A bill to be entitled
An act relating to insurance; providing a short title; amending s. 215.555, F.S.; increasing the required reimbursement of loss adjustment expenses in reimbursement contracts between the State Board of Administration and property insurers under the Florida Hurricane Catastrophe Fund; amending s. 319.30, F.S.; specifying means by which an insurance company may forward certificates of title of certain salvage motor vehicles or mobile homes to the Department of Highway Safety and Motor Vehicles; revising the effective date of certain procedures and requirements relating to certificates of title; providing that certain electronic signatures satisfy certain signature requirements; amending s. 440.381, F.S.; revising a criminal penalty for the submission, with certain intent, of an employer application for workers’ compensation insurance coverage which contains false, misleading, or incomplete information; providing that certain sworn statements in such applications are not required to be notarized; creating s. 624.1055, F.S.; providing a right of contribution among insurers for defense costs under certain circumstances; providing a requirement for, and authorizing the use of certain factors by, a court in allocating costs; providing a cause of action to enforce the right of contribution; providing construction and applicability; amending s. 624.155, F.S.; deleting a provision that tolls, under certain circumstances, a period before a civil action
against an insurer may be brought; deleting a
provision authorizing the Department of Financial
Services to return a civil remedy notice for lack of
specificity; prohibiting the filing of the notice
within a certain timeframe under certain
circumstances; amending s. 624.404, F.S.; adding a
circumstance under which the Office of Insurance
Regulation may waive a 3-year operation requirement
for foreign or alien insurers and exchanges; amending
s. 624.4085, F.S.; specifying the applicable formula
for determining risk-based capital of certain health
maintenance organizations and prepaid limited health
service organizations; amending s. 626.914, F.S.;
revising the definition of the term “diligent effort”
as used in the Surplus Lines Law; amending s. 626.916,
F.S.; deleting a limit on fees charged by filing
surplus lines agents per policy certified for export;
authorizing retail agents to charge reasonable fees
for placing surplus lines policies; specifying
requirements for itemizing and enumerating fees;
amending s. 626.9541, F.S.; providing that insurers
and agents may give insureds certain free or
discounted loss mitigation services or loss control
items; deleting a limitation on the value of loss
mitigation services that may be given to insureds;
amending s. 627.0655, F.S.; revising circumstances
under which insurers or certain authorized persons may
provide certain premium discounts to insureds;
amending s. 627.426, F.S.; adding means by which
liability insurers may provide to named insureds certain notices relating to coverage denials based on a particular coverage defense; amending s. 627.4555, F.S.; requiring life insurers that are required to provide a specified notice to policyowners of an impending lapse in coverage to also notify the policyowner’s agent of record within a certain timeframe; providing that the agent is not responsible for any lapse in coverage; exempting the insurer from the requirement under certain circumstances; amending s. 627.7015, F.S.; adding circumstances under which certain property insurers may provide required notice to policyholders of their right to participate in a certain mediation program; amending s. 627.7295, F.S.; reducing the collected premium required before private passenger motor vehicle insurance policies or binders may be initially issued; creating s. 768.094, F.S.; providing legislative findings and intent; defining terms; specifying responsibilities of operators of roller skating rinks and of roller skaters; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; providing effective dates.

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

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

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

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

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

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—
(3)
(b) The owner, including persons who are self-insured, of a
motor vehicle or mobile home that is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System, and, within 72 hours after receiving such certificate of title, forward such title **by electronic means, the United States Postal Service, or another commercially available delivery service** to the department for processing. The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the department. Effective **July 1, 2020 July 1, 2023:**

1. Thirty days after payment of a claim for compensation pursuant to this paragraph, the insurance company may receive a salvage certificate of title or certificate of destruction from the department if the insurance company is unable to obtain a properly assigned certificate of title from the owner or lienholder of the motor vehicle or mobile home, if the motor vehicle or mobile home does not carry an electronic lien on the title and the insurance company:
   a. Has obtained the release of all liens on the motor vehicle or mobile home;
   b. Has provided proof of payment of the total loss claim; and
   c. Has provided an affidavit on letterhead signed by the
insurance company or its authorized agent stating the attempts
that have been made to obtain the title from the owner or
lienholder and further stating that all attempts are to no
avail. The affidavit must include a request that the salvage
certificate of title or certificate of destruction be issued in
the insurance company’s name due to payment of a total loss
claim to the owner or lienholder. The attempts to contact the
owner may be by written request delivered in person or by first-
class mail with a certificate of mailing to the owner’s or
lienholder’s last known address.

