



791632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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	.	
	.	

The Committee on Judiciary (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as "Omnibus Prime."

Section 2. Effective upon this act becoming a law,
paragraph (b) of subsection (4) of section 215.555, Florida
Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(4) REIMBURSEMENT CONTRACTS.—

(b)1. The contract shall contain a promise by the board to



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12 reimburse the insurer for 45 percent, 75 percent, or 90 percent
13 of its losses from each covered event in excess of the insurer's
14 retention, plus 5 percent of the reimbursed losses to cover loss
15 adjustment expenses. For contracts and rates effective on or
16 after June 1, 2019, the loss adjustment expense reimbursement
17 must be 10 percent of the reimbursed losses.

18 2. The insurer must elect one of the percentage coverage
19 levels specified in this paragraph and may, upon renewal of a
20 reimbursement contract, elect a lower percentage coverage level
21 if no revenue bonds issued under subsection (6) after a covered
22 event are outstanding, or elect a higher percentage coverage
23 level, regardless of whether or not revenue bonds are
24 outstanding. All members of an insurer group must elect the same
25 percentage coverage level. Any joint underwriting association,
26 risk apportionment plan, or other entity created under s.
27 627.351 must elect the 90-percent coverage level.

28 3. The contract shall provide that reimbursement amounts
29 shall not be reduced by reinsurance paid or payable to the
30 insurer from other sources.

31 Section 3. Paragraph (b) of subsection (3) of section
32 319.30, Florida Statutes, is amended, and paragraph (d) is added
33 to that section, to read:

34 319.30 Definitions; dismantling, destruction, change of
35 identity of motor vehicle or mobile home; salvage.—

36 (3)

37 (b) The owner, including persons who are self-insured, of a
38 motor vehicle or mobile home that is considered to be salvage
39 shall, within 72 hours after the motor vehicle or mobile home
40 becomes salvage, forward the title to the motor vehicle or



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41 mobile home to the department for processing. However, an
42 insurance company that pays money as compensation for the total
43 loss of a motor vehicle or mobile home shall obtain the
44 certificate of title for the motor vehicle or mobile home, make
45 the required notification to the National Motor Vehicle Title
46 Information System, and, within 72 hours after receiving such
47 certificate of title, forward such title by electronic means,
48 the United States Postal Service, or another commercially
49 available delivery service to the department for processing. The
50 owner or insurance company, as applicable, may not dispose of a
51 vehicle or mobile home that is a total loss before it obtains a
52 salvage certificate of title or certificate of destruction from
53 the department. Effective upon the completion of the Motorist
54 Modernization project by the department, but not later than July
55 1, 2023:

56 1. Thirty days after payment of a claim for compensation
57 pursuant to this paragraph, the insurance company may receive a
58 salvage certificate of title or certificate of destruction from
59 the department if the insurance company is unable to obtain a
60 properly assigned certificate of title from the owner or
61 lienholder of the motor vehicle or mobile home, if the motor
62 vehicle or mobile home does not carry an electronic lien on the
63 title and the insurance company:

64 a. Has obtained the release of all liens on the motor
65 vehicle or mobile home;

66 b. Has provided proof of payment of the total loss claim;
67 and

68 c. Has provided an affidavit on letterhead signed by the
69 insurance company or its authorized agent stating the attempts



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70 that have been made to obtain the title from the owner or
71 lienholder and further stating that all attempts are to no
72 avail. The affidavit must include a request that the salvage
73 certificate of title or certificate of destruction be issued in
74 the insurance company's name due to payment of a total loss
75 claim to the owner or lienholder. The attempts to contact the
76 owner may be by written request delivered in person or by first-
77 class mail with a certificate of mailing to the owner's or
78 lienholder's last known address.

79 2. If the owner or lienholder is notified of the request
80 for title in person, the insurance company must provide an
81 affidavit attesting to the in-person request for a certificate
82 of title.

83 3. The request to the owner or lienholder for the
84 certificate of title must include a complete description of the
85 motor vehicle or mobile home and the statement that a total loss
86 claim has been paid on the motor vehicle or mobile home.

