department shall issue a license to an applicant for a nonresident all-lines adjuster license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:

(b) Has passed to the satisfaction of the department a written Florida all-lines adjuster examination of the scope prescribed in s. 626.241(6); however, the requirement for the examination does not apply to:

1. An applicant who is licensed as an all-lines adjuster in his or her home state if that state has entered into a reciprocal agreement with the department; ~~or~~

2. An applicant who is licensed as a nonresident all-lines adjuster in a state other than his or her home state and a reciprocal agreement with the appropriate official of the state of licensure has been entered into with the department; or

3. An applicant who holds a certification set forth in s. 626.221(2)(j).

Section 24. Section 626.9954, Florida Statutes, is amended to read:

626.9954 Disqualification from registration.—

(1) As used in this section, the terms “felony of the first degree” and “capital felony” include all felonies so designated by the laws of this state, as well as any felony so designated in the jurisdiction in which the plea is entered or judgment is rendered.

(2) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to the following crimes, regardless of adjudication, is permanently disqualified from registration under this part: ~~commits~~

(a) A felony of the first degree;

(b) A capital felony;

(c) A felony involving money laundering; ~~fraud, or~~

(d) A felony embezzlement; or

(e) A felony directly related to the financial services business is ~~permanently barred from applying for registration under this part. This bar applies to convictions, guilty pleas, or nolo contendere pleas, regardless of adjudication, by an applicant.~~

(3) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to a crime ~~For all other crimes not described in subsection (2), regardless of adjudication, is subject to the department may adopt rules establishing the process and application of disqualifying periods including:~~

(a) A 15-year disqualifying period for all felonies involving moral turpitude which are not specifically included in subsection (2).

(b) A 7-year disqualifying period for all felonies not specifically included in subsection (2) or paragraph (a).

(c) A 7-year disqualifying period for all misdemeanors directly related to the financial services business.

(4) The department may adopt rules to administer this section. The rules must provide for ~~providing~~ additional disqualifying periods due to the commitment of multiple crimes and may include other factors reasonably related to the applicant's criminal history. The rules must provide for mitigating and aggravating factors. However, mitigation may not result in a disqualifying period of less than 7 years and may not mitigate the disqualifying periods in paragraph (3)(b) or paragraph (3)(c).

(5) For purposes of this section, the disqualifying periods begin upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence, ~~including the payment of fines, restitution, and court costs for the crime for which the disqualifying period applies.~~ The department may not issue a registration to an applicant unless all related fines, court costs and fees, and court-ordered restitution have been paid.

(6) After the disqualifying period has ~~expired~~ been met, the burden is on the applicant to demonstrate to the satisfaction of the department that he or she has been rehabilitated and does not pose a risk to the insurance-buying public and is otherwise qualified for registration.

(7) Notwithstanding subsections (2) and (3), upon a grant of a pardon or the restoration of civil rights pursuant to chapter 940 and s. 8, Art. IV of the State Constitution with respect to a finding of guilt or a plea under subsection (2) or subsection (3), such finding or plea no longer bars or disqualifies the applicant from applying for registration under this part unless the clemency specifically excludes licensure or specifically excludes registration in the financial services business; however, a pardon or restoration of civil rights does not require the department to award such registration.

~~(8)~~(7) Section 112.011 does not apply to an applicant for registration as a navigator.

Section 25. Paragraph (a) of subsection (3) of section 626.2815, Florida Statutes, is amended, and paragraph (j) is added to that subsection, to read:

626.2815 Continuing education requirements.—

(3) Each licensee except a title insurance agent must complete a 5-hour update course every 2 years which is specific to the license held by the licensee. The course must be developed and offered by providers and approved by the department. The content of the course must address all lines of insurance for which examination and licensure are required and include the following subject areas: insurance law updates, ethics for insurance professionals, disciplinary trends and case studies, industry trends, premium discounts, determining suitability of products and services, and other similar insurance-related topics the department determines are relevant to legally and ethically carrying out the responsibilities of the license granted. A licensee who holds multiple insurance licenses must complete an update course that is specific to at least one of the licenses held.

