

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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 WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee

3 Representative Hager offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 17.64, Florida Statutes, is amended to
 8 read:

9 17.64 Division of Treasury to make reproductions of
 10 certain warrants, records, and documents.—

11 (1) Electronic images, photographs, microphotographs, or
 12 reproductions on film of warrants, vouchers, or checks are ~~shall~~
 13 ~~be~~ deemed to be original records for all purposes; and any copy
 14 or reproduction thereof ~~made from such original film~~, duly
 15 certified by the Division of Treasury as a true and correct copy
 16 or reproduction ~~made from such film~~, is ~~shall~~ be deemed to be a

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17 transcript, exemplification, or certified copy of the original
18 warrant, voucher, or check such copy represents, and must ~~shall~~
19 in all cases and in all courts and places be admitted and
20 received in evidence with the like force and effect as the
21 original thereof might be.

22 (2) The Division of Treasury may electronically
23 ~~photograph, microphotograph, or reproduce on film,~~ all records
24 and documents of the division, as the Chief Financial Officer,
25 in his or her discretion, selects; and the division may destroy
26 any such documents or records after they have been reproduced
27 electronically ~~photographed~~ and filed and after audit of the
28 division has been completed for the period embracing the dates
29 of such documents and records.

30 (3) Electronic copies ~~Photographs or microphotographs in~~
31 ~~the form of film or prints~~ of any records made in compliance
32 with ~~the provisions of~~ this section ~~shall~~ have the same force
33 and effect as the originals ~~thereof would have,~~ and must ~~shall~~
34 be treated as originals for the purpose of their admissibility
35 in evidence. Duly certified or authenticated reproductions of
36 such electronic images must ~~photographs or microphotographs~~
37 ~~shall~~ be admitted in evidence equally with the original
38 electronic images ~~photographs or microphotographs.~~

39 Section 2. Paragraph (e) of subsection (2) of section
40 20.121, Florida Statutes, is amended to read:

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41 20.121 Department of Financial Services.—There is created
42 a Department of Financial Services.

43 (2) DIVISIONS.—The Department of Financial Services shall
44 consist of the following divisions and office:

45 (e) The Division of Investigative and Forensic Services,
46 which shall function as a criminal justice agency for purposes
47 of ss. 943.045-943.08. The division may conduct investigations
48 within or outside of this state as it deems necessary. If,
49 during an investigation, the division has reason to believe that
50 any criminal law of this state has or may have been violated, it
51 shall refer any records tending to show such violation to state
52 or federal law enforcement or prosecutorial agencies and shall
53 provide investigative assistance to those agencies as required.
54 The division shall include the following bureaus and office:

- 55 1. The Bureau of Forensic Services;
- 56 2. The Bureau of Fire, ~~and~~ Arson, and Explosives
57 Investigations; and
- 58 3. The Office of Fiscal Integrity, which shall have a
59 separate budget;~~;~~
- 60 4. The Bureau of Insurance Fraud; and
- 61 5. The Bureau of Workers' Compensation Fraud.

62 Section 3. Subsection (1) of section 39.6035, Florida
63 Statutes, is amended to read:

64 39.6035 Transition plan.—

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65 (1) During the 180-day period after a child reaches 17
66 years of age, the department and the community-based care
67 provider, in collaboration with the caregiver and any other
68 individual whom the child would like to include, shall assist
69 the child in developing a transition plan. The required
70 transition plan is in addition to standard case management
71 requirements. The transition plan must address specific options
72 for the child to use in obtaining services, including housing,
73 health insurance, education, financial literacy, a driver
74 license, and workforce support and employment services. The plan
75 must also consider establishing and maintaining naturally
76 occurring mentoring relationships and other personal support
77 services. The transition plan may be as detailed as the child
78 chooses. In developing the transition plan, the department and
79 the community-based provider shall:

80 (a) Provide the child with the documentation required
81 pursuant to s. 39.701(3); ~~and~~

82 (b) Coordinate the transition plan with the independent
83 living provisions in the case plan and, for a child with
84 disabilities, the Individuals with Disabilities Education Act
85 transition plan; ~~and-~~

86 (c) Provide information for the financial literacy
87 curriculum for foster youth offered by the Department of
88 Financial Services, and require completion of the curriculum
89 with a passing score before receiving aftercare services or

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90 continuing care services as attested by the child's guardian ad
91 litem.

92 Section 4. Subsection (2) of section 39.6251, Florida
93 Statutes, is amended to read:

94 39.6251 Continuing care for young adults.—

95 (2) The primary goal for a child in care is permanency. A
96 child who is living in licensed care on his or her 18th birthday
97 and who has not achieved permanency under s. 39.621 is eligible
98 to remain in licensed care under the jurisdiction of the court
99 and in the care of the department. A child is eligible to remain
100 in licensed care if he or she is:

101 (a) Completing secondary education or a program leading to
102 an equivalent credential;

103 (b) Enrolled in an institution that provides postsecondary
104 or vocational education;

105 (c) Participating in a program or activity designed to
106 promote or eliminate barriers to employment;

107 (d) Employed for at least 80 hours per month; ~~or~~

108 (e) Completing the financial literacy curriculum for
109 foster youth offered by the Department of Financial Services; or

110 (f) ~~(e)~~ Unable to participate in programs or activities
111 listed in paragraphs (a)-(e) ~~(a)-(d)~~ full time due to a
112 physical, intellectual, emotional, or psychiatric condition that
113 limits participation. Any such barrier to participation must be
114 supported by documentation in the child's case file or school or

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115 | medical records of a physical, intellectual, or psychiatric
116 | condition that impairs the child's ability to perform one or
117 | more life activities.

118 | Section 5. Section 284.40, Florida Statutes, is amended to
119 | read:

120 | 284.40 Division of Risk Management; disclosure of certain
121 | workers' compensation-related information by the Department of
122 | Financial Services.—

123 | (1) It shall be the responsibility of the Division of Risk
124 | Management of the Department of Financial Services to administer
125 | this part and the provisions of s. 287.131.

126 | (2) The claim files maintained by the Division of Risk
127 | Management shall be confidential, shall be only for the usage by
128 | the Department of Financial Services in fulfilling its duties
129 | and responsibilities under this part, and shall be exempt from
130 | the provisions of s. 119.07(1).

131 | (3) Upon certification by the division director or his or
132 | her designee to the custodian of any records maintained by the
133 | Department of Children and Families, Department of Health,
134 | Agency for Health Care Administration, or Department of Elderly
135 | Affairs that such records are necessary to investigate a claim
136 | against the Department of Children and Families, Department of
137 | Health, Agency for Health Care Administration, or Department of
138 | Elderly Affairs being handled by the Division of Risk
139 | Management, the records shall be released to the division

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140 subject to the provisions of subsection (2), any conflicting
141 provisions as to the confidentiality of such records
142 notwithstanding.

143 (4) Notwithstanding s. 440.1851, the Department of
144 Financial Services may disclose the personal identifying
145 information of an injured or deceased employee to a department-
146 contracted vendor for the purpose of ascertaining a claimant's
147 claims history to investigate the compensability of a claim or
148 to identify and prevent fraud.

149 Section 6. Section 284.50, Florida Statutes, is amended to
150 read:

151 284.50 Loss prevention program; safety coordinators;
152 Interagency Advisory Council on Loss Prevention; employee
153 recognition program; return-to-work programs; risk management
154 programs.—

155 (1) The head of each department of state government,
156 except the Legislature, shall designate a safety coordinator.
157 Such safety coordinator must be an employee of the department
158 and must hold a position which has responsibilities comparable
159 to those of an employee in the Senior Management System. The
160 Department of Financial Services shall provide appropriate
161 training to the safety coordinators to permit them to
162 effectively perform their duties within their respective
163 departments. Within 1 year after being appointed by his or her
164 department head, the safety coordinator shall complete safety

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165 coordinator training offered by the Department of Financial
166 Services. Each safety coordinator shall, at the direction of his
167 or her department head:

168 (a) Develop and implement the loss prevention program, a
169 comprehensive departmental safety program which shall include a
170 statement of safety policy and responsibility.

171 (b) Provide for regular and periodic facility and
172 equipment inspections.

173 (c) Investigate job-related employee accidents of his or
174 her department.

175 (d) Establish a program to promote increased safety
176 awareness among employees.

177 (2) There shall be an Interagency Advisory Council on Loss
178 Prevention composed of the safety coordinators from each
179 department and representatives designated by the Division of
180 State Fire Marshal and the Division of Risk Management. The
181 chair of the council is ~~shall be~~ the Director of the Division of
182 Risk Management or his or her designee. The council shall meet
183 at least quarterly to discuss safety problems within state
184 government, to attempt to find solutions for these problems,
185 and, when possible, to assist in the implementation of the
186 solutions. If the safety coordinator of a department or office
187 is unable to attend a council meeting, an alternate, selected by
188 the department head or his or her designee, shall attend the
189 meeting to represent and provide input for that department or

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190 office on the council. The council is further authorized to
191 provide for the recognition of employees, agents, and volunteers
192 who make exceptional contributions to the reduction and control
193 of employment-related accidents. The necessary expenses for the
194 administration of this program of recognition shall be
195 considered an authorized administrative expense payable from the
196 State Risk Management Trust Fund.

