

By the Committees on Judiciary; and Banking and Insurance; and  
Senators Brandes and Bracy

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1                                   A bill to be entitled  
2       An act relating to insurance; providing a short title;  
3       amending s. 215.555, F.S.; increasing the required  
4       reimbursement of loss adjustment expenses in  
5       reimbursement contracts between the State Board of  
6       Administration and property insurers under the Florida  
7       Hurricane Catastrophe Fund; amending s. 319.30, F.S.;  
8       specifying means by which an insurance company may  
9       forward certificates of title of certain salvage motor  
10      vehicles or mobile homes to the Department of Highway  
11      Safety and Motor Vehicles; revising the effective date  
12      of certain procedures and requirements relating to  
13      certificates of title; providing that certain  
14      electronic signatures satisfy certain signature  
15      requirements; amending s. 440.381, F.S.; revising a  
16      criminal penalty for the submission, with certain  
17      intent, of an employer application for workers'  
18      compensation insurance coverage which contains false,  
19      misleading, or incomplete information; providing that  
20      certain sworn statements in such applications are not  
21      required to be notarized; creating s. 624.1055, F.S.;  
22      providing a right of contribution among insurers for  
23      defense costs under certain circumstances; providing a  
24      requirement for, and authorizing the use of certain  
25      factors by, a court in allocating costs; providing a  
26      cause of action to enforce the right of contribution;  
27      providing construction and applicability; amending s.  
28      624.155, F.S.; deleting a provision that tolls, under  
29      certain circumstances, a period before a civil action

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30 against an insurer may be brought; deleting a  
31 provision authorizing the Department of Financial  
32 Services to return a civil remedy notice for lack of  
33 specificity; prohibiting the filing of the notice  
34 within a certain timeframe under certain  
35 circumstances; amending s. 624.404, F.S.; adding a  
36 circumstance under which the Office of Insurance  
37 Regulation may waive a 3-year operation requirement  
38 for foreign or alien insurers and exchanges; amending  
39 s. 624.4085, F.S.; specifying the applicable formula  
40 for determining risk-based capital of certain health  
41 maintenance organizations and prepaid limited health  
42 service organizations; amending s. 626.916, F.S.;  
43 deleting a limit on fees charged by filing surplus  
44 lines agents per policy certified for export;  
45 authorizing retail agents to charge reasonable fees  
46 for placing surplus lines policies; specifying  
47 requirements for itemizing and enumerating fees;  
48 amending s. 626.9541, F.S.; providing that insurers  
49 and agents may give insureds certain free or  
50 discounted loss mitigation services or loss control  
51 items; deleting a limitation on the value of loss  
52 mitigation services that may be given to insureds;  
53 amending s. 627.0655, F.S.; revising circumstances  
54 under which insurers or certain authorized persons may  
55 provide certain premium discounts to insureds;  
56 amending s. 627.426, F.S.; adding means by which  
57 liability insurers may provide to named insureds  
58 certain notices relating to coverage denials based on

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59 a particular coverage defense; amending s. 627.4555,  
60 F.S.; requiring life insurers that are required to  
61 provide a specified notice to policyowners of an  
62 impending lapse in coverage to also notify the  
63 policyowner's agent of record within a certain  
64 timeframe; providing that the agent is not responsible  
65 for any lapse in coverage; exempting the insurer from  
66 the requirement under certain circumstances; amending  
67 s. 627.7015, F.S.; adding circumstances under which  
68 certain property insurers may provide required notice  
69 to policyholders of their right to participate in a  
70 certain mediation program; amending s. 627.7295, F.S.;  
71 reducing the collected premium required before private  
72 passenger motor vehicle insurance policies or binders  
73 may be initially issued; amending s. 921.0022, F.S.;  
74 conforming a provision to changes made by the act;  
75 providing effective dates.

76  
77 Be It Enacted by the Legislature of the State of Florida:

78  
79 Section 1. This act may be cited as "Omnibus Prime."

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

83 215.555 Florida Hurricane Catastrophe Fund.—

84 (4) REIMBURSEMENT CONTRACTS.—

85 (b)1. The contract shall contain a promise by the board to  
86 reimburse the insurer for 45 percent, 75 percent, or 90 percent  
87 of its losses from each covered event in excess of the insurer's

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88 retention, plus 5 percent of the reimbursed losses to cover loss  
89 adjustment expenses. For contracts and rates effective on or  
90 after June 1, 2019, the loss adjustment expense reimbursement  
91 must be 10 percent of the reimbursed losses.