Except as otherwise specified, any remaining required hours of continuing education are elective and may consist of any continuing education course approved by the department under this section.

(a) Except as provided in paragraphs (b), (c), (d), (e), ~~and (i), and (j)~~, each licensee must also complete 19 hours of elective continuing education courses every 2 years.

(j) For a licensee who is an active participant in an association, 2 hours of elective continuing education credit per calendar year may be approved by the department, if properly reported by the association.

Section 26. Paragraph (n) of subsection (1) and subsection (2) of section 626.611, Florida Statutes, are amended to read:

626.611 Grounds for compulsory refusal, suspension, or revocation of agent's, title agency's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—

(1) The department shall deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent, and it shall suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist:

(n) Having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country ~~which involves moral turpitude~~, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(2) The department shall, upon receipt of information or an indictment, immediately temporarily suspend a license or appointment issued under this chapter when the licensee is charged with a felony enumerated in s. 626.207(2) ~~s. 626.207(3)~~. Such suspension shall continue if the licensee is found guilty of, or pleads guilty or nolo contendere to, the crime, regardless of whether a judgment or conviction is entered, during a pending appeal. A person may not transact insurance business after suspension of his or her license or appointment.

Section 27. Subsection (8) of section 626.621, Florida Statutes, is amended, and a new subsection (15) is added to that section, to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—The department may, in its discretion, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, adjuster,

customer representative, service representative, or managing general agent, and it may suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

~~(8) Having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.~~

(15) Denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

Section 28. Subsection (2) of section 626.7845, Florida Statutes, is amended to read:

626.7845 Prohibition against unlicensed transaction of life insurance.

(2) Except as provided in s. 626.112(6), with respect to any line of authority specified in s. 626.015(12) ~~s. 626.015(10)~~, an ~~no~~ individual may not ~~shall~~, unless licensed as a life agent:

(a) Solicit insurance or annuities or procure applications;

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

1. As A consulting actuary advising insurers an insurer; or

2. An employee ~~As to the counseling and advising of a labor union, association, employer, or other business entity labor unions, associations, trustees, employers, or other business entities, or the subsidiaries and affiliates of each, who counsels and advises such entity or entities~~ relative to their interests and those of their members or employees under insurance benefit plans; or

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

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



Section 29. Section 626.8305, Florida Statutes, is amended to read:

626.8305 Prohibition against the unlicensed transaction of health insurance.—Except as provided in s. 626.112(6), with respect to any line of authority specified in ~~s. 626.015(8)~~ s. 626.015(6), ~~an~~ no individual may not shall, unless licensed as a health agent:

(1) Solicit insurance or procure applications; or

(2) In this state, engage or hold himself or herself out as engaging in the business of analyzing or abstracting insurance policies or of counseling or advising or giving opinions to persons relative to insurance contracts, unless the individual is other than:

(a) ~~As~~ A consulting actuary advising insurers; ~~or~~

(b) An employee ~~As to the counseling and advising of a labor union, association, employer, or other business entity labor unions, associations, trustees, employers, or other business entities, or~~ the subsidiaries and affiliates of each, who counsels and advises such entity or entities relative to their interests and those of their members or employees under insurance benefit plans; or:

(c) A trustee advising a settlor, a beneficiary, or a person regarding his or her interests in a trust, relative to insurance benefit plans.

Section 30. Subsection (1) of section 626.861, Florida Statutes, is amended to read:

626.861 Insurer’s officers, insurer’s employees, reciprocal insurer’s representatives; adjustments by.—

(1) ~~This part may not~~ Nothing in this part shall be construed to prevent an executive officer of any insurer, ~~or~~ a regularly salaried employee of an insurer handling claims with respect to health insurance, a regular employee of an insurer handling claims with respect to residential property when the sublimit coverage does not exceed \$500, or the duly designated attorney or agent authorized and acting for subscribers to reciprocal insurers, from adjusting any claim loss or damage under any insurance contract of such insurer.