87 (d) An electronic signature that is in accordance with
88 chapter 668 satisfies any signature requirement under this
89 subsection.

90 Section 4. Subsection (2) of section 440.381, Florida
91 Statutes, is amended to read:

92 440.381 Application for coverage; reporting payroll;
93 payroll audit procedures; penalties.-

94 (2) Submission of an application that contains false,
95 misleading, or incomplete information provided with the purpose
96 of avoiding or reducing the amount of premiums for workers'
97 compensation coverage is a felony of the third ~~second~~ degree,
98 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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99 The application must contain a statement that the filing of an
100 application containing false, misleading, or incomplete
101 information provided with the purpose of avoiding or reducing
102 the amount of premiums for workers' compensation coverage is a
103 felony of the third degree, punishable as provided in s.
104 775.082, s. 775.083, or s. 775.084. The application must contain
105 a sworn statement by the employer attesting to the accuracy of
106 the information submitted and acknowledging the provisions of
107 former s. 440.37(4). The application must contain a sworn
108 statement by the agent attesting that the agent explained to the
109 employer or officer the classification codes that are used for
110 premium calculations. The sworn statements by the employer and
111 the agent are not required to be notarized.

112 Section 5. Section 624.1055, Florida Statutes, is created
113 to read:

114 624.1055 Right of contribution among insurers for defense
115 costs.—A liability insurer that owes a duty to defend an insured
116 and that defends the insured against a claim, suit, or other
117 action has a right of contribution for defense costs against any
118 other liability insurer that owes a duty to defend the insured
119 against the same claim, suit, or other action, provided that
120 contribution may not be sought from any insurer for defense
121 costs incurred before the insurer's receipt of notice of the
122 claim, suit, or other action.

123 (1) APPORTIONMENT OF COSTS.—The court shall allocate
124 defense costs among insurers that owe a duty to defend the
125 insured against the same claim, suit, or other action in
126 accordance with the terms of the insurance policies. The court
127 may use such equitable factors as the court determines are



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128 appropriate in making such allocation.

129 (2) ENFORCEMENT OF RIGHT OF CONTRIBUTION.—A liability
130 insurer that is entitled to contribution from another insurer
131 under this section may file an action for contribution in a
132 court of competent jurisdiction.

133 (3) CONSTRUCTION.—

134 (a) This section is not intended to alter any term of a
135 liability insurance policy or to create any additional duty on
136 the part of an insurer to an insured.

137 (b) An insured may not rely on this section as grounds for
138 a complaint against an insurer.

139 (4) APPLICABILITY.—

140 (a) This section applies to liability insurance policies
141 issued for delivery in this state or to liability insurance
142 policies under which an insurer has a duty to defend an insured
143 against claims asserted or suits or actions filed in this state.
144 Such liability insurance policies include surplus lines
145 insurance policies authorized under the Surplus Lines Law, ss.
146 626.913-626.937. This section does not apply to motor vehicle
147 liability insurance or medical professional liability insurance.

148 (b) This section applies to any claim, suit, or other
149 action initiated on or after January 1, 2020.

150 Section 6. Subsection (3) of section 624.155, Florida
151 Statutes, is amended to read:

152 624.155 Civil remedy.—

153 (3) (a) As a condition precedent to bringing an action under
154 this section, the department and the authorized insurer must
155 have been given 60 days' written notice of the violation. ~~If the~~
156 ~~department returns a notice for lack of specificity, the 60-day~~



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157 ~~time period shall not begin until a proper notice is filed.~~

158 (b) The notice shall be on a form provided by the
159 department and shall state with specificity the following
160 information, and such other information as the department may
161 require:

162 1. The statutory provision, including the specific language
163 of the statute, which the authorized insurer allegedly violated.

164 2. The facts and circumstances giving rise to the
165 violation.

166 3. The name of any individual involved in the violation.

167 4. Reference to specific policy language that is relevant
168 to the violation, if any. If the person bringing the civil
169 action is a third party claimant, she or he shall not be
170 required to reference the specific policy language if the
171 authorized insurer has not provided a copy of the policy to the
172 third party claimant pursuant to written request.