197 (3) The Department of Financial Services and all agencies
198 that are provided workers' compensation insurance coverage by
199 the State Risk Management Trust Fund and employ more than 3,000
200 full-time employees shall establish and maintain return-to-work
201 programs for employees who are receiving workers' compensation
202 benefits. The programs must ~~shall~~ have the primary goal of
203 enabling injured workers to remain at work or return to work to
204 perform job duties within the physical or mental functional
205 limitations and restrictions established by the workers'
206 treating physicians. If no limitation or restriction is
207 established in writing by a worker's treating physician, the
208 worker is ~~shall be~~ deemed to be able to fully perform the same
209 work duties he or she performed before the injury. Agencies
210 employing more than 3,000 full-time employees shall report
211 return-to-work information to the Department of Financial
212 Services to support the Department of Financial Services'
213 mandatory reporting requirements on agency return-to-work
214 efforts under s. 284.42(1)(b).

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215 (4) The Division of Risk Management shall evaluate each
216 agency's risk management programs, including, but not limited
217 to, return-to-work, safety, and loss prevention programs, at
218 least once every 5 years. Reports, including, but not limited
219 to, any recommended corrective action, resulting from such
220 evaluations must ~~shall~~ be provided to the head of the agency
221 being evaluated, the Chief Financial Officer, and the director
222 of the Division of Risk Management. The agency head must provide
223 to the Division of Risk Management a response to all report
224 recommendations within 45 days and a plan to implement any
225 corrective action to be taken as part of the response. If the
226 agency disagrees with any final report recommendations,
227 including, but not limited to, any recommended corrective
228 action, or if the agency fails to implement any recommended
229 corrective action within a reasonable time, the division shall
230 submit the evaluation report to the legislative appropriations
231 committees. Each agency shall provide risk management program
232 information to the Division of Risk Management to support the
233 Division of Risk Management's mandatory evaluation and reporting
234 requirements in this subsection.

235 (5) Each agency shall:

236 (a) Review information provided by the Division of Risk
237 Management on claims and losses;

238 (b) Identify any discrepancies between the Division of
239 Risk Management's records and the agency's records and report

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240 such discrepancies to the Division of Risk Management in
241 writing; and

242 (c) Review and respond to communications from the Division
243 of Risk Management identifying unsafe or inappropriate
244 conditions, policies, procedures, trends, equipment, or actions
245 or incidents that have led or may lead to accidents or claims
246 involving the state.

247 Section 7. Paragraph (a) of subsection (2) and paragraph
248 (b) of subsection (3) of section 409.1451, Florida Statutes, are
249 amended to read:

250 409.1451 The Road-to-Independence Program.—

251 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

252 (a) A young adult is eligible for services and support
253 under this subsection if he or she:

254 1. Was living in licensed care on his or her 18th birthday
255 or is currently living in licensed care; or was at least 16
256 years of age and was adopted from foster care or placed with a
257 court-approved dependency guardian after spending at least 6
258 months in licensed care within the 12 months immediately
259 preceding such placement or adoption;

260 2. Spent at least 6 months in licensed care before
261 reaching his or her 18th birthday;

262 3. Earned a standard high school diploma pursuant to s.
263 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
264 pursuant to s. 1003.435;

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265 4. Has been admitted for enrollment as a full-time student
266 or its equivalent in an eligible postsecondary educational
267 institution as provided in s. 1009.533. For purposes of this
268 section, the term "full-time" means 9 credit hours or the
269 vocational school equivalent. A student may enroll part-time if
270 he or she has a recognized disability or is faced with another
271 challenge or circumstance that would prevent full-time
272 attendance. A student needing to enroll part-time for any reason
273 other than having a recognized disability must get approval from
274 his or her academic advisor;

275 5. Has reached 18 years of age but is not yet 23 years of
276 age;

277 6. Has applied, with assistance from the young adult's
278 caregiver and the community-based lead agency, for any other
279 grants and scholarships for which he or she may qualify;

280 7. Submitted a Free Application for Federal Student Aid
281 which is complete and error free; ~~and~~

282 8. Signed an agreement to allow the department and the
283 community-based care lead agency access to school records; ~~and-~~

284 9. Has completed with a passing score the financial
285 literacy curriculum for foster youth offered by the Department
286 of Financial Services.

287 (3) AFTERCARE SERVICES.—

288 (b) Aftercare services include, but are not limited to,
289 the following:

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- 290 1. Mentoring and tutoring.
291 2. Mental health services and substance abuse counseling.
292 3. Life skills classes, including credit management and
293 preventive health activities.
294 4. Parenting classes.
295 5. Job and career skills training.
296 6. Counselor consultations.
297 7. Temporary financial assistance for necessities,
298 including, but not limited to, education supplies,
299 transportation expenses, security deposits for rent and
300 utilities, furnishings, household goods, and other basic living
301 expenses.
302 8. Financial literacy skills training pursuant to s.
303 39.6035(1)(c).
304

305 The specific services to be provided under this paragraph shall
306 be determined by an assessment of the young adult and may be
307 provided by the community-based care provider or through
308 referrals in the community.

309 Section 8. Subsections (1) and (3) of section 414.411,
310 Florida Statutes, are amended to read:

311 414.411 Public assistance fraud.—

312 (1) The Department of Financial Services shall investigate
313 all public assistance provided to residents of the state or
314 provided to others by the state. In the course of such

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315 investigation the department shall examine all records,
316 including electronic benefits transfer records and make inquiry
317 of all persons who may have knowledge as to any irregularity
318 incidental to the disbursement of public moneys, food
319 assistance, or other items or benefits authorizations to
320 recipients. All public assistance recipients, as a condition
321 precedent to qualification for public assistance under chapter
322 409, chapter 411, or this chapter, must first give in writing,
323 to the Agency for Health Care Administration, the Department of
324 Health, the Department of Education ~~Economic Opportunity~~, and
325 the Department of Children and Families, as appropriate, and to
326 the Department of Financial Services, consent to make inquiry of
327 past or present employers and records, financial or otherwise.

328 (3) The results of such investigation shall be reported by
329 the Department of Financial Services to the appropriate
330 legislative committees, the Agency for Health Care
331 Administration, the Department of Health, the Department of
332 Education ~~Economic Opportunity~~, and the Department of Children
333 and Families, and to such others as the department may
334 determine.

335 Section 9. Subsection (3) is added to section 497.168,
336 Florida Statutes, to read:

337 497.168 Members of Armed Forces in good standing with
338 administrative boards.-

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339 (3) A member of the United States Armed Forces or a
340 veteran of the United States Armed Forces who was honorably
341 discharged within the 24-month period before the date of an
342 initial application for licensure is exempt from the initial
343 application filing fees under ss. 497.281(1), 497.368(1)(a),
344 497.369(1)(a), 497.369(5), 497.370(1), 497.371, 497.373(1)(a),
345 497.373(3), 497.374(1)(a), 497.374(5), and 497.375(1)(a).

346 Section 10. Subsection (14) is added to section 497.456,
347 Florida Statutes, to read:

348 497.456 Preneed Funeral Contract Consumer Protection Trust
349 Fund.—

350 (14) (a) On or before August 31, 2018, the department may
351 transfer up to \$2 million from the Preneed Funeral Contract
352 Consumer Protection Trust Fund to the Regulatory Trust Fund for
353 the purpose of acquiring information technology infrastructure
354 and payment of related expenses of the licensing authority in
355 carrying out its responsibilities under this chapter and as
356 prescribed by rule.

357 (b) On or before August 31 of each year, the department
358 may transfer any interest accrued or earned from investment of
359 the funds in the Preneed Funeral Contract Consumer Protection
360 Trust Fund during the prior fiscal year of the state, as defined
361 in s. 216.011(1)(o), to the Regulatory Trust Fund for the
362 purpose of providing for the payment of expenses of the

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363 licensing authority in carrying out its responsibilities under
364 this chapter and as prescribed by rule.

365 (c) This subsection expires on August 31, 2022.

366 Section 11. Subsection (1) of section 624.317, Florida
367 Statutes, is amended to read:

368 624.317 Investigation of agents, adjusters,
369 administrators, service companies, and others.—If it has reason
370 to believe that any person has violated or is violating any
371 provision of this code, or upon the written complaint signed by
372 any interested person indicating that any such violation may
373 exist:

374 (1) The department shall conduct such investigation as it
375 deems necessary of the accounts, records, documents, and
376 transactions pertaining to or affecting the insurance affairs of
377 any ~~general agent, surplus lines agent,~~ adjuster, ~~managing~~
378 ~~general agent, insurance agent,~~ insurance agency, customer
379 representative, service representative, or other person subject
380 to its jurisdiction, subject to the requirements of s. 626.601.

381 Section 12. Subsection (2) of section 624.34, Florida
382 Statutes, is amended to read:

383 624.34 Authority of Department of Law Enforcement to
384 accept fingerprints of, and exchange criminal history records
385 with respect to, certain persons.—

386 (2) The Department of Law Enforcement may accept
387 fingerprints of individuals who apply for a license as an agent,

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388 customer representative, adjuster, service representative, or
389 navigator, ~~or managing general agent~~ or the fingerprints of the
390 majority owner, sole proprietor, partners, officers, and
391 directors of a corporation or other legal entity that applies
392 for licensure with the department or office under the Florida
393 Insurance Code.