92 2. The insurer must elect one of the percentage coverage  
93 levels specified in this paragraph and may, upon renewal of a  
94 reimbursement contract, elect a lower percentage coverage level  
95 if no revenue bonds issued under subsection (6) after a covered  
96 event are outstanding, or elect a higher percentage coverage  
97 level, regardless of whether or not revenue bonds are  
98 outstanding. All members of an insurer group must elect the same  
99 percentage coverage level. Any joint underwriting association,  
100 risk apportionment plan, or other entity created under s.  
101 627.351 must elect the 90-percent coverage level.

102 3. The contract shall provide that reimbursement amounts  
103 shall not be reduced by reinsurance paid or payable to the  
104 insurer from other sources.

105 Section 3. Paragraph (b) of subsection (3) of section  
106 319.30, Florida Statutes, is amended, and paragraph (d) is added  
107 to that section, to read:

108 319.30 Definitions; dismantling, destruction, change of  
109 identity of motor vehicle or mobile home; salvage.—

110 (3)

111 (b) The owner, including persons who are self-insured, of a  
112 motor vehicle or mobile home that is considered to be salvage  
113 shall, within 72 hours after the motor vehicle or mobile home  
114 becomes salvage, forward the title to the motor vehicle or  
115 mobile home to the department for processing. However, an  
116 insurance company that pays money as compensation for the total

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117 loss of a motor vehicle or mobile home shall obtain the  
118 certificate of title for the motor vehicle or mobile home, make  
119 the required notification to the National Motor Vehicle Title  
120 Information System, and, within 72 hours after receiving such  
121 certificate of title, forward such title by electronic means,  
122 the United States Postal Service, or another commercially  
123 available delivery service to the department for processing. The  
124 owner or insurance company, as applicable, may not dispose of a  
125 vehicle or mobile home that is a total loss before it obtains a  
126 salvage certificate of title or certificate of destruction from  
127 the department. Effective July 1, 2020 ~~July 1, 2023~~:

128 1. Thirty days after payment of a claim for compensation  
129 pursuant to this paragraph, the insurance company may receive a  
130 salvage certificate of title or certificate of destruction from  
131 the department if the insurance company is unable to obtain a  
132 properly assigned certificate of title from the owner or  
133 lienholder of the motor vehicle or mobile home, if the motor  
134 vehicle or mobile home does not carry an electronic lien on the  
135 title and the insurance company:

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

138 b. Has provided proof of payment of the total loss claim;  
139 and

140 c. Has provided an affidavit on letterhead signed by the  
141 insurance company or its authorized agent stating the attempts  
142 that have been made to obtain the title from the owner or  
143 lienholder and further stating that all attempts are to no  
144 avail. The affidavit must include a request that the salvage  
145 certificate of title or certificate of destruction be issued in

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146 the insurance company's name due to payment of a total loss  
147 claim to the owner or lienholder. The attempts to contact the  
148 owner may be by written request delivered in person or by first-  
149 class mail with a certificate of mailing to the owner's or  
150 lienholder's last known address.

151 2. If the owner or lienholder is notified of the request  
152 for title in person, the insurance company must provide an  
153 affidavit attesting to the in-person request for a certificate  
154 of title.

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

159 (d) An electronic signature that is in accordance with  
160 chapter 668 satisfies any signature requirement under this  
161 subsection.

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

164 440.381 Application for coverage; reporting payroll;  
165 payroll audit procedures; penalties.—

166 (2) Submission of an application that contains false,  
167 misleading, or incomplete information provided with the purpose  
168 of avoiding or reducing the amount of premiums for workers'  
169 compensation coverage is a felony of the third ~~second~~ degree,  
170 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
171 The application must contain a statement that the filing of an  
172 application containing false, misleading, or incomplete  
173 information provided with the purpose of avoiding or reducing  
174 the amount of premiums for workers' compensation coverage is a

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175 felony of the third degree, punishable as provided in s.  
176 775.082, s. 775.083, or s. 775.084. The application must contain  
177 a sworn statement by the employer attesting to the accuracy of  
178 the information submitted and acknowledging the provisions of  
179 former s. 440.37(4). The application must contain a sworn  
180 statement by the agent attesting that the agent explained to the  
181 employer or officer the classification codes that are used for  
182 premium calculations. The sworn statements by the employer and  
183 the agent are not required to be notarized.