Section 31. Paragraph (c) of subsection (5) and subsection (6) of section 626.9543, Florida Statutes, are amended to read:

626.9543 Holocaust victims.—

(5) PROOF OF A CLAIM.—Any insurer doing business in this state, in receipt of a claim from a Holocaust victim or from a beneficiary, descendant, or heir of a Holocaust victim, shall:

(c) Permit claims irrespective of any statute of limitations or notice requirements imposed by any insurance policy issued, ~~provided the claim is submitted on or before July 1, 2018.~~

(6) STATUTE OF LIMITATIONS.—Notwithstanding any law or agreement among the parties to an insurance policy to the contrary, any action brought by Holocaust victims or by a beneficiary, heir, or a descendant of a Holocaust victim seeking proceeds of an insurance policy issued or in effect between 1920 and 1945, inclusive, ~~may shall~~ not be dismissed for failure to comply with the applicable statute of limitations or laches ~~provided the action is commenced on or before July 1, 2018.~~

Section 32. Section 633.516, Florida Statutes, is amended to read:

~~633.516 Studies of Division to make study of firefighter employee occupational diseases of firefighters or persons in other fire-related fields. The division may contract for studies, subject to the availability of funding, of shall make a continuous study of firefighter employee occupational diseases of firefighters or persons in other fire-related fields and the ways and means for the their control and prevention of such occupational diseases. When such a study or another study that is wholly or partly funded under an agreement, including a contract or grant, with the department tracks a disease of an individual firefighter or a person in another fire-related field, the division may, with associated security measures, release the confidential information, including a social security number, of that individual to a party who has entered into an agreement with the department and shall adopt rules necessary for such control and prevention. For this purpose, the division is authorized to cooperate with firefighter employers, firefighter employees, and insurers and with the Department of Health.~~

Section 33. Paragraph (a) of subsection (6) and subsection (7) of section 768.28, Florida Statutes, are amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality, county, or the Florida Space Authority, presents such claim in writing to the Department of Financial Services, within 3 years after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. Such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor

seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability; or

2. Such action is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues.

(7) In actions brought pursuant to this section, process shall be served upon the head of the agency concerned and also, except as to a defendant municipality, county, or the Florida Space Authority, upon the Department of Financial Services; and the department or the agency concerned shall have 30 days within which to plead thereto.

Section 34. Subsections (3) and (4) and paragraph (e) of subsection (5) of section 288.706, Florida Statutes, are amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(3) Notwithstanding ~~ss. 215.422(15) and 216.181(16)~~ ss. 215.422(14) and 216.181(16), and pursuant to s. 216.351, under the Florida Minority Business Loan Mobilization Program, a state agency may disburse up to 10 percent of the base contract award amount to assist a minority business enterprise vendor that is awarded a state agency contract for goods or services in obtaining working capital financing as provided in subsection (5).

(4) Notwithstanding ~~ss. 215.422(15) and 216.181(16)~~ ss. 215.422(14) and 216.181(16), and pursuant to s. 216.351, in lieu of applying for participation in the Florida Minority Business Loan Mobilization Program, a minority business enterprise vendor awarded a state agency contract for the performance of professional services may apply with that contracting state agency for up to 5 percent of the base contract award amount. The contracting state agency may award such advance in order to facilitate the performance of that contract.

(5) The following Florida Minority Business Loan Mobilization Program procedures apply to minority business enterprise vendors for contracts awarded by a state agency for construction or professional services or for the provision of goods or services:

(e) The following procedures shall apply when the minority business enterprise is the prime contract vendor to the contracting state agency:

1. Pursuant to s. 216.351, ~~ss. 215.422(15) and 216.181(16)~~ the provisions of ss. 215.422(14) and 216.181(16) do not apply to this paragraph.

2. For construction contracts, the designated loan mobilization payment shall be disbursed when:

a. The minority business enterprise prime contract vendor requests disbursement in the first application for payment.

b. The contracting state agency has issued a notice to proceed and has approved the first application for payment.