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

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

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

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

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

  (2) Submission of an application that contains false,
 misleading, or incomplete information provided with the purpose
of avoiding or reducing the amount of premiums for workers’
compensation coverage is a felony of the third second degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The application must contain a statement that the filing of an application containing false, misleading, or incomplete information provided with the purpose of avoiding or reducing the amount of premiums for workers’ compensation coverage is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The application must contain a sworn statement by the employer attesting to the accuracy of the information submitted and acknowledging the provisions of former s. 440.37(4). The application must contain a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for premium calculations. The sworn statements by the employer and the agent are not required to be notarized.

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

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

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

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

(3) CONSTRUCTION.—
(a) This section is not intended to alter any term of a liability insurance policy or to create any additional duty on the part of an insurer to an insured.
(b) An insured may not rely on this section as grounds for a complaint against an insurer.

(4) APPLICABILITY.—
(a) This section applies to liability insurance policies issued for delivery in this state or to liability insurance policies under which an insurer has a duty to defend an insured against claims asserted or suits or actions filed in this state. Such liability insurance policies include surplus lines insurance policies authorized under the Surplus Lines Law, ss. 626.913-626.937. This section does not apply to motor vehicle liability insurance or medical professional liability insurance.
(b) This section applies to any claim, suit, or other action initiated on or after January 1, 2020.

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

624.155 Civil remedy.—
(3)(a) As a condition precedent to bringing an action under this section, the department and the authorized insurer must have been given 60 days’ written notice of the violation. If the
department returns a notice for lack of specificity, the 60-day
time period shall not begin until a proper notice is filed.

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

1. The statutory provision, including the specific language
   of the statute, which the authorized insurer allegedly violated.
2. The facts and circumstances giving rise to the
   violation.
3. The name of any individual involved in the violation.
4. Reference to specific policy language that is relevant
to the violation, if any. If the person bringing the civil
action is a third party claimant, she or he shall not be
required to reference the specific policy language if the
authorized insurer has not provided a copy of the policy to the
third party claimant pursuant to written request.
5. A statement that the notice is given in order to perfect
   the right to pursue the civil remedy authorized by this section.

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

(c)(d) No action shall lie if, within 60 days after filing
notice, the damages are paid or the circumstances giving rise to
the violation are corrected.
The authorized insurer that is the recipient of a notice filed pursuant to this section shall report to the department on the disposition of the alleged violation.

The applicable statute of limitations for an action under this section shall be tolled for a period of 65 days by the mailing of the notice required by this subsection or the mailing of a subsequent notice required by this subsection.

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

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

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

(2) A foreign or alien insurer or exchange may not be authorized to transact insurance in this state unless it is otherwise qualified therefor under this code and has operated satisfactorily for at least 3 years in its state or country of domicile; however, the office may waive the 3-year requirement if the foreign or alien insurer or exchange:

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

(b) Is the wholly owned subsidiary of an insurer which is
an authorized insurer in this state;
   (c) Is the successor in interest through merger or
consolidation of an authorized insurer; or
   (d) Provides a product or service not readily available to
the consumers of this state; or
   (e) Possesses sufficient capital and surplus to support its
plan of operation as filed with the office.
Section 8. Paragraphs (d) and (e) of subsection (2) of
section 624.4085, Florida Statutes, are amended, and paragraph
(g) of subsection (1) of that section is republished, to read:
624.4085 Risk-based capital requirements for insurers.—
(1) As used in this section, the term:
   (g) “Life and health insurer” means an insurer authorized
or eligible under the Florida Insurance Code to underwrite life
or health insurance. The term includes a property and casualty
insurer that writes accident and health insurance only.
Effective January 1, 2015, the term also includes a health
maintenance organization that is authorized in this state and
one or more other states, jurisdictions, or countries and a
prepaid limited health service organization that is authorized
in this state and one or more other states, jurisdictions, or
countries.
(2)
   (d) A life and health insurer’s risk-based capital is
determined in accordance with the formula set forth in the risk-
based capital instructions. The formula takes into account and
may adjust for the covariance between:
   1. The risk with respect to the insurer’s assets;
   2. The risk of adverse insurance experience with respect to
320 the insurer’s liabilities and obligations;
321 3. The interest rate risk with respect to the insurer’s
322 business; and
323 4. Any other business or other relevant risk set out in the
324 risk-based capital instructions,
325
determined in each case by applying the factors in the manner
327 set forth in the risk-based capital instructions. This paragraph
328 does not apply to a health maintenance organization or a prepaid
329 limited health service organization.
330 (e) The risk-based capital of a property and casualty
331 insurer, and, if a health maintenance organization or prepaid
332 limited health service organization is subject to this section
333 pursuant to paragraph (1)(g), the risk-based capital of such
334 organization, insurer’s risk-based capital is determined in
335 accordance with the formula set forth in the risk-based capital
336 instructions. The formula takes into account and may adjust for
337 the covariance between:
338 1. The asset risk;
339 2. The credit risk;
340 3. The underwriting risk; and
341 4. Any other business or other relevant risk set out in the
342 risk-based capital instructions,
343
determined in each case by applying the factors in the manner
345 set forth in the risk-based capital instructions.
346 Section 9. Subsection (4) of section 626.914, Florida
347 Statutes, is amended to read:
348 626.914 Definitions.—As used in this Surplus Lines Law, the
(4) “Diligent effort” means seeking coverage from and having been rejected by at least three authorized insurers currently writing this type of coverage and documenting these rejections. However, if the residential structure has a dwelling replacement cost of $700,000 $1 million or more, the term means seeking coverage from and having been rejected by at least one authorized insurer currently writing this type of coverage and documenting this rejection.