184 Section 5. Section 624.1055, Florida Statutes, is created  
185 to read:

186 624.1055 Right of contribution among insurers for defense  
187 costs.—A liability insurer that owes a duty to defend an insured  
188 and that defends the insured against a claim, suit, or other  
189 action has a right of contribution for defense costs against any  
190 other liability insurer that owes a duty to defend the insured  
191 against the same claim, suit, or other action, provided that  
192 contribution may not be sought from any insurer for defense  
193 costs incurred before the insurer's receipt of notice of the  
194 claim, suit, or other action.

195 (1) APPORTIONMENT OF COSTS.—The court shall allocate  
196 defense costs among insurers that owe a duty to defend the  
197 insured against the same claim, suit, or other action in  
198 accordance with the terms of the insurance policies. The court  
199 may use such equitable factors as the court determines are  
200 appropriate in making such allocation.

201 (2) ENFORCEMENT OF RIGHT OF CONTRIBUTION.—A liability  
202 insurer that is entitled to contribution from another insurer  
203 under this section may file an action for contribution in a

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204 court of competent jurisdiction.

205 (3) CONSTRUCTION.—

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

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

211 (4) APPLICABILITY.—

212 (a) This section applies to liability insurance policies  
213 issued for delivery in this state or to liability insurance  
214 policies under which an insurer has a duty to defend an insured  
215 against claims asserted or suits or actions filed in this state.  
216 Such liability insurance policies include surplus lines  
217 insurance policies authorized under the Surplus Lines Law, ss.  
218 626.913-626.937. This section does not apply to motor vehicle  
219 liability insurance or medical professional liability insurance.

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

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

224 624.155 Civil remedy.—

225 (3) (a) As a condition precedent to bringing an action under  
226 this section, the department and the authorized insurer must  
227 have been given 60 days' written notice of the violation. ~~If the~~  
228 ~~department returns a notice for lack of specificity, the 60-day~~  
229 ~~time period shall not begin until a proper notice is filed.~~

230 (b) The notice shall be on a form provided by the  
231 department and shall state with specificity the following  
232 information, and such other information as the department may



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233 require:

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

236 2. The facts and circumstances giving rise to the  
237 violation.

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

239 4. Reference to specific policy language that is relevant  
240 to the violation, if any. If the person bringing the civil  
241 action is a third party claimant, she or he shall not be  
242 required to reference the specific policy language if the  
243 authorized insurer has not provided a copy of the policy to the  
244 third party claimant pursuant to written request.

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

247 ~~(c) Within 20 days of receipt of the notice, the department~~  
248 ~~may return any notice that does not provide the specific~~  
249 ~~information required by this section, and the department shall~~  
250 ~~indicate the specific deficiencies contained in the notice. A~~  
251 ~~determination by the department to return a notice for lack of~~  
252 ~~specificity shall be exempt from the requirements of chapter~~  
253 ~~120.~~

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

257 (d)~~(e)~~ The authorized insurer that is the recipient of a  
258 notice filed pursuant to this section shall report to the  
259 department on the disposition of the alleged violation.

260 (e)~~(f)~~ The applicable statute of limitations for an action  
261 under this section shall be tolled for a period of 65 days by

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262 the mailing of the notice required by this subsection or the  
263 mailing of a subsequent notice required by this subsection.

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

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

269 624.404 General eligibility of insurers for certificate of  
270 authority.—To qualify for and hold authority to transact  
271 insurance in this state, an insurer must be otherwise in  
272 compliance with this code and with its charter powers and must  
273 be an incorporated stock insurer, an incorporated mutual  
274 insurer, or a reciprocal insurer, of the same general type as  
275 may be formed as a domestic insurer under this code; except  
276 that:

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

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

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

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

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

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291 (e) Demonstrates to the satisfaction of the office that its  
292 authorization to transact insurance in this state is in the best  
293 interest of this state and its policyholders.

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

297 624.4085 Risk-based capital requirements for insurers.—

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

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

303 Effective January 1, 2015, the term also includes a health  
304 maintenance organization that is authorized in this state and  
305 one or more other states, jurisdictions, or countries and a  
306 prepaid limited health service organization that is authorized  
307 in this state and one or more other states, jurisdictions, or  
308 countries.

309 (2)

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

- 314 1. The risk with respect to the insurer's assets;  
315 2. The risk of adverse insurance experience with respect to  
316 the insurer's liabilities and obligations;  
317 3. The interest rate risk with respect to the insurer's  
318 business; and  
319 4. Any other business or other relevant risk set out in the

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320 risk-based capital instructions,  
321  
322 determined in each case by applying the factors in the manner  
323 set forth in the risk-based capital instructions. This paragraph  
324 does not apply to a health maintenance organization or a prepaid  
325 limited health service organization.