173 5. A statement that the notice is given in order to perfect
174 the right to pursue the civil remedy authorized by this section.

175 ~~(c) Within 20 days of receipt of the notice, the department~~
176 ~~may return any notice that does not provide the specific~~
177 ~~information required by this section, and the department shall~~
178 ~~indicate the specific deficiencies contained in the notice. A~~
179 ~~determination by the department to return a notice for lack of~~
180 ~~specificity shall be exempt from the requirements of chapter~~
181 ~~120.~~

182 (c)~~(d)~~ No action shall lie if, within 60 days after filing
183 notice, the damages are paid or the circumstances giving rise to
184 the violation are corrected.

185 (d)~~(e)~~ The authorized insurer that is the recipient of a



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186 notice filed pursuant to this section shall report to the
187 department on the disposition of the alleged violation.

188 (e) ~~(f)~~ The applicable statute of limitations for an action
189 under this section shall be tolled for a period of 65 days by
190 the mailing of the notice required by this subsection or the
191 mailing of a subsequent notice required by this subsection.

192 (f) A notice required under this subsection may not be
193 filed within 60 days after appraisal is invoked by any party in
194 a residential property insurance claim.

195 Section 7. Subsection (2) of section 624.404, Florida
196 Statutes, is amended to read:

197 624.404 General eligibility of insurers for certificate of
198 authority.—To qualify for and hold authority to transact
199 insurance in this state, an insurer must be otherwise in
200 compliance with this code and with its charter powers and must
201 be an incorporated stock insurer, an incorporated mutual
202 insurer, or a reciprocal insurer, of the same general type as
203 may be formed as a domestic insurer under this code; except
204 that:

205 (2) A ~~No~~ foreign or alien insurer or exchange may not ~~shall~~
206 be authorized to transact insurance in this state unless it is
207 otherwise qualified therefor under this code and has operated
208 satisfactorily for at least 3 years in its state or country of
209 domicile; however, the office may waive the 3-year requirement
210 if the foreign or alien insurer or exchange:

211 (a) Has operated successfully and has capital and surplus
212 of \$5 million;

213 (b) Is the wholly owned subsidiary of an insurer which is
214 an authorized insurer in this state;



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215 (c) Is the successor in interest through merger or
216 consolidation of an authorized insurer; ~~or~~

217 (d) Provides a product or service not readily available to
218 the consumers of this state; or

219 (e) Demonstrates to the satisfaction of the office that its
220 authorization to transact insurance in this state is in the best
221 interest of this state and its policyholders.

222 Section 8. Paragraphs (d) and (e) of subsection (2) of
223 section 624.4085, Florida Statutes, are amended, and paragraph
224 (g) of subsection (1) of that section is republished, to read:

225 624.4085 Risk-based capital requirements for insurers.—

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

227 (g) "Life and health insurer" means an insurer authorized
228 or eligible under the Florida Insurance Code to underwrite life
229 or health insurance. The term includes a property and casualty
230 insurer that writes accident and health insurance only.

231 Effective January 1, 2015, the term also includes a health
232 maintenance organization that is authorized in this state and
233 one or more other states, jurisdictions, or countries and a
234 prepaid limited health service organization that is authorized
235 in this state and one or more other states, jurisdictions, or
236 countries.

237 (2)

238 (d) A life and health insurer's risk-based capital is
239 determined in accordance with the formula set forth in the risk-
240 based capital instructions. The formula takes into account and
241 may adjust for the covariance between:

242 1. The risk with respect to the insurer's assets;

243 2. The risk of adverse insurance experience with respect to



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244 the insurer's liabilities and obligations;

245 3. The interest rate risk with respect to the insurer's
246 business; and

247 4. Any other business or other relevant risk set out in the
248 risk-based capital instructions,

249
250 determined in each case by applying the factors in the manner
251 set forth in the risk-based capital instructions. This paragraph
252 does not apply to a health maintenance organization or a prepaid
253 limited health service organization.