3. For contracts other than construction contracts, the designated loan mobilization payment shall be disbursed when:

a. The minority business enterprise prime contract vendor requests disbursement by letter delivered to the contracting state agency after the execution of the contract but prior to the commencement of work.

b. The contracting state agency has approved the minority business enterprise prime contract vendor's letter of request.

4. The designated loan mobilization payment may be paid by the contracting state agency prior to the commencement of work. In order to ensure that the contract time provisions do not commence until the minority business enterprise prime contract vendor has adequate working capital, the contract documents may provide that the contract shall commence at such time as the contracting state agency releases the designated loan mobilization payment to the minority business enterprise prime contract vendor and participating financial institution pursuant to the working capital agreement.

Section 35. Section 626.7315, Florida Statutes, is amended to read:

626.7315 Prohibition against the unlicensed transaction of general lines insurance.—With respect to any line of authority as defined in s. 626.015(7) ~~s. 626.015(5)~~, no individual shall, unless licensed as a general lines agent:

(1) Solicit insurance or procure applications therefor;

(2) In this state, receive or issue a receipt for any money on account of or for any insurer, or receive or issue a receipt for money from other persons to be transmitted to any insurer for a policy, contract, or certificate of insurance or any renewal thereof, even though the policy, certificate, or contract is not signed by him or her as agent or representative of the insurer, except as provided in s. 626.0428(1);

(3) Directly or indirectly represent himself or herself to be an agent of any insurer or as an agent, to collect or forward any insurance premium, or to solicit, negotiate, effect, procure, receive, deliver, or forward, directly or indirectly, any insurance contract or renewal thereof or any endorsement relating to an insurance contract, or attempt to effect the same, of property or insurable business activities or interests, located in this state;

(4) In this state, engage or hold himself or herself out as engaging in the business of analyzing or abstracting insurance policies or of counseling or advising or giving opinions, other than as a licensed attorney at law, relative to insurance or insurance contracts, for fee, commission, or other compensation, other than as a salaried bona fide full-time employee so counseling and

advising his or her employer relative to the insurance interests of the employer and of the subsidiaries or business affiliates of the employer;

(5) In any way, directly or indirectly, make or cause to be made, or attempt to make or cause to be made, any contract of insurance for or on account of any insurer;

(6) Solicit, negotiate, or in any way, directly or indirectly, effect insurance contracts, if a member of a partnership or association, or a stockholder, officer, or agent of a corporation which holds an agency appointment from any insurer; or

(7) Receive or transmit applications for suretyship, or receive for delivery bonds founded on applications forwarded from this state, or otherwise procure suretyship to be effected by a surety insurer upon the bonds of persons in this state or upon bonds given to persons in this state.

Section 36. Paragraph (c) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(c) The corporation’s plan of operation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which must be approved by the office before use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multi-peril policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. which contain more restrictive coverage.

g. Effective January 1, 2013, the corporation shall offer a basic personal lines policy similar to an HO-8 policy with dwelling repair based on common construction materials and methods.

2. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only.

a. As used in this subsection, the term:

(I) “Quota share primary insurance” means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the agreement, may not be altered by the inability of the other party to pay its specified percentage of losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that the authorized insurer and the corporation may not be held responsible beyond their specified percentage of coverage of hurricane losses.

(II) “Eligible risks” means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance

agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under such agreements, the corporation and the authorized insurer must maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of the agreements, pricing of the agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer is voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation may borrow funds by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and

incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (q)2. in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation may take all actions needed to facilitate tax-free status for such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation may pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of nine individuals who are residents of this state and who are from different geographical areas of the state, one of whom is appointed by the Governor and serves solely to advocate on behalf of the consumer. The appointment of a consumer representative by the Governor is deemed to be within the scope of the exemption provided in s. 112.313(7)(b) and is in addition to the appointments authorized under sub-subparagraph a.

a. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance and be deemed to be within the scope of the exemption provided in s. 112.313(7)(b). The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All members of the board are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term. A board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate.