326 (e) The risk-based capital of a property and casualty  
327 insurer, and, if a health maintenance organization or prepaid  
328 limited health service organization is subject to this section  
329 pursuant to paragraph (1) (g), the risk-based capital of such  
330 organization, ~~insurer's risk-based capital~~ is determined in  
331 accordance with the formula set forth in the risk-based capital  
332 instructions. The formula takes into account and may adjust for  
333 the covariance between:

- 334 1. The asset risk;  
335 2. The credit risk;  
336 3. The underwriting risk; and  
337 4. Any other business or other relevant risk set out in the  
338 risk-based capital instructions,  
339

340 determined in each case by applying the factors in the manner  
341 set forth in the risk-based capital instructions.

342 Section 9. Subsection (4) of section 626.916, Florida  
343 Statutes, is amended, and subsection (5) is added to that  
344 section, to read:

345 626.916 Eligibility for export.—

346 (4) A reasonable per-policy fee, ~~not to exceed \$35,~~ may be  
347 charged by the filing surplus lines agent for each policy  
348 certified for export. The per-policy fee must be itemized

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349 separately to the customer before purchase and must be  
350 enumerated in the policy.

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

355 Section 10. Paragraph (m) of subsection (1) of section  
356 626.9541, Florida Statutes, is amended to read:

357 626.9541 Unfair methods of competition and unfair or  
358 deceptive acts or practices defined.—

359 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
360 ACTS.—The following are defined as unfair methods of competition  
361 and unfair or deceptive acts or practices:

362 (m) Permissible advertising and promotional gifts, and  
363 charitable contributions, and loss mitigation services or loss  
364 control items permitted.—

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

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

373 b. Making charitable contributions, as defined in s. 170(c)  
374 of the Internal Revenue Code, on behalf of insureds or  
375 prospective insureds, of up to \$100 per insured or prospective  
376 insured in any calendar year.

377 c. Giving to insureds, for free or at a discounted price,

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378 loss mitigation services or loss control items of value that  
379 relate to the risks covered under the policy.

380 2. ~~The provisions of~~ Paragraph (f), paragraph (g), or  
381 paragraph (h) do not prohibit a title insurance agent or title  
382 insurance agency, as those terms are defined in s. 626.841, or a  
383 title insurer, as defined in s. 627.7711, from giving to  
384 insureds, prospective insureds, or others, for the purpose of  
385 advertising, any article of merchandise having a value of not  
386 more than \$25. A person or entity governed by this subparagraph  
387 is not subject to subparagraph 1.

388 Section 11. Section 627.0655, Florida Statutes, is amended  
389 to read:

390 627.0655 Policyholder loss or expense-related premium  
391 discounts.—An insurer or person authorized to engage in the  
392 business of insurance in this state may include, in the premium  
393 charged an insured for any policy, contract, or certificate of  
394 insurance, an actuarially sound a discount based on the fact  
395 that another policy, contract, or certificate of any type has  
396 been purchased by the insured from:

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

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

402 (3) An insurer that has removed the policy from the  
403 Citizens Property Insurance Corporation or issued a policy  
404 pursuant to the clearinghouse program under s. 627.3518, if the  
405 same insurance agent is servicing both policies; or

406 (4) An insurer, if the same insurance agent is servicing

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407 the policies.

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

410 627.426 Claims administration.—

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

413 (a) Within 30 days after the liability insurer knew or  
414 should have known of the coverage defense, written notice of  
415 reservation of rights to assert a coverage defense is given to  
416 the named insured by United States postal proof of mailing,  
417 registered or certified mail, or other mailing using the  
418 Intelligent Mail barcode or other similar tracking method used  
419 or approved by the United States Postal Service, sent to the  
420 last known address of the insured, or by hand delivery; and

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

425 1. Gives written notice to the named insured by United  
426 States postal proof of mailing, registered or certified mail, or  
427 other mailing using the Intelligent Mail barcode or other  
428 similar tracking method used or approved by the United States  
429 Postal Service, of its refusal to defend the insured;

430 2. Obtains from the insured a nonwaiver agreement following  
431 full disclosure of the specific facts and policy provisions upon  
432 which the coverage defense is asserted and the duties,  
433 obligations, and liabilities of the insurer during and following  
434 the pendency of the subject litigation; or

435 3. Retains independent counsel which is mutually agreeable

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436 to the parties. Reasonable fees for the counsel may be agreed  
437 upon between the parties or, if no agreement is reached, shall  
438 be set by the court.