254 (e) The risk-based capital of a property and casualty
255 insurer, and, if a health maintenance organization or prepaid
256 limited health service organization is subject to this section
257 pursuant to paragraph (1)(g), the risk-based capital of such
258 organization, ~~insurer's risk-based capital~~ is determined in
259 accordance with the formula set forth in the risk-based capital
260 instructions. The formula takes into account and may adjust for
261 the covariance between:

262 1. The asset risk;

263 2. The credit risk;

264 3. The underwriting risk; and

265 4. Any other business or other relevant risk set out in the
266 risk-based capital instructions,

267
268 determined in each case by applying the factors in the manner
269 set forth in the risk-based capital instructions.

270 Section 9. Subsection (4) of section 626.916, Florida
271 Statutes, is amended, and subsection (5) is added to that
272 section, to read:



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273 626.916 Eligibility for export.-

274 (4) A reasonable per-policy fee, ~~not to exceed \$35,~~ may be
275 charged by the filing surplus lines agent for each policy
276 certified for export. The per-policy fee must be itemized
277 separately to the customer before purchase and must be
278 enumerated in the policy.

279 (5) A retail agent may charge a reasonable per-policy fee
280 for placement of a surplus lines policy under this section. The
281 per-policy fee must be itemized separately to the customer
282 before purchase.

283 Section 10. Paragraph (m) of subsection (1) of section
284 626.9541, Florida Statutes, is amended to read:

285 626.9541 Unfair methods of competition and unfair or
286 deceptive acts or practices defined.-

287 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
288 ACTS.-The following are defined as unfair methods of competition
289 and unfair or deceptive acts or practices:

290 (m) Permissible advertising and promotional gifts, and
291 charitable contributions, and loss mitigation services or loss
292 control items permitted.-

293 1. ~~The provisions of~~ Paragraph (f), paragraph (g), or
294 paragraph (h) do not prohibit a licensed insurer or its agent
295 from:

296 a. Giving to insureds, prospective insureds, or others any
297 article of merchandise, goods, wares, store gift cards, gift
298 certificates, event tickets, anti-fraud ~~or loss mitigation~~
299 services, or other items having a total value of \$100 or less
300 per insured or prospective insured in any calendar year.

301 b. Making charitable contributions, as defined in s. 170(c)



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302 of the Internal Revenue Code, on behalf of insureds or
303 prospective insureds, of up to \$100 per insured or prospective
304 insured in any calendar year.

305 c. Giving to insureds, for free or at a discounted price,
306 loss mitigation services or loss control items of value that
307 relate to the risks covered under the policy.

308 2. ~~The provisions of~~ Paragraph (f), paragraph (g), or
309 paragraph (h) do not prohibit a title insurance agent or title
310 insurance agency, as those terms are defined in s. 626.841, or a
311 title insurer, as defined in s. 627.7711, from giving to
312 insureds, prospective insureds, or others, for the purpose of
313 advertising, any article of merchandise having a value of not
314 more than \$25. A person or entity governed by this subparagraph
315 is not subject to subparagraph 1.

316 Section 11. Section 627.0655, Florida Statutes, is amended
317 to read:

318 627.0655 Policyholder loss or expense-related premium
319 discounts.—An insurer or person authorized to engage in the
320 business of insurance in this state may include, in the premium
321 charged an insured for any policy, contract, or certificate of
322 insurance, an actuarially sound ~~a~~ discount based on the fact
323 that another policy, contract, or certificate of any type has
324 been purchased by the insured from:

325 (1) The same insurer or insurer group, or another insurer
326 under a joint marketing agreement;

327 (2) The Citizens Property Insurance Corporation created
328 under s. 627.351(6), if the same insurance agent is servicing
329 both policies; ~~or~~

330 (3) An insurer that has removed the policy from the



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331 Citizens Property Insurance Corporation or issued a policy
332 pursuant to the clearinghouse program under s. 627.3518, if the
333 same insurance agent is servicing both policies; or

334 (4) An insurer, if the same insurance agent is servicing
335 the policies.