394 Section 13. Section 624.4073, Florida Statutes, is amended
395 to read:

396 624.4073 Officers and directors of insolvent insurers.—Any
397 person who was an officer or director of an insurer doing
398 business in this state and who served in that capacity within
399 the 2-year period before ~~prior to~~ the date the insurer became
400 insolvent, for any insolvency that occurs on or after July 1,
401 2002, may not thereafter serve as an officer or director of an
402 insurer authorized in this state or have direct or indirect
403 control over the selection or appointment of an officer or
404 director through contract, trust, or by operation of law, unless
405 the officer or director demonstrates that his or her personal
406 actions or omissions were not a significant contributing cause
407 to the insolvency.

408 Section 14. Subsection (1) of section 624.4094, Florida
409 Statutes, is amended to read:

410 624.4094 Bail bond premiums.—

411 (1) The Legislature finds that a significant portion of
412 bail bond premiums is retained by the licensed bail bond agents

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413 or appointed ~~licensed~~ managing general agents. For purposes of
 414 reporting in financial statements required to be filed with the
 415 office pursuant to s. 624.424, direct written premiums for bail
 416 bonds by a domestic insurer in this state shall be reported net
 417 of any amounts retained by licensed bail bond agents or
 418 appointed ~~licensed~~ managing general agents. However, in no case
 419 shall the direct written premiums for bail bonds be less than
 420 6.5 percent of the total consideration received by the agent for
 421 all bail bonds written by the agent. This subsection also
 422 applies to any determination of compliance with s. 624.4095.

423 Section 15. Paragraph (e) of subsection (19) of section
 424 624.501, Florida Statutes, is amended to read:

425 624.501 Filing, license, appointment, and miscellaneous
 426 fees.—The department, commission, or office, as appropriate,
 427 shall collect in advance, and persons so served shall pay to it
 428 in advance, fees, licenses, and miscellaneous charges as
 429 follows:

430 (19) Miscellaneous services:

431 (e) Insurer's registration fee for agent exchanging
 432 business more than four ~~24~~ times in a calendar year under s.
 433 626.752, s. 626.793, or s. 626.837, registration fee per agent
 434 per year.....\$30.00

435 Section 16. Subsection (1) of section 624.509, Florida
 436 Statutes, is amended to read:

437 624.509 Premium tax; rate and computation.—

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438 (1) In addition to the license taxes provided for in this
439 chapter, each insurer shall also annually, and on or before
440 March 1 in each year, except as to wet marine and transportation
441 insurance taxed under s. 624.510, pay to the Department of
442 Revenue a tax on insurance premiums, premiums for title
443 insurance, or assessments, including membership fees and policy
444 fees and gross deposits received from subscribers to reciprocal
445 or interinsurance agreements, and on annuity premiums or
446 considerations, received during the preceding calendar year, the
447 amounts thereof to be determined as set forth in this section,
448 to wit:

449 (a) An amount equal to 1.75 percent of the gross amount of
450 such receipts on account of life and health insurance policies
451 covering persons resident in this state and on account of all
452 other types of policies and contracts, except annuity policies
453 or contracts taxable under paragraph (b) and bail bond policies
454 or contracts taxable under paragraph (c), covering property,
455 subjects, or risks located, resident, or to be performed in this
456 state, omitting premiums on reinsurance accepted, and less
457 return premiums or assessments, but without deductions:

- 458 1. For reinsurance ceded to other insurers;
- 459 2. For moneys paid upon surrender of policies or
460 certificates for cash surrender value;
- 461 3. For discounts or refunds for direct or prompt payment
462 of premiums or assessments; and

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463 4. On account of dividends of any nature or amount paid
464 and credited or allowed to holders of insurance policies;
465 certificates; or surety, indemnity, reciprocal, or
466 interinsurance contracts or agreements;

467 (b) An amount equal to 1 percent of the gross receipts on
468 annuity policies or contracts paid by holders thereof in this
469 state; and

470 (c) An amount equal to 1.75 percent of the direct written
471 premiums for bail bonds, excluding any amounts retained by
472 licensed bail bond agents or appointed ~~licensed~~ managing general
473 agents.

474 Section 17. Section 625.071, Florida Statutes, is amended
475 to read:

476 625.071 Special reserve for bail and judicial bonds.—In
477 lieu of the unearned premium reserve required on surety bonds
478 under s. 625.051, the office may require any surety insurer or
479 limited surety insurer to set up and maintain a reserve on all
480 bail bonds or other single-premium bonds without definite
481 expiration date, furnished in judicial proceedings, equal to the
482 lesser of 35 percent of the bail premiums in force or \$7 per
483 \$1,000 of bail liability. Such reserve shall be reported as a
484 liability in financial statements required to be filed with the
485 office. Each insurer shall file a supplementary schedule showing
486 bail premiums in force and bail liability and the associated
487 special reserve for bail and judicial bonds with financial

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488 statements required by s. 624.424. Bail premiums in force do not
489 include amounts retained by licensed bail bond agents or
490 appointed licensed managing general agents, but may not be less
491 than 6.5 percent of the total consideration received for all
492 bail bonds in force.

493 Section 18. Subsection (5) of section 626.112, Florida
494 Statutes, is amended to read:

495 626.112 License and appointment required; agents, customer
496 representatives, adjusters, insurance agencies, service
497 representatives, managing general agents.—

498 (5) A No person may not ~~shall~~ be, act as, or represent or
499 hold himself or herself out to be a managing general agent
500 unless he or she then holds a currently effective producer
501 license and a managing general agent license ~~and~~ appointment.

502 Section 19. Section 626.171, Florida Statutes, is amended
503 to read:

504 626.171 Application for license as an agent, customer
505 representative, adjuster, service representative, ~~managing~~
506 ~~general agent~~, or reinsurance intermediary.—

507 (1) The department may not issue a license as agent,
508 customer representative, adjuster, service representative,
509 ~~managing general agent~~, or reinsurance intermediary to any
510 person except upon written application filed with the
511 department, meeting the qualifications for the license applied
512 for as determined by the department, and payment in advance of

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513 all applicable fees. The application must be made under the oath
514 of the applicant and be signed by the applicant. An applicant
515 may permit a third party to complete, submit, and sign an
516 application on the applicant's behalf, but is responsible for
517 ensuring that the information on the application is true and
518 correct and is accountable for any misstatements or
519 misrepresentations. The department shall accept the uniform
520 application for nonresident agent licensing. The department may
521 adopt revised versions of the uniform application by rule.

522 (2) In the application, the applicant shall set forth:

523 (a) His or her full name, age, social security number,
524 residence address, business address, mailing address, contact
525 telephone numbers, including a business telephone number, and e-
526 mail address.

527 (b) A statement indicating the method the applicant used
528 or is using to meet any required prelicensing education,
529 knowledge, experience, or instructional requirements for the
530 type of license applied for.

531 (c) Whether he or she has been refused or has voluntarily
532 surrendered or has had suspended or revoked a license to solicit
533 insurance by the department or by the supervising officials of
534 any state.

535 (d) Whether any insurer or any managing general agent
536 claims the applicant is indebted under any agency contract or

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537 otherwise and, if so, the name of the claimant, the nature of
538 the claim, and the applicant's defense thereto, if any.

539 (e) Proof that the applicant meets the requirements for
540 the type of license for which he or she is applying.

541 (f) The applicant's gender (male or female).

542 (g) The applicant's native language.

543 (h) The highest level of education achieved by the
544 applicant.

545 (i) The applicant's race or ethnicity (African American,
546 white, American Indian, Asian, Hispanic, or other).

547 (j) Such other or additional information as the department
548 may deem proper to enable it to determine the character,
549 experience, ability, and other qualifications of the applicant
550 to hold himself or herself out to the public as an insurance
551 representative.

552

553 However, the application must contain a statement that an
554 applicant is not required to disclose his or her race or
555 ethnicity, gender, or native language, that he or she will not
556 be penalized for not doing so, and that the department will use
557 this information exclusively for research and statistical
558 purposes and to improve the quality and fairness of the
559 examinations.

560 (3) Each application must ~~shall~~ be accompanied by payment
561 of any applicable fee.

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562 (4) An applicant for a license as an agent, customer
563 representative, adjuster, service representative, ~~managing~~
564 ~~general agent~~, or reinsurance intermediary must submit a set of
565 the individual applicant's fingerprints, or, if the applicant is
566 not an individual, a set of the fingerprints of the sole
567 proprietor, majority owner, partners, officers, and directors,
568 to the department and must pay the fingerprint processing fee
569 set forth in s. 624.501. Fingerprints must ~~shall~~ be used to
570 investigate the applicant's qualifications pursuant to s.
571 626.201. The fingerprints must ~~shall~~ be taken by a law
572 enforcement agency, designated examination center, or other
573 department-approved entity. The department shall require all
574 designated examination centers to have fingerprinting equipment
575 and to take fingerprints from any applicant or prospective
576 applicant who pays the applicable fee. The department may not
577 approve an application for licensure as an agent, customer
578 service representative, adjuster, service representative,
579 ~~managing general agent~~, or reinsurance intermediary if
580 fingerprints have not been submitted.

581 (5) The application for license filing fee prescribed in
582 s. 624.501 is not subject to refund.