439 Section 13. Section 627.4555, Florida Statutes, is amended  
440 to read:

441 627.4555 Secondary notice.—

442 (1) Except as provided in this section, a contract for life  
443 insurance issued or issued for delivery in this state on or  
444 after October 1, 1997, covering a natural person 64 years of age  
445 or older, which has been in force for at least 1 year, may not  
446 be lapsed for nonpayment of premium unless, after expiration of  
447 the grace period, and at least 21 days before the effective date  
448 of any such lapse, the insurer has mailed a notification of the  
449 impending lapse in coverage to the policyowner and to a  
450 specified secondary addressee if such addressee has been  
451 designated in writing by name and address by the policyowner. An  
452 insurer issuing a life insurance contract on or after October 1,  
453 1997, shall notify the applicant of the right to designate a  
454 secondary addressee at the time of application for the policy,  
455 on a form provided by the insurer, and at any time the policy is  
456 in force, by submitting a written notice to the insurer  
457 containing the name and address of the secondary addressee. For  
458 purposes of any life insurance policy that provides a grace  
459 period of more than 51 days for nonpayment of premiums, the  
460 notice of impending lapse in coverage required by this section  
461 must be mailed to the policyowner and the secondary addressee at  
462 least 21 days before the expiration of the grace period provided  
463 in the policy. This section does not apply to any life insurance  
464 contract under which premiums are payable monthly or more



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465 frequently and are regularly collected by a licensed agent or  
466 are paid by credit card or any preauthorized check processing or  
467 automatic debit service of a financial institution.

468 (2) If the policyowner has a life agent of record or any  
469 agent of record, the insurer must also notify the agent of the  
470 impending lapse in coverage or mail or send electronically a  
471 copy of the notification of the impending lapse in coverage  
472 under subsection (1) to the agent at least 21 days before the  
473 effective date of any such lapse. Receipt of such notice does  
474 not make the agent responsible for any lapse in coverage. An  
475 insurer is not required to notify the agent under this  
476 subsection if any of the following applies:

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

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

482 (c) The insurer has no record of the current agent of  
483 record.

484 (d) The agent is employed by the insurer or an affiliate of  
485 the insurer.

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

488 627.7015 Alternative procedure for resolution of disputed  
489 property insurance claims.—

490 (2) At the time of issuance and renewal of a policy or at  
491 the time a first-party claim within the scope of this section is  
492 filed by the policyholder, the insurer shall notify the  
493 policyholder of its right to participate in the mediation

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494 program under this section. The department shall prepare a  
495 consumer information pamphlet for distribution to persons  
496 participating in mediation.

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

499 627.7295 Motor vehicle insurance contracts.—

500 (7) A policy of private passenger motor vehicle insurance  
501 or a binder for such a policy may be initially issued in this  
502 state only if, before the effective date of such binder or  
503 policy, the insurer or agent has collected from the insured an  
504 amount equal to at least 1 month's ~~2 months'~~ premium. An  
505 insurer, agent, or premium finance company may not, directly or  
506 indirectly, take any action resulting in the insured having paid  
507 from the insured's own funds an amount less than the 1 month's ~~2~~  
508 ~~months'~~ premium required by this subsection. This subsection  
509 applies without regard to whether the premium is financed by a  
510 premium finance company or is paid pursuant to a periodic  
511 payment plan of an insurer or an insurance agent. This  
512 subsection does not apply if an insured or member of the  
513 insured's family is renewing or replacing a policy or a binder  
514 for such policy written by the same insurer or a member of the  
515 same insurer group. This subsection does not apply to an insurer  
516 that issues private passenger motor vehicle coverage primarily  
517 to active duty or former military personnel or their dependents.  
518 This subsection does not apply if all policy payments are paid  
519 pursuant to a payroll deduction plan, an automatic electronic  
520 funds transfer payment plan from the policyholder, or a  
521 recurring credit card or debit card agreement with the insurer.  
522 This subsection and subsection (4) do not apply if all policy

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523 payments to an insurer are paid pursuant to an automatic  
 524 electronic funds transfer payment plan from an agent, a managing  
 525 general agent, or a premium finance company and if the policy  
 526 includes, at a minimum, personal injury protection pursuant to  
 527 ss. 627.730-627.7405; motor vehicle property damage liability  
 528 pursuant to s. 627.7275; and bodily injury liability in at least  
 529 the amount of \$10,000 because of bodily injury to, or death of,  
 530 one person in any one accident and in the amount of \$20,000  
 531 because of bodily injury to, or death of, two or more persons in  
 532 any one accident. This subsection and subsection (4) do not  
 533 apply if an insured has had a policy in effect for at least 6  
 534 months, the insured's agent is terminated by the insurer that  
 535 issued the policy, and the insured obtains coverage on the  
 536 policy's renewal date with a new company through the terminated  
 537 agent.