336 Section 12. Subsection (2) of section 627.426, Florida
337 Statutes, is amended to read:

338 627.426 Claims administration.—

339 (2) A liability insurer shall not be permitted to deny
340 coverage based on a particular coverage defense unless:

341 (a) Within 30 days after the liability insurer knew or
342 should have known of the coverage defense, written notice of
343 reservation of rights to assert a coverage defense is given to
344 the named insured by United States postal proof of mailing,
345 registered or certified mail, or other mailing using the
346 Intelligent Mail barcode or other similar tracking method used
347 or approved by the United States Postal Service, sent to the
348 last known address of the insured, or by hand delivery; and

349 (b) Within 60 days of compliance with paragraph (a) or
350 receipt of a summons and complaint naming the insured as a
351 defendant, whichever is later, but in no case later than 30 days
352 before trial, the insurer:

353 1. Gives written notice to the named insured by United
354 States postal proof of mailing, registered or certified mail, or
355 other mailing using the Intelligent Mail barcode or other
356 similar tracking method used or approved by the United States
357 Postal Service, of its refusal to defend the insured;

358 2. Obtains from the insured a nonwaiver agreement following
359 full disclosure of the specific facts and policy provisions upon



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360 which the coverage defense is asserted and the duties,
361 obligations, and liabilities of the insurer during and following
362 the pendency of the subject litigation; or

363 3. Retains independent counsel which is mutually agreeable
364 to the parties. Reasonable fees for the counsel may be agreed
365 upon between the parties or, if no agreement is reached, shall
366 be set by the court.

367 Section 13. Section 627.4555, Florida Statutes, is amended
368 to read:

369 627.4555 Secondary notice.—

370 (1) Except as provided in this section, a contract for life
371 insurance issued or issued for delivery in this state on or
372 after October 1, 1997, covering a natural person 64 years of age
373 or older, which has been in force for at least 1 year, may not
374 be lapsed for nonpayment of premium unless, after expiration of
375 the grace period, and at least 21 days before the effective date
376 of any such lapse, the insurer has mailed a notification of the
377 impending lapse in coverage to the policyowner and to a
378 specified secondary addressee if such addressee has been
379 designated in writing by name and address by the policyowner. An
380 insurer issuing a life insurance contract on or after October 1,
381 1997, shall notify the applicant of the right to designate a
382 secondary addressee at the time of application for the policy,
383 on a form provided by the insurer, and at any time the policy is
384 in force, by submitting a written notice to the insurer
385 containing the name and address of the secondary addressee. For
386 purposes of any life insurance policy that provides a grace
387 period of more than 51 days for nonpayment of premiums, the
388 notice of impending lapse in coverage required by this section



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389 must be mailed to the policyowner and the secondary addressee at
390 least 21 days before the expiration of the grace period provided
391 in the policy. This section does not apply to any life insurance
392 contract under which premiums are payable monthly or more
393 frequently and are regularly collected by a licensed agent or
394 are paid by credit card or any preauthorized check processing or
395 automatic debit service of a financial institution.

396 (2) If the policyowner has a life agent of record or any
397 agent of record, the insurer must also notify the agent of the
398 impending lapse in coverage or mail or send electronically a
399 copy of the notification of the impending lapse in coverage
400 under subsection (1) to the agent at least 21 days before the
401 effective date of any such lapse. Receipt of such notice does
402 not make the agent responsible for any lapse in coverage. An
403 insurer is not required to notify the agent under this
404 subsection if any of the following applies:

405 (a) The insurer maintains an online system that allows an
406 agent to independently determine if a policy has lapsed.

407 (b) The insurer maintains a procedure that allows an agent
408 to independently determine whether the notice of lapse has been
409 sent to the insured.

410 (c) The insurer has no record of the current agent of
411 record.

412 (d) The agent is employed by the insurer or an affiliate of
413 the insurer.

414 Section 14. Subsection (2) of section 627.7015, Florida
415 Statutes, is amended to read:

416 627.7015 Alternative procedure for resolution of disputed
417 property insurance claims.—



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418 (2) At the time of issuance and renewal of a policy or at
419 the time a first-party claim within the scope of this section is
420 filed by the policyholder, the insurer shall notify the
421 policyholder of its right to participate in the mediation
422 program under this section. The department shall prepare a
423 consumer information pamphlet for distribution to persons
424 participating in mediation.