583 (6) Members of the United States Armed Forces and their
584 spouses, and veterans of the United States Armed Forces who have
585 retired within 24 months before application for licensure, are
586 exempt from the application filing fee prescribed in s. 624.501.

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587 Qualified individuals must provide a copy of a military
588 identification card, military dependent identification card,
589 military service record, military personnel file, veteran
590 record, discharge paper, ~~or separation document~~, or a separation
591 document that indicates such members of the United States Armed
592 Forces are currently in good standing or were honorably
593 discharged.

594 (7) Pursuant to the federal Personal Responsibility and
595 Work Opportunity Reconciliation Act of 1996, each party is
596 required to provide his or her social security number in
597 accordance with this section. Disclosure of social security
598 numbers obtained through this requirement must ~~shall~~ be limited
599 to the purpose of administration of the Title IV-D program for
600 child support enforcement.

601 Section 20. Section 626.202, Florida Statutes, is amended
602 to read:

603 626.202 Fingerprinting requirements.-

604 (1) The requirements for completion and submission of
605 fingerprints under this chapter are deemed to be met when an
606 individual currently licensed under this chapter seeks
607 additional licensure and has previously submitted fingerprints
608 to the department within the past 48 months. However, the
609 department may require the individual to file fingerprints if it
610 has reason to believe that an applicant or licensee has been
611 found guilty of, or pleaded guilty or nolo contendere to, a

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612 felony or a crime related to the business of insurance in this
613 state or any other state or jurisdiction.

614 (2) The requirements for completion and submission of
615 fingerprints under this chapter are waived for members of the
616 United States Armed Forces and veterans of the United States
617 Armed Forces who were honorably discharged within the 24-month
618 period before the date of an application for licensure. A
619 qualified individual shall provide a copy of a military
620 identification card, military service record, military personnel
621 file, veteran record, Form DD-214, NGB Form 22, or separation
622 document that indicates such member or veteran of the United
623 States Armed Forces is currently in good standing or was
624 honorably discharged.

625 (3) If there is a change in ownership or control of any
626 entity licensed under this chapter, or if a new partner,
627 officer, or director is employed or appointed, a set of
628 fingerprints of the new owner, partner, officer, or director
629 must be filed with the department or office within 30 days after
630 the change. The acquisition of 10 percent or more of the voting
631 securities of a licensed entity is considered a change of
632 ownership or control. The fingerprints must be taken by a law
633 enforcement agency or other department-approved entity and be
634 accompanied by the fingerprint processing fee in s. 624.501.

635 Section 21. Subsection (9) of section 626.207, Florida
636 Statutes, is amended to read:

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637 626.207 Disqualification of applicants and licensees;
638 penalties against licensees; rulemaking authority.—

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

643 Section 22. Paragraph (j) of subsection (2) of section
644 626.221, Florida Statutes, is amended to read:

645 626.221 Examination requirement; exemptions.—

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

648 (j) An applicant for license as an all-lines adjuster who
649 has the designation of Accredited Claims Adjuster (ACA) from a
650 regionally accredited postsecondary institution in this state,
651 Associate in Claims (AIC) from the Insurance Institute of
652 America, Professional Claims Adjuster (PCA) from the
653 Professional Career Institute, Professional Property Insurance
654 Adjuster (PPIA) from the HurriClaim Training Academy, Certified
655 Adjuster (CA) from ALL LINES Training, Certified Claims Adjuster
656 (CCA) from AE21 Incorporated, Claims Adjuster Certified
657 Professional (CACP) from WebCE, Inc., or Universal Claims
658 Certification (UCC) from Claims and Litigation Management
659 Alliance (CLM) whose curriculum has been approved by the
660 department and which includes comprehensive analysis of basic
661 property and casualty lines of insurance and testing at least

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662 equal to that of standard department testing for the all-lines
663 adjuster license. The department shall adopt rules establishing
664 standards for the approval of curriculum.

665 Section 23. Subsection (7) of section 626.451, Florida
666 Statutes, is renumbered as subsection (6), and subsections (1)
667 and (5) and present subsection (6) of that section are amended,
668 to read:

669 626.451 Appointment of agent or other representative.—

670 (1) Each appointing entity or person designated by the
671 department to administer the appointment process appointing an
672 agent, adjuster, service representative, customer
673 representative, or managing general agent in this state shall
674 file the appointment with the department or office and, at the
675 same time, pay the applicable appointment fee and taxes. Every
676 appointment is ~~shall be~~ subject to the prior issuance of the
677 appropriate agent's, adjuster's, service representative's, or
678 customer representative's, ~~or managing general agent's~~ license.

679 ~~(5) Any law enforcement agency or state attorney's office~~
680 ~~that is aware that an agent, adjuster, service representative,~~
681 ~~customer representative, or managing general agent has pleaded~~
682 ~~guilty or nolo contendere to or has been found guilty of a~~
683 ~~felony shall notify the department or office of such fact.~~

684 (5)(6) Upon the filing of an information or indictment
685 against an agent, adjuster, service representative, or customer
686 representative, ~~or managing general agent,~~ the state attorney

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687 shall immediately furnish the department or office a certified
688 copy of the information or indictment.

689 Section 24. Section 626.521, Florida Statutes, is amended
690 to read:

691 626.521 ~~Character,~~ Credit and character reports.—

692 (1) Before appointing ~~As to each applicant who~~ for the
693 first time in this state an ~~is applying and qualifying for a~~
694 ~~license as agent, adjuster, service representative, customer~~
695 ~~representative, or managing general agent, the appointing~~
696 ~~insurer or employer shall its manager or general agent in this~~
697 ~~state, in the case of agents, or the appointing general lines~~
698 ~~agent, in the case of customer representatives, or the employer,~~
699 ~~in the case of service representatives and of adjusters who are~~
700 ~~not to be self-employed, shall coincidentally with such~~
701 ~~appointment or employment~~ secure and thereafter keep on file a
702 full detailed credit and character report ~~made by an established~~
703 ~~and reputable independent reporting service,~~ relative to the
704 individual so appointed ~~or employed~~. This subsection does not
705 apply to licensees who self-appoint pursuant to s. 624.501.

706 (2) If requested by the department, the insurer, ~~manager,~~
707 ~~general agent, general lines agent,~~ or employer, as the case may
708 be, must ~~shall~~ furnish to the department, ~~on a form adopted and~~
709 ~~furnished by the department,~~ such information as it reasonably
710 requires relative to such individual and investigation.

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711 ~~(3) As to an applicant for an adjuster's or reinsurance~~
712 ~~intermediary's license who is to be self-employed, the~~
713 ~~department may secure, at the cost of the applicant, a full~~
714 ~~detailed credit and character report made by an established and~~
715 ~~reputable independent reporting service relative to the~~
716 ~~applicant.~~

717 ~~(4) Each person who for the first time in this state is~~
718 ~~applying and qualifying for a license as a reinsurance~~
719 ~~intermediary shall file with her or his application for license~~
720 ~~a full, detailed credit and character report for the 5-year~~
721 ~~period immediately prior to the date of application for license,~~
722 ~~made by an established and reputable independent reporting~~
723 ~~service, relative to the individual if a partnership or sole~~
724 ~~proprietorship, or the officers if a corporation or other legal~~
725 ~~entity.~~

726 ~~(3)-(5)~~ Information contained in credit or character
727 reports furnished to or secured by the department under this
728 section is confidential and exempt from the provisions of s.
729 119.07(1).

730 Section 25. Paragraph (f) of subsection (1) of section
731 626.731, Florida Statutes, is amended to read:

732 626.731 Qualifications for general lines agent's license.—

733 (1) The department shall not grant or issue a license as
734 general lines agent to any individual found by it to be

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735 untrustworthy or incompetent or who does not meet each of the
736 following qualifications:

737 ~~(f) The applicant is not a service representative, a~~
738 ~~managing general agent in this state, or a special agent or~~
739 ~~similar service representative of a health insurer which also~~
740 ~~transacts property, casualty, or surety insurance; except that~~
741 ~~the president, vice president, secretary, or treasurer,~~
742 ~~including a member of the board of directors, of a corporate~~
743 ~~insurer, if otherwise qualified under and meeting the~~
744 ~~requirements of this part, may be licensed and appointed as a~~
745 ~~local resident agent.~~

746 Section 26. Subsection (6) of section 626.7351, Florida
747 Statutes, is amended to read:

748 626.7351 Qualifications for customer representative's
749 license.—The department shall not grant or issue a license as
750 customer representative to any individual found by it to be
751 untrustworthy or incompetent, or who does not meet each of the
752 following qualifications:

753 (6) Upon the issuance of the license applied for, the
754 applicant is not an agent or a service representative, ~~or a~~
755 ~~managing general agent.~~

756 Section 27. Section 626.744, Florida Statutes, is amended
757 to read:

758 626.744 Service representatives, ~~managing general agents;~~
759 application for license.—The application for a license as

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760 service representative must ~~or the application for a license as~~
761 ~~managing general agent shall~~ show the applicant's name,
762 residence address, name of employer, position or title, type of
763 work to be performed by the applicant in this state, and any
764 additional information which the department may reasonably
765 require.