538 Section 16. Paragraph (e) of subsection (3) of section  
 539 921.0022, Florida Statutes, is amended to read:

540 921.0022 Criminal Punishment Code; offense severity ranking  
 541 chart.—

542 (3) OFFENSE SEVERITY RANKING CHART

543 (e) LEVEL 5

544

Florida	Felony	Description
Statute	Degree	
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop;

545

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leaving scene.

546

316.1935 (4) (a)

2nd

Aggravated fleeing or eluding.

547

316.80 (2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

548

322.34 (6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

549

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

550

379.365 (2) (c) 1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to

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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.

551

379.367 (4)

3rd

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

552

379.407 (5) (b) 3.

3rd

Possession of 100 or  
 more undersized spiny  
 lobsters.

553

381.0041 (11) (b)

3rd

Donate blood, plasma, or  
 organs knowing HIV  
 positive.

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554  
555  
556  
557  
558  
559

440.10 (1) (g)

2nd

Failure to obtain workers' compensation coverage.

440.105 (5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

440.381 (2)

3rd ~~2nd~~

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

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560  
561  
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563  
564  
565  
566

790.01(2)

3rd

Carrying a concealed  
firearm.

790.162

2nd

Threat to throw or  
discharge destructive  
device.

790.163(1)

2nd

False report of bomb,  
explosive, weapon of  
mass destruction, or use  
of firearms in violent  
manner.

790.221(1)

2nd

Possession of short-  
barreled shotgun or  
machine gun.

790.23

2nd

Felons in possession of  
firearms, ammunition, or  
electronic weapons or  
devices.

796.05(1)

2nd

Live on earnings of a  
prostitute; 1st offense.

800.04(6)(c)

3rd

Lewd or lascivious  
conduct; offender less  
than 18 years of age.

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567 800.04 (7) (b) 2nd Lewd or lascivious  
exhibition; offender 18  
years of age or older.

568 806.111 (1) 3rd Possess, manufacture, or  
dispense fire bomb with  
intent to damage any  
structure or property.

569 812.0145 (2) (b) 2nd Theft from person 65  
years of age or older;  
\$10,000 or more but less  
than \$50,000.

570 812.015 (8) 3rd Retail theft; property  
stolen is valued at \$300  
or more and one or more  
specified acts.

571 812.019 (1) 2nd Stolen property; dealing  
in or trafficking in.

572 812.131 (2) (b) 3rd Robbery by sudden  
snatching.

573 812.16 (2) 3rd Owning, operating, or  
conducting a chop shop.

817.034 (4) (a) 2. 2nd Communications fraud,



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value \$20,000 to  
\$50,000.

574

817.234 (11) (b)

2nd

Insurance fraud;  
property value \$20,000  
or more but less than  
\$100,000.

575

817.2341 (1),

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.

(2) (a) & (3) (a)

576

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  
personal identification  
information of 10 or  
more persons.

577

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578 817.611 (2) (a) 2nd Traffic in or possess 5  
to 14 counterfeit credit  
cards or related  
documents.

579 817.625 (2) (b) 2nd Second or subsequent  
fraudulent use of  
scanning device,  
skimming device, or  
reencoder.

580 825.1025 (4) 3rd Lewd or lascivious  
exhibition in the  
presence of an elderly  
person or disabled  
adult.

581 827.071 (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  
intentionally view any  
photographic material,  
motion picture, etc.,  
which includes sexual

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conduct by a child.

582

828.12 (2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

583

839.13 (2) (b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

584

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

585

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

586

847.0137

3rd

Transmission of pornography by electronic device or equipment.

(2) & (3)

587

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847.0138

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

(2) & (3)

588

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

589

874.05 (2) (a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

590

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).

591

893.13 (1) (c) 2.

2nd

Sell, manufacture, or deliver cannabis (or other 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) 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.

592

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.

593

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

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or a specified business site.

594

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.

595

893.13(4)(b)

2nd

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

596

893.1351(1)

3rd

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

597

598

599

600

601

Section 17. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2019.