425 Section 15. Subsection (7) of section 627.7295, Florida
426 Statutes, is amended to read:

427 627.7295 Motor vehicle insurance contracts.—

428 (7) A policy of private passenger motor vehicle insurance
429 or a binder for such a policy may be initially issued in this
430 state only if, before the effective date of such binder or
431 policy, the insurer or agent has collected from the insured an
432 amount equal to at least 1 month's ~~2 months'~~ premium. An
433 insurer, agent, or premium finance company may not, directly or
434 indirectly, take any action resulting in the insured having paid
435 from the insured's own funds an amount less than the 1 month's ~~2~~
436 ~~months'~~ premium required by this subsection. This subsection
437 applies without regard to whether the premium is financed by a
438 premium finance company or is paid pursuant to a periodic
439 payment plan of an insurer or an insurance agent. This
440 subsection does not apply if an insured or member of the
441 insured's family is renewing or replacing a policy or a binder
442 for such policy written by the same insurer or a member of the
443 same insurer group. This subsection does not apply to an insurer
444 that issues private passenger motor vehicle coverage primarily
445 to active duty or former military personnel or their dependents.
446 This subsection does not apply if all policy payments are paid



447 pursuant to a payroll deduction plan, an automatic electronic
448 funds transfer payment plan from the policyholder, or a
449 recurring credit card or debit card agreement with the insurer.
450 This subsection and subsection (4) do not apply if all policy
451 payments to an insurer are paid pursuant to an automatic
452 electronic funds transfer payment plan from an agent, a managing
453 general agent, or a premium finance company and if the policy
454 includes, at a minimum, personal injury protection pursuant to
455 ss. 627.730-627.7405; motor vehicle property damage liability
456 pursuant to s. 627.7275; and bodily injury liability in at least
457 the amount of \$10,000 because of bodily injury to, or death of,
458 one person in any one accident and in the amount of \$20,000
459 because of bodily injury to, or death of, two or more persons in
460 any one accident. This subsection and subsection (4) do not
461 apply if an insured has had a policy in effect for at least 6
462 months, the insured's agent is terminated by the insurer that
463 issued the policy, and the insured obtains coverage on the
464 policy's renewal date with a new company through the terminated
465 agent.

466 Section 16. Paragraph (e) of subsection (3) of section
467 921.0022, Florida Statutes, is amended to read:

468 921.0022 Criminal Punishment Code; offense severity ranking
469 chart.—

470 (3) OFFENSE SEVERITY RANKING CHART

471 (e) LEVEL 5

472

Florida Statute	Felony Degree	Description
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474	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
475	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
476	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
477	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
478	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or



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sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,
or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or
imitation stone crab
trap tags; and engaging
in the commercial
harvest of stone crabs
while license is
suspended or revoked.

479

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

480

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.



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481	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
482	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
483	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
484	440.381 (2)	<u>3rd</u> 2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
485	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
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487	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
488	790.01 (2)	3rd	Carrying a concealed firearm.
489	790.162	2nd	Threat to throw or discharge destructive device.
490	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
491	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
492	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
493	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.



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494	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
495	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
496	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
497	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
498	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
499	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
500	812.131 (2) (b)	3rd	Robbery by sudden snatching.



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501	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
502	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
503	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
504	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of



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505			personal identification information of 10 or more persons.
506	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
507	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
508	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
509	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071 (5)	3rd	Possess, control, or



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510	828.12 (2)	3rd	intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
511	839.13 (2) (b)	2nd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
512	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
513	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
514	847.0137	3rd	Lewd or lascivious exhibition using computer; offender 18 years or older.
			Transmission of



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515	(2) & (3)		pornography by electronic device or equipment.
	847.0138	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
516	(2) & (3)		
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
517			
	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
518			
	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
519			
	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or



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other s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) drugs)
within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility or
community center.

520

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs) within 1,000 feet
of university.

521

893.13(1)(e)2.