766 Section 28. Section 626.745, Florida Statutes, is amended
767 to read:

768 626.745 Service representatives, managing general agents;
769 managers; activities.—Individuals employed by insurers or their
770 managers, general agents, or representatives as service
771 representatives, and as managing general agents employed for the
772 purpose of or engaged in assisting agents in negotiating and
773 effecting contracts of insurance, shall engage in such
774 activities ~~when, and only when~~ licensed as or, accompanied by a
775 general lines ~~an~~ agent duly licensed and appointed ~~as a resident~~
776 ~~licensee and appointee~~ under this code.

777 Section 29. Subsection (11) of section 626.7451, Florida
778 Statutes, is amended to read:

779 626.7451 Managing general agents; required contract
780 provisions.—No person acting in the capacity of a managing
781 general agent shall place business with an insurer unless there
782 is in force a written contract between the parties which sets
783 forth the responsibility for a particular function, specifies

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784 the division of responsibilities, and contains the following
785 minimum provisions:

786 (11) An appointed ~~A licensed~~ managing general agent, when
787 placing business with an insurer under this code, may charge a
788 per-policy fee not to exceed \$25. ~~In no instance shall~~ The
789 aggregate of per-policy fees for a placement of business
790 authorized under this section, when combined with any other per-
791 policy fee charged by the insurer, may not result in per-policy
792 fees that ~~which~~ exceed the aggregate amount of \$25. The per-
793 policy fee must ~~shall~~ be a component of the insurer's rate
794 filing and must ~~shall~~ be fully earned.

795

796 For the purposes of this section and ss. 626.7453 and 626.7454,
797 the term "controlling person" or "controlling" has the meaning
798 set forth in s. 625.012(5)(b)1., and the term "controlled
799 person" or "controlled" has the meaning set forth in s.
800 625.012(5)(b)2.

801 Section 30. Subsection (1) of section 626.7455, Florida
802 Statutes, is amended to read:

803 626.7455 Managing general agent; responsibility of
804 insurer.—

805 (1) An insurer may not ~~No insurer shall~~ enter into an
806 agreement with any person to manage the business written in this
807 state by the general lines agents appointed by the insurer or
808 appointed by the managing general agent on behalf of the insurer

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809 unless the person is properly licensed as an agent and appointed
810 as a managing general agent in this state. An insurer is ~~shall~~
811 ~~be~~ responsible for the acts of its managing general agent when
812 the agent acts within the scope of his or her authority.

813 Section 31. Paragraph (e) of subsection (3) and subsection
814 (5) of section 626.752, Florida Statutes, are amended to read:

815 626.752 Exchange of business.—

816 (3)

817 (e) The brokering agent shall maintain an appropriate and
818 permanent Brokering Agent's Register, which must ~~shall~~ be a
819 permanent record of ~~bound journal in which~~ chronologically
820 numbered transactions that are entered no later than the day in
821 which the brokering agent's application bearing the same number
822 is signed by the applicant. The numbers must ~~shall~~ reflect an
823 annual aggregate through numerical sequence and be preceded by
824 the last two digits of the current year. The initial entry must
825 ~~shall~~ contain the number of the transaction, date, time, date of
826 binder, date on which coverage commences, name and address of
827 applicant, type of coverage desired, name of insurer binding the
828 risk or to whom the application is to be submitted, and the
829 amount of any premium collected therefor. By no later than the
830 date following policy delivery, the policy number and coverage
831 expiration date must ~~shall~~ be added to the register.

832 (5) Within 15 days after the last day of each month, any
833 insurer accepting business under this section shall report to

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834 the department the name, address, telephone number, and social
835 security number of each agent from which the insurer received
836 more than four ~~24~~ personal lines risks during the calendar year,
837 except for risks being removed from the Citizens Property
838 Insurance Corporation and placed with that insurer by a
839 brokering agent. Once the insurer has reported pursuant to this
840 subsection an agent's name to the department, additional reports
841 on the same agent shall not be required. However, the fee set
842 forth in s. 624.501 must ~~shall~~ be paid for the agent by the
843 insurer for each year until the insurer notifies the department
844 that the insurer is no longer accepting business from the agent
845 pursuant to this section. The insurer may require that the agent
846 reimburse the insurer for the fee.

847 Section 32. Subsection (4) of section 626.793, Florida
848 Statutes, is amended to read:

849 626.793 Excess or rejected business.—

850 (4) Within 15 days after the last day of each month, any
851 insurer accepting business under this section shall report to
852 the department the name, address, telephone number, and social
853 security number of each agent from which the insurer received
854 more than four ~~24~~ risks during the calendar year. Once the
855 insurer has reported an agent's name to the department pursuant
856 to this subsection, additional reports on the same agent shall
857 not be required. However, the fee set forth in s. 624.501 must
858 ~~shall~~ be paid for the agent by the insurer for each year until

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859 the insurer notifies the department that the insurer is no
860 longer accepting business from the agent pursuant to this
861 section. The insurer may require that the agent reimburse the
862 insurer for the fee.

863 Section 33. Subsection (5) of section 626.837, Florida
864 Statutes, is amended to read:

865 626.837 Excess or rejected business.—

866 (5) Within 15 days after the last day of each month, any
867 insurer accepting business under this section shall report to
868 the department the name, address, telephone number, and social
869 security number of each agent from which the insurer received
870 more than four ~~24~~ risks during the calendar year. Once the
871 insurer has reported pursuant to this subsection an agent's name
872 to the department, additional reports on the same agent shall
873 not be required. However, the fee set forth in s. 624.501 must
874 ~~shall~~ be paid for the agent by the insurer for each year until
875 the insurer notifies the department that the insurer is no
876 longer accepting business from the agent pursuant to this
877 section. The insurer may require that the agent reimburse the
878 insurer for the fee.

879 Section 34. Subsection (5) of section 626.8732, Florida
880 Statutes, is amended to read:

881 626.8732 Nonresident public adjuster's qualifications,
882 bond.—

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883 ~~(5) After licensure as a nonresident public adjuster, as a~~
884 ~~condition of doing business in this state, the licensee must~~
885 ~~annually on or before January 1, on a form prescribed by the~~
886 ~~department, submit an affidavit certifying that the licensee is~~
887 ~~familiar with and understands the insurance code and rules~~
888 ~~adopted thereunder and the provisions of the contracts~~
889 ~~negotiated or to be negotiated. Compliance with this filing~~
890 ~~requirement is a condition precedent to the issuance,~~
891 ~~continuation, reinstatement, or renewal of a nonresident public~~
892 ~~adjuster's appointment.~~

893 Section 35. Subsection (4) of section 626.8734, Florida
894 Statutes, is amended to read:

895 626.8734 Nonresident all-lines adjuster license
896 qualifications.-

897 ~~(4) As a condition of doing business in this state as a~~
898 ~~nonresident independent adjuster, the appointee must submit an~~
899 ~~affidavit to the department certifying that the licensee is~~
900 ~~familiar with and understands the insurance laws and~~
901 ~~administrative rules of this state and the provisions of the~~
902 ~~contracts negotiated or to be negotiated. Compliance with this~~
903 ~~filing requirement is a condition precedent to the issuance,~~
904 ~~continuation, reinstatement, or renewal of a nonresident~~
905 ~~independent adjuster's appointment.~~

906 Section 36. Paragraph (h) of subsection (1) of section
907 626.88, Florida Statutes, is amended to read:

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908 626.88 Definitions.—For the purposes of this part, the
909 term:

910 (1) "Administrator" is any person who directly or
911 indirectly solicits or effects coverage of, collects charges or
912 premiums from, or adjusts or settles claims on residents of this
913 state in connection with authorized commercial self-insurance
914 funds or with insured or self-insured programs which provide
915 life or health insurance coverage or coverage of any other
916 expenses described in s. 624.33(1) or any person who, through a
917 health care risk contract as defined in s. 641.234 with an
918 insurer or health maintenance organization, provides billing and
919 collection services to health insurers and health maintenance
920 organizations on behalf of health care providers, other than any
921 of the following persons:

922 (h) A person appointed ~~licensed~~ as a managing general
923 agent in this state, whose activities are limited exclusively to
924 the scope of activities conveyed under such appointment ~~license~~.

925
926 A person who provides billing and collection services to health
927 insurers and health maintenance organizations on behalf of
928 health care providers shall comply with the provisions of ss.
929 627.6131, 641.3155, and 641.51(4).