The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage.

(I) The members of the advisory committee consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members shall be appointed to 3-year terms and may serve for consecutive terms.

(II) The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. Whenever an offer of coverage for a personal lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation. If the risk is not able to obtain such offer, the risk is eligible for a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk is eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, a policyholder

removed from the corporation through an assumption agreement remains eligible for coverage from the corporation until the end of the assumption period. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation other than a plan established by s. 627.3518, before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) If the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for a policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation.

Whenever an offer of coverage for a commercial lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, a policyholder removed from the corporation through an assumption agreement remains eligible for coverage from the corporation until the end of the assumption period.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation other than a plan established by s. 627.3518, before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) If the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

c. For purposes of determining comparable coverage under sub-subparagraphs a. and b., the comparison must be based on those forms and

coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure only on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the coastal account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant must be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus must be available to defray deficits in that account as to future years and used for that purpose before assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied to all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following must be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

9. Must provide that the corporation make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

10. The policies issued by the corporation must provide that if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer which does not provide coverage identical to the coverage provided by the corporation. The notice must also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods continue to have access to coverage from the corporation. If coverage is sought in connection with a real property transfer, the requirements and procedures may not provide an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the coastal account, any assessable insurer with a surplus as to policyholders of \$25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the coastal account may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds, but a limited apportionment company must begin collecting the regular assessments not later than 90 days after the regular assessments are levied by the corporation, and the regular assessments must be paid in full within 15 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan must provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that

all or part of such assessment be deferred as provided in subparagraph (q)4. However, an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d. may not be limited or deferred.

14. Must provide that the corporation appoint as its licensed agents only those agents who throughout such appointments also hold an appointment as defined in s. 626.015 ~~s. 626.015(3)~~ by an insurer who is authorized to write and is actually writing or renewing personal lines residential property coverage, commercial residential property coverage, or commercial non-residential property coverage within the state.

15. Must provide a premium payment plan option to its policyholders which, at a minimum, allows for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built before 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. Must provide coverage for manufactured or mobile home dwellings. Such coverage must also include the following attached structures:

a. Screened enclosures that are aluminum framed or screened enclosures that are not covered by the same or substantially the same materials as those of the primary dwelling;

b. Carports that are aluminum or carports that are not covered by the same or substantially the same materials as those of the primary dwelling; and

c. Patios that have a roof covering that is constructed of materials that are not the same or substantially the same materials as those of the primary dwelling.

The corporation shall make available a policy for mobile homes or manufactured homes for a minimum insured value of at least \$3,000.

18. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

19. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

20. Must provide that new or renewal policies issued by the corporation on or after January 1, 2012, which cover sinkhole loss do not include coverage for any loss to appurtenant structures, driveways, sidewalks, decks, or patios that are directly or indirectly caused by sinkhole activity. The corporation shall exclude such coverage using a notice of coverage change, which may be included with the policy renewal, and not by issuance of a notice of nonrenewal of the excluded coverage upon renewal of the current policy.

21. As of January 1, 2012, must require that the agent obtain from an applicant for coverage from the corporation an acknowledgment signed by the applicant, which includes, at a minimum, the following statement:

ACKNOWLEDGMENT OF POTENTIAL SURCHARGE  
AND ASSESSMENT LIABILITY:

1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON, MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES ARE REGULATED AND APPROVED BY THE STATE.

3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE STATE OF FLORIDA.

a. The corporation shall maintain, in electronic format or otherwise, a copy of the applicant's signed acknowledgment and provide a copy of the statement to the policyholder as part of the first renewal after the effective date of this subparagraph.

b. The signed acknowledgment form creates a conclusive presumption that the policyholder understood and accepted his or her potential surcharge and assessment liability as a policyholder of the corporation.

Section 37. This act shall take effect July 1, 2017.

Approved by the Governor June 26, 2017.

Filed in Office Secretary of State June 26, 2017.