2nd

Sell, manufacture, or
deliver cannabis or
other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,



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(2) (c) 9., (2) (c) 10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

522

893.13(1)(f)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), or
(2)(a), (2)(b), or
(2)(c)5. drugs) within
1,000 feet of public
housing facility.

523

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

524

893.1351(1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.

525

526

527 Section 17. Except as otherwise expressly provided in this
528 act and except for this section, which shall take effect upon
529 this act becoming a law, this act shall take effect July 1,



530 2019.

531

532 ===== T I T L E A M E N D M E N T =====

533 And the title is amended as follows:

534 Delete everything before the enacting clause

535 and insert:

536 A bill to be entitled

537 An act relating to insurance; providing a short title;

538 amending s. 215.555, F.S.; increasing the required

539 reimbursement of loss adjustment expenses in

540 reimbursement contracts between the State Board of

541 Administration and property insurers under the Florida

542 Hurricane Catastrophe Fund; amending s. 319.30, F.S.;

543 specifying means by which an insurance company may

544 forward certificates of title of certain salvage motor

545 vehicles or mobile homes to the Department of Highway

546 Safety and Motor Vehicles; revising the effective date

547 of certain procedures and requirements relating to

548 certificates of title; providing that certain

549 electronic signatures satisfy certain signature

550 requirements; amending s. 440.381, F.S.; revising a

551 criminal penalty for the submission, with certain

552 intent, of an employer application for workers'

553 compensation insurance coverage which contains false,

554 misleading, or incomplete information; providing that

555 certain sworn statements in such applications are not

556 required to be notarized; creating s. 624.1055, F.S.;

557 providing a right of contribution among insurers for

558 defense costs under certain circumstances; providing a



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559 requirement for, and authorizing the use of certain
560 factors by, a court in allocating costs; providing a
561 cause of action to enforce the right of contribution;
562 providing construction and applicability; amending s.
563 624.155, F.S.; deleting a provision that tolls, under
564 certain circumstances, a period before a civil action
565 against an insurer may be brought; deleting a
566 provision authorizing the Department of Financial
567 Services to return a civil remedy notice for lack of
568 specificity; prohibiting the filing of the notice
569 within a certain timeframe under certain
570 circumstances; amending s. 624.404, F.S.; adding a
571 circumstance under which the Office of Insurance
572 Regulation may waive a 3-year operation requirement
573 for foreign or alien insurers and exchanges; amending
574 s. 624.4085, F.S.; specifying the applicable formula
575 for determining risk-based capital of certain health
576 maintenance organizations and prepaid limited health
577 service organizations; amending s. 626.916, F.S.;
578 deleting a limit on fees charged by filing surplus
579 lines agents per policy certified for export;
580 authorizing retail agents to charge reasonable fees
581 for placing surplus lines policies; specifying
582 requirements for itemizing and enumerating fees;
583 amending s. 626.9541, F.S.; providing that insurers
584 and agents may give insureds certain free or
585 discounted loss mitigation services or loss control
586 items; deleting a limitation on the value of loss
587 mitigation services that may be given to insureds;



588 amending s. 627.0655, F.S.; revising circumstances
589 under which insurers or certain authorized persons may
590 provide certain premium discounts to insureds;
591 amending s. 627.426, F.S.; adding means by which
592 liability insurers may provide to named insureds
593 certain notices relating to coverage denials based on
594 a particular coverage defense; amending s. 627.4555,
595 F.S.; requiring life insurers that are required to
596 provide a specified notice to policyowners of an
597 impending lapse in coverage to also notify the
598 policyowner's agent of record within a certain
599 timeframe; providing that the agent is not responsible
600 for any lapse in coverage; exempting the insurer from
601 the requirement under certain circumstances; amending
602 s. 627.7015, F.S.; adding circumstances under which
603 certain property insurers may provide required notice
604 to policyholders of their right to participate in a
605 certain mediation program; amending s. 627.7295, F.S.;
606 reducing the collected premium required before private
607 passenger motor vehicle insurance policies or binders
608 may be initially issued; amending s. 921.0022, F.S.;
609 conforming a provision to changes made by the act;
610 providing effective dates.