930 Section 37. Subsection (2) of section 626.927, Florida
931 Statutes, is amended to read:

932 626.927 Licensing of surplus lines agent.—

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933 (2) Any individual, while licensed as and ~~appointed as a~~
934 ~~managing general agent as defined in s. 626.015, or service~~
935 ~~representative as defined in s. 626.015, and who otherwise~~
936 ~~possesses all of the other qualifications of a general lines~~
937 ~~agent under this code, and who has a minimum of 1 year of year's~~
938 ~~experience working for a licensed surplus lines agent or who has~~
939 ~~successfully completed 60 class hours in surplus and excess~~
940 ~~lines in a course approved by the department, may, upon taking~~
941 ~~and successfully passing a written examination as to surplus~~
942 ~~lines, as given by the department, be licensed as a surplus~~
943 ~~lines agent solely for the purpose of placing with surplus lines~~
944 ~~insurers property, marine, casualty, or surety coverages~~
945 ~~originated by general lines agents; except that no examination~~
946 ~~as for a general lines agent's license shall be required of any~~
947 ~~managing general agent or service representative who held a~~
948 ~~Florida surplus lines agent's license as of January 1, 1959.~~

949 Section 38. Subsection (3) of section 626.930, Florida
950 Statutes, is amended to read:

951 626.930 Records of surplus lines agent.—

952 (3) Each surplus lines agent shall maintain all surplus
953 lines business records in his or her general lines agency
954 office, ~~if licensed as a general lines agent, or in his or her~~
955 ~~managing general agency office, if licensed as a managing~~
956 ~~general agent or the full-time salaried employee of such general~~
957 ~~agent.~~

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958 Section 39. Subsection (2) of section 626.9892, Florida
959 Statutes, is amended to read:

960 626.9892 Anti-Fraud Reward Program; reporting of insurance
961 fraud.—

962 (2) The department may pay rewards of up to \$25,000 to
963 persons providing information leading to the arrest and
964 conviction of persons committing crimes investigated by the
965 department arising from violations of s. 440.105, s. 624.15, s.
966 626.9541, s. 626.989, s. 790.164, s. 790.165, s. 790.166, s.
967 806.01, s. 806.031, s. 806.10, s. 806.111, s. 817.233, or s.
968 817.234.

969 Section 40. Subsection (3) of section 633.302, Florida
970 Statutes, is amended to read:

971 633.302 Florida Fire Safety Board; membership; duties;
972 meetings; officers; quorum; compensation; seal.—

973 (3) The State Fire Marshal's term on the board, or that of
974 her or his designee, shall coincide with the State Fire
975 Marshal's term of office. ~~Of the other six members of the board,~~
976 ~~one member shall be appointed for a term of 1 year, one member~~
977 ~~for a term of 2 years, two members for terms of 3 years, and two~~
978 ~~members for terms of 4 years.~~ All terms are for 4 years and
979 expire on June 30 of the last year of the term. When the term of
980 a member expires, the State Fire Marshal shall appoint a member
981 to fill the vacancy for a term of 4 years. The State Fire
982 Marshal may remove any appointed member for cause. A vacancy in

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983 the membership of the board for any cause must ~~shall~~ be filled
984 by appointment by the State Fire Marshal for the balance of the
985 unexpired term.

986 Section 41. Subsection (2), paragraph (a) of subsection
987 (3), and paragraphs (b), (c), and (d) of subsection (4) of
988 section 633.304, Florida Statutes, are amended to read:

989 633.304 Fire suppression equipment; license to install or
990 maintain.—

991 (2) A person who holds a valid fire equipment dealer
992 license may maintain such license in an inactive status during
993 which time he or she may not engage in any work under the
994 definition of the license held. An inactive status license is
995 ~~shall be void after 4 years~~ after the approval date of the
996 inactive status application. To maintain inactive status, the
997 inactive licensee must submit proof of continuing education and
998 the inactive status fee before December 31 of each odd-numbered
999 year or when the license is renewed, whichever comes first. An
1000 ~~inactive status license may not be reactivated unless the~~
1001 ~~continuing education requirements of this chapter have been~~
1002 ~~fulfilled.~~

1003 (3) Each individual actually performing the work of
1004 servicing, recharging, repairing, hydrotesting, installing,
1005 testing, or inspecting fire extinguishers or preengineered
1006 systems must possess a valid and subsisting permit issued by the
1007 division. Permittees are limited as to specific type of work

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1008 performed to allow work no more extensive than the class of
1009 license held by the licensee under whom the permittee is
1010 working. Permits will be issued by the division as follows:

1011 (a) Portable permit: "Portable permittee" means a person
1012 who is limited to performing work no more extensive than the
1013 employing or contractually related licensee in the servicing,
1014 recharging, repairing, installing, or inspecting all types of
1015 portable fire extinguishers.

1016
1017 Any fire equipment permittee licensed pursuant to this
1018 subsection who does not want to engage in servicing, inspecting,
1019 recharging, repairing, hydrotesting, or installing halon
1020 equipment must file an affidavit on a form provided by the
1021 division so stating. Permits will be issued by the division to
1022 show the work authorized thereunder. It is unlawful, unlicensed
1023 activity for a person or firm to falsely hold himself or herself
1024 out to perform any service, inspection, recharge, repair,
1025 hydrotest, or installation except as specifically described in
1026 the permit.

1027 (4)

1028 (b) After initial licensure, each licensee or permittee
1029 must successfully complete a course or courses of continuing
1030 education for fire equipment technicians of at least 16 hours. A
1031 license or permit may not be renewed unless the licensee or
1032 permittee produces documentation of the completion of at least

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1033 16 hours of continuing education for fire equipment technicians
1034 during the biennial licensure period. A person who is both a
1035 licensee and a permittee shall ~~be required to~~ complete 16 hours
1036 of continuing education during each renewal period. Each
1037 licensee shall ensure that all permittees in his or her
1038 employment or through a contractual agreement meet their
1039 continuing education requirements. The State Fire Marshal shall
1040 adopt rules describing the continuing education requirements and
1041 shall have the authority upon reasonable belief, to audit a fire
1042 equipment dealer to determine compliance with continuing
1043 education requirements.

1044 (c) The forms of such licenses and permits and
1045 applications therefor must ~~shall~~ be prescribed by the State Fire
1046 Marshal; in addition to such other information and data as that
1047 officer determines is appropriate and required for such forms,
1048 there must ~~shall~~ be included in such forms the following
1049 matters. Each such application must be in such form as to
1050 provide that the data and other information set forth therein
1051 shall be sworn to by the applicant or, if a corporation, by an
1052 officer thereof. An application for a permit must include the
1053 name of the licensee employing, or contractually related to,
1054 such permittee, and the permit issued in pursuance of such
1055 application must also set forth the name of such licensee. A
1056 permit is valid solely for use by the holder thereof in his or

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1057 her employment by, or contractual relationship with, the
1058 licensee named in the permit.

1059 (d) A license of any class may not be issued or renewed by
1060 the division and a license of any class does not remain
1061 operative unless:

1062 1. The applicant has submitted to the State Fire Marshal
1063 evidence of registration as a Florida corporation or evidence of
1064 compliance with s. 865.09.

1065 2. The State Fire Marshal or his or her designee has by
1066 inspection determined that the applicant possesses the equipment
1067 required for the class of license sought. The State Fire Marshal
1068 shall give an applicant a reasonable opportunity to correct any
1069 deficiencies discovered by inspection. To obtain such
1070 inspection, an applicant with facilities located outside this
1071 state must:

1072 a. Provide a notarized statement from a professional
1073 engineer licensed by the applicant's state of domicile
1074 certifying that the applicant possesses the equipment required
1075 for the class of license sought and that all such equipment is
1076 operable; or

1077 b. Allow the State Fire Marshal or her or his designee to
1078 inspect the facility. All costs associated with the State Fire
1079 Marshal's inspection must ~~shall~~ be paid by the applicant. The
1080 State Fire Marshal, in accordance with s. 120.54, may adopt
1081 rules to establish standards for the calculation and

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1082 establishment of the amount of costs associated with any
1083 inspection conducted by the State Fire Marshal under this
1084 section. Such rules must ~~shall~~ include procedures for invoicing
1085 and receiving funds in advance of the inspection.

1086 3. The applicant has submitted to the State Fire Marshal
1087 proof of insurance providing coverage for comprehensive general
1088 liability for bodily injury and property damage, products
1089 liability, completed operations, and contractual liability. The
1090 State Fire Marshal shall adopt rules providing for the amounts
1091 of such coverage, but such amounts may not be less than \$300,000
1092 for Class A or Class D licenses, \$200,000 for Class B licenses,
1093 and \$100,000 for Class C licenses; and the total coverage for
1094 any class of license held in conjunction with a Class D license
1095 may not be less than \$300,000. The State Fire Marshal may, at
1096 any time after the issuance of a license or its renewal, require
1097 upon demand, and in no event more than 30 days after notice of
1098 such demand, the licensee to provide proof of insurance, on the
1099 insurer's a form ~~provided by the State Fire Marshal~~, containing
1100 confirmation of insurance coverage as required by this chapter.
1101 Failure, for any length of time, to provide proof of insurance
1102 coverage as required must ~~shall~~ result in the immediate
1103 suspension of the license until proof of proper insurance is
1104 provided to the State Fire Marshal. An insurer that ~~which~~
1105 provides such coverage shall notify the State Fire Marshal of

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1106 any change in coverage or of any termination, cancellation, or
1107 nonrenewal of any coverage.

1108 4. The applicant applies to the State Fire Marshal,
1109 provides proof of experience, and successfully completes a
1110 prescribed training course offered by the State Fire College or
1111 an equivalent course approved by the State Fire Marshal. This
1112 subparagraph does not apply to any holder of or applicant for a
1113 permit under paragraph (g) or to a business organization or a
1114 governmental entity seeking initial licensure or renewal of an
1115 existing license solely for the purpose of inspecting,
1116 servicing, repairing, marking, recharging, and maintaining fire
1117 extinguishers used and located on the premises of and owned by
1118 such organization or entity.

1119 5. The applicant has a current retestor identification
1120 number that is appropriate for the license for which the
1121 applicant is applying and that is listed with the United States
1122 Department of Transportation.

1123 6. The applicant has passed, with a grade of at least 70
1124 percent, a written examination testing his or her knowledge of
1125 the rules and statutes governing the activities authorized by
1126 the license and demonstrating his or her knowledge and ability
1127 to perform those tasks in a competent, lawful, and safe manner.
1128 Such examination must ~~shall~~ be developed and administered by the
1129 State Fire Marshal, or his or her designee in accordance with
1130 policies and procedures of the State Fire Marshal. An applicant

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1131 shall pay a nonrefundable examination fee of \$50 for each
1132 examination or reexamination scheduled. A reexamination may not
1133 be scheduled sooner than 30 days after any administration of an
1134 examination to an applicant. An applicant may not be permitted
1135 to take an examination for any level of license more than a
1136 total of four times during 1 year, regardless of the number of
1137 applications submitted. As a prerequisite to licensure of the
1138 applicant, he or she:

1139 a. Must be at least 18 years of age.

1140 b. Must have 4 years of proven experience as a fire
1141 equipment permittee at a level equal to or greater than the
1142 level of license applied for or have a combination of education
1143 and experience determined to be equivalent thereto by the State
1144 Fire Marshal. Having held a permit at the appropriate level for
1145 the required period constitutes the required experience.

1146 c. Must not have been convicted of a felony or a crime
1147 punishable by imprisonment of 1 year or more under the law of
1148 the United States or of any state thereof or under the law of
1149 any other country. "Convicted" means a finding of guilt or the
1150 acceptance of a plea of guilty or nolo contendere in any federal
1151 or state court or a court in any other country, without regard
1152 to whether a judgment of conviction has been entered by the
1153 court having jurisdiction of the case. If an applicant has been
1154 convicted of any such felony, the applicant is ~~shall be~~ excluded
1155 from licensure for a period of 4 years after expiration of

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1156 sentence or final release by the Florida Commission on Offender
1157 Review unless the applicant, before the expiration of the 4-year
1158 period, has received a full pardon or has had her or his civil
1159 rights restored.

1160

1161 This subparagraph does not apply to any holder of or applicant
1162 for a permit under paragraph (g) or to a business organization
1163 or a governmental entity seeking initial licensure or renewal of
1164 an existing license solely for the purpose of inspecting,
1165 servicing, repairing, marking, recharging, hydrotesting, and
1166 maintaining fire extinguishers used and located on the premises
1167 of and owned by such organization or entity.

1168 Section 42. Subsection (7) of section 633.318, Florida
1169 Statutes, is amended to read:

1170 633.318 Certificate application and issuance; permit
1171 issuance; examination and investigation of applicant.—

1172 (7) The State Fire Marshal may, at any time subsequent to
1173 the issuance of the certificate or its renewal, require, upon
1174 demand and in no event more than 30 days after notice of the
1175 demand, the certificateholder to provide proof of insurance
1176 coverage on the insurer's a form ~~provided by the State Fire~~
1177 ~~Marshal~~ containing confirmation of insurance coverage as
1178 required by this chapter. Failure to provide proof of insurance
1179 coverage as required, for any length of time, shall result in

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1180 the immediate suspension of the certificate until proof of
1181 insurance is provided to the State Fire Marshal.

1182 Section 43. Paragraph (b) of subsection (6) of section
1183 633.408, Florida Statutes, is amended to read:

1184 633.408 Firefighter and volunteer firefighter training and
1185 certification.—

1186 (6)

1187 (b) A Special Certificate of Compliance only authorizes an
1188 individual to serve as an administrative and command head of a
1189 fire service provider.

1190 1. An individual desiring to obtain a Special Certificate
1191 of Compliance may not be employed as a fire chief, fire
1192 coordinator, fire director, or fire administrator for a period
1193 of more than 1 year without obtaining certification.

1194 2. An individual desiring to obtain a Special Certificate
1195 of Compliance may not serve as a command officer or function in
1196 a position dictating incident outcomes or objectives before
1197 achieving certification.

1198 3. Retention requirements for a Special Certificate of
1199 Compliance must be similar to those provided in s. 633.414.

1200 Section 44. Subsection (1) of section 633.416, Florida
1201 Statutes, is amended, present subsections (7) and (8) of that
1202 section are renumbered as subsections (8) and (9), respectively,
1203 and a new subsection (7) is added to that section, to read:

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1204 633.416 Firefighter employment and volunteer firefighter
1205 service; saving clause.—

1206 (1) A fire service provider may not employ an individual
1207 to:

1208 (a) Extinguish fires for the protection of life or
1209 property or to supervise individuals who perform such services
1210 unless the individual holds a current and valid Firefighter
1211 Certificate of Compliance; or

1212 (b) Serve as the administrative and command head of a fire
1213 service provider for a period in excess of 1 year unless the
1214 individual holds a current and valid Firefighter Certificate of
1215 Compliance or Special Certificate of Compliance pursuant to s.
1216 633.408.

1217 (7) A fire service provider may employ veterans who were
1218 honorably discharged and who received training equivalent to the
1219 requirements under this chapter. The standard of equivalency of
1220 training must be verified by the division before such an
1221 individual's employment begins. Such individual must obtain a
1222 Firefighter Certificate of Compliance within 24 months after
1223 employment.

1224 Section 45. Paragraph (e) of subsection (1) of section
1225 633.444, Florida Statutes, is amended to read:

1226 633.444 Division powers and duties; Florida State Fire
1227 College.—

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1228 (1) The division, in performing its duties related to the
1229 Florida State Fire College, specified in this part, shall:

1230 ~~(c) Develop a staffing and funding formula for the Florida~~
1231 ~~State Fire College. The formula must include differential~~
1232 ~~funding levels for various types of programs, must be based on~~
1233 ~~the number of full-time equivalent students and information~~
1234 ~~obtained from scheduled attendance counts taken the first day of~~
1235 ~~each program, and must provide the basis for the legislative~~
1236 ~~budget request. As used in this section, a full-time equivalent~~
1237 ~~student is equal to a minimum of 900 hours in a technical~~
1238 ~~certificate program and 400 hours in a degree-seeking program.~~
1239 ~~The funding formula must be as prescribed pursuant to s.~~
1240 ~~1011.62, must include procedures to document daily attendance,~~
1241 ~~and must require that attendance records be retained for audit~~
1242 ~~purposes.~~

1243 Section 46. Subsection (8) of section 648.27, Florida
1244 Statutes, is amended to read:

1245 648.27 Licenses and appointments; general.-

1246 (8) ~~An application for a managing general agent's license~~
1247 ~~must be made by an insurer who proposes to employ or appoint an~~
1248 ~~individual, partnership, association, or corporation as a~~
1249 ~~managing general agent. Such application shall contain the~~
1250 ~~information required by s. 626.744, and the applicant shall pay~~
1251 ~~the same fee as a managing general agent licensed pursuant to~~
1252 ~~that section. An individual who is appointed as a managing~~

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1253 | general agent to supervise or manage bail bond business written
1254 | in this state must also be licensed as a bail bond agent. In the
1255 | case of an entity, at least one owner, officer, or director at
1256 | each office location must be licensed as a bail bond agent.

1257 | Section 47. Present subsection (6) of section 648.34,
1258 | Florida Statutes, is renumbered as subsection (7), and a new
1259 | subsection (6) is added to that section, to read:

1260 | 648.34 Bail bond agents; qualifications.—

1261 | (6) The requirements for completion and submission of
1262 | fingerprints under this chapter are deemed to be met when an
1263 | individual currently licensed under this chapter seeks
1264 | additional licensure and has previously submitted fingerprints
1265 | to the department in support of an application for licensure
1266 | under this chapter within the past 48 months. However, the
1267 | department may require the individual to file fingerprints if it
1268 | has reason to believe that an applicant or licensee has been
1269 | found guilty of, or pleaded guilty or nolo contendere to, a
1270 | felony or a crime related to the business of insurance in this
1271 | or any other state or jurisdiction.

1272 | Section 48. For the purpose of incorporating the amendment
1273 | made by this act to section 626.221, Florida Statutes, in a
1274 | reference thereto, paragraph (b) of subsection (1) of section
1275 | 626.8734, Florida Statutes, is reenacted to read:

1276 | 626.8734 Nonresident all-lines adjuster license
1277 | qualifications.—

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1278 (1) The department shall issue a license to an applicant
1279 for a nonresident all-lines adjuster license upon determining
1280 that the applicant has paid the applicable license fees required
1281 under s. 624.501 and:

1282 (b) Has passed to the satisfaction of the department a
1283 written Florida all-lines adjuster examination of the scope
1284 prescribed in s. 626.241(6); however, the requirement for the
1285 examination does not apply to:

1286 1. An applicant who is licensed as an all-lines adjuster
1287 in his or her home state if that state has entered into a
1288 reciprocal agreement with the department;

1289 2. An applicant who is licensed as a nonresident all-lines
1290 adjuster in a state other than his or her home state and a
1291 reciprocal agreement with the appropriate official of the state
1292 of licensure has been entered into with the department; or

1293 3. An applicant who holds a certification set forth in s.
1294 626.221(2)(j).

1295 Section 49. This act shall take effect July 1, 2018.

1296 -----
1297 **T I T L E A M E N D M E N T**

1298 Remove everything before the enacting clause and insert:

1299 A bill to be entitled
1300 An act relating to the Department of Financial
1301 Services; amending s. 17.64, F.S.; providing that
1302 electronic images of warrants, vouchers, or checks in

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1303 the Division of Treasury are deemed to be original
1304 records; revising the applicable medium, from film or
1305 print to electronic, in provisions relating to copies
1306 and reproductions of records and documents of the
1307 division; amending s. 20.121, F.S.; renaming the
1308 Bureau of Fire and Arson Investigations within the
1309 Division of Investigative and Forensic Services as the
1310 Bureau of Fire, Arson, and Explosives Investigations;
1311 creating the Bureau of Insurance Fraud and the Bureau
1312 of Workers' Compensation Fraud within the division;
1313 amending s. 39.6035, F.S.; requiring certain child
1314 transition plans to address financial literacy;
1315 specifying requirements for the Department of Children
1316 and Families and community-based providers relating to
1317 a certain financial literacy curriculum offered by the
1318 department; amending s. 39.6251, F.S.; revising
1319 conditions under which certain children are eligible
1320 to remain in licensed care; amending s. 284.40, F.S.;
1321 authorizing the department to disclose certain
1322 personal identifying information of injured or
1323 deceased employees which is exempt from disclosure
1324 under the Workers' Compensation Law to department-
1325 contracted vendors for certain purposes; amending s.
1326 284.50, F.S.; requiring safety coordinators of state
1327 governmental departments to complete, within a certain

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1328 | timeframe, safety coordinator training offered by the
1329 | department; requiring certain agencies to report
1330 | certain return-to-work information to the department;
1331 | requiring agencies to provide certain risk management
1332 | program information to the Division of Risk Management
1333 | for certain purposes; specifying requirements for
1334 | agencies in reviewing and responding to certain
1335 | information and communications provided by the
1336 | division; amending s. 409.1451, F.S.; revising
1337 | conditions under which a young adult is eligible for
1338 | postsecondary education services and support under the
1339 | Road-to-Independence Program; conforming a provision
1340 | to changes made by the act; amending s. 414.411, F.S.;
1341 | replacing the Department of Economic Opportunity with
1342 | the Department of Education in a list of entities to
1343 | which a public assistance recipient may be required to
1344 | provide written consent for certain investigative
1345 | inquiries and to which the department must report
1346 | investigation results; amending s. 497.168, F.S.;
1347 | providing an exemption from specified application fees
1348 | for members and certain veterans of the United States
1349 | Armed Forces; amending s. 497.456, F.S.; authorizing
1350 | the department, on or before a specified date, to
1351 | transfer up to a specified amount from the Preneed
1352 | Funeral Contract Consumer Protection Trust Fund to the

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1353 Regulatory Trust Fund for a certain purpose;
1354 authorizing the department to annually transfer earned
1355 or accrued interest from the Preneed Funeral Contract
1356 Consumer Protection Trust Fund to the Regulatory Trust
1357 Fund for a certain purpose; providing for expiration;
1358 amending s. 624.317, F.S.; authorizing the department
1359 to conduct investigations of any, rather than
1360 specified, agents subject to its jurisdiction;
1361 amending s. 624.34, F.S.; conforming a provision to
1362 changes made by the act; amending s. 624.4073, F.S.;
1363 prohibiting certain officers or directors of insolvent
1364 insurers from having direct or indirect control over
1365 certain selection or appointment of officers or
1366 directors, except under certain circumstances;
1367 amending ss. 624.4094, 624.501, 624.509, and 625.071,
1368 F.S.; conforming provisions to changes made by the
1369 act; amending s. 626.112, F.S.; requiring a managing
1370 general agent to hold a currently effective producer
1371 license rather than a managing general agent license;
1372 amending s. 626.171, F.S.; deleting applicability of
1373 licensing provisions as to managing general agents;
1374 making a technical change; amending s. 626.202, F.S.;
1375 providing that certain applicants are not required to
1376 resubmit fingerprints to the department under certain
1377 circumstances; authorizing the department to require

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1378 | these applicants to file fingerprints under certain
1379 | circumstances; providing an exemption from
1380 | fingerprinting requirements for members and certain
1381 | veterans of the United States Armed Forces; requiring
1382 | such members and veterans to provide certain
1383 | documentation of good standing or honorable discharge;
1384 | amending s. 626.207, F.S.; conforming a provision to
1385 | changes made by the act; amending s. 626.221, F.S.;;
1386 | adding a designation that exempts applicants for
1387 | licensure as an all-lines adjuster from an examination
1388 | requirement; amending s. 626.451, F.S.; deleting a
1389 | requirement for law enforcement agencies and state
1390 | attorney's offices to notify the department or the
1391 | Office of Insurance Regulation of certain felony
1392 | dispositions; deleting a requirement for the state
1393 | attorney to provide the department or office a
1394 | certified copy of an information or indictment against
1395 | a managing general agent; conforming a provision to
1396 | changes made by the act; amending s. 626.521, F.S.;;
1397 | revising requirements for credit and character reports
1398 | secured and kept by insurers or employers appointing
1399 | certain insurance representatives; providing
1400 | applicability; amending s. 626.731, F.S.; deleting a
1401 | certain qualification for licensure as a general lines
1402 | agent; amending s. 626.7351, F.S.; revising a

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1403 qualification for licensure as a customer
1404 representative; amending s. 626.744, F.S.; conforming
1405 a provision to changes made by the act; amending s.
1406 626.745, F.S.; revising conditions under which service
1407 representatives and managing general agents may engage
1408 in certain activities; amending ss. 626.7451 and
1409 626.7455, F.S.; conforming provisions to changes made
1410 by the act; amending s. 626.752, F.S.; revising a
1411 requirement for the Brokering Agent's Register
1412 maintained by brokering agents; revising the limit on
1413 certain personal lines risks an insurer may receive
1414 from an agent within a specified timeframe before the
1415 insurer must comply with certain reporting
1416 requirements for that agent; amending s. 626.793,
1417 F.S.; revising the limit on certain risks that certain
1418 insurers may receive from a life agent within a
1419 specified timeframe before the insurer must comply
1420 with certain reporting requirements for that agent;
1421 amending s. 626.837, F.S.; revising the limit on
1422 certain risks that certain insurers may receive from a
1423 health agent within a specified timeframe before the
1424 insurer must comply with certain reporting
1425 requirements for that agent; amending s. 626.8732,
1426 F.S.; deleting a requirement for a licensed
1427 nonresident public adjuster to submit a certain annual

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1428 affidavit to the department; amending s. 626.8734,
1429 F.S.; deleting a requirement for a nonresident
1430 independent adjuster to submit a certain annual
1431 affidavit to the department; amending s. 626.88, F.S.;
1432 conforming a provision to changes made by the act;
1433 amending s. 626.927, F.S.; revising conditions under
1434 which an individual may be licensed as a surplus lines
1435 agent solely for the purpose of placing certain
1436 coverages with surplus lines insurers; amending s.
1437 626.930, F.S.; revising a requirement relating to the
1438 location of a surplus lines agent's surplus lines
1439 business records; amending s. 626.9892, F.S.;
1440 authorizing the department to pay a specified amount
1441 of rewards under the Anti-Fraud Reward Program for
1442 information leading to the arrest and conviction of
1443 persons guilty of arson; amending s. 633.302, F.S.;
1444 revising the duration of the terms of members of the
1445 Florida Fire Safety Board; amending s. 633.304, F.S.;
1446 revising circumstances under which an inactive fire
1447 equipment dealer license is void; specifying the
1448 timeframe when an inactive license must be
1449 reactivated; specifying that permittees performing
1450 certain work on fire equipment may be contracted
1451 rather than employed; revising a requirement for a
1452 certain proof-of-insurance form to be provided by the

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1453 insurer rather than the State Fire Marshal; amending
1454 s. 633.318, F.S.; revising a requirement for a certain
1455 proof-of-insurance form to be provided by the insurer
1456 rather than the State Fire Marshal; amending s.
1457 633.408, F.S.; specifying prerequisites and retention
1458 requirements for a Special Certificate of Compliance
1459 that authorizes an individual to serve as an
1460 administrative and command head of a fire service
1461 provider; amending s. 633.416, F.S.; authorizing fire
1462 service providers to employ honorably discharged
1463 veterans who received specified training; requiring
1464 the Division of State Fire Marshal to verify the
1465 equivalency of such training before the individual
1466 begins employment; requiring such individual to obtain
1467 a Firefighter Certificate of Compliance within a
1468 specified timeframe; making a technical change;
1469 amending s. 633.444, F.S.; deleting a requirement for
1470 the Division of State Fire Marshal to develop a
1471 staffing and funding formula for the Florida State
1472 Fire College; amending s. 648.27, F.S.; revising
1473 conditions under which a managing general agent must
1474 also be licensed as a bail bond agent; conforming a
1475 provision to changes made by the act; amending s.
1476 648.34, F.S.; providing that certain individuals
1477 applying for bail bond agent licensure are not

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1478 required to resubmit fingerprints to the department
1479 under certain circumstances; authorizing the
1480 department to require such individuals to file
1481 fingerprints under certain circumstances; reenacting
1482 s. 626.8734(1)(b), F.S., relating to nonresident all-
1483 lines adjuster license qualifications, to incorporate
1484 the amendment made to s. 626.221, F.S., in a reference
1485 thereto; providing an effective date.