Section 10. Subsection (4) of section 626.916, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

626.916 Eligibility for export.—

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

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

Section 11. Paragraph (m) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:
(m) **Permissible advertising and promotional gifts, and charitable contributions, and loss mitigation services or loss control items permitted.**

1. The provisions of Paragraph (f), paragraph (g), or paragraph (h) do not prohibit a licensed insurer or its agent from:
   
   a. Giving to insureds, prospective insureds, or others any article of merchandise, goods, wares, store gift cards, gift certificates, event tickets, anti-fraud or loss mitigation services, or other items having a total value of $100 or less per insured or prospective insured in any calendar year.
   
   b. Making charitable contributions, as defined in s. 170(c) of the Internal Revenue Code, on behalf of insureds or prospective insureds, of up to $100 per insured or prospective insured in any calendar year.
   
   c. Giving to insureds, for free or at a discounted price, loss mitigation services or loss control items of value that relate to the risks covered under the policy.

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

Section 12. Section 627.0655, Florida Statutes, is amended to read:

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

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

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

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

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

Section 13. Subsection (2) of section 627.426, Florida Statutes, is amended to read:

627.426 Claims administration.—

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

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

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

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

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

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

Section 14. Section 627.4555, Florida Statutes, is amended to read:

627.4555 Secondary notice.—

(1) Except as provided in this section, a contract for life insurance issued or issued for delivery in this state on or after October 1, 1997, covering a natural person 64 years of age or older, which has been in force for at least 1 year, may not be lapsed for nonpayment of premium unless, after expiration of the grace period, and at least 21 days before the effective date of any such lapse, the insurer has mailed a notification of the
impending lapse in coverage to the policyowner and to a
specified secondary addressee if such addressee has been
designated in writing by name and address by the policyowner. An
insurer issuing a life insurance contract on or after October 1, 1997, shall notify the applicant of the right to designate a
secondary addressee at the time of application for the policy,
on a form provided by the insurer, and at any time the policy is
in force, by submitting a written notice to the insurer
containing the name and address of the secondary addressee. For
purposes of any life insurance policy that provides a grace
period of more than 51 days for nonpayment of premiums, the
notice of impending lapse in coverage required by this section
must be mailed to the policyowner and the secondary addressee at
least 21 days before the expiration of the grace period provided
in the policy. This section does not apply to any life insurance
contract under which premiums are payable monthly or more
frequently and are regularly collected by a licensed agent or
are paid by credit card or any preauthorized check processing or
automatic debit service of a financial institution.

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

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

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

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

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

Section 15. Subsection (2) of section 627.7015, Florida
Statutes, is amended to read:

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

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

Section 16. Subsection (7) of section 627.7295, Florida
Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance
or a binder for such a policy may be initially issued in this
state only if, before the effective date of such binder or
policy, the insurer or agent has collected from the insured an
amount equal to at least 1 month’s 2 months’ premium. An
insurer, agent, or premium finance company may not, directly or
indirectly, take any action resulting in the insured having paid
from the insured’s own funds an amount less than the 1 month’s 2 months’ premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured’s family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does not apply if all policy payments are paid pursuant to a payroll deduction plan, an automatic electronic funds transfer payment plan from the policyholder, or a recurring credit card or debit card agreement with the insurer. This subsection and subsection (4) do not apply if all policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent, a managing general agent, or a premium finance company and if the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of $10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of $20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured’s agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the
policy’s renewal date with a new company through the terminated agent.

Section 17. Section 768.094, Florida Statutes, is created to read:

768.094 Roller skating rinks; operator and roller skater responsibilities.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the recreational sport of roller skating is practiced by a large number of citizens in this state and is a wholesome and healthy family activity. The Legislature further finds that owners of roller skating rinks have great difficulty in obtaining liability insurance coverage at an affordable cost and that the lack of affordable insurance coverage affects not only the owners, but also patrons who may suffer personal injury as a result of accidents that occur on the premises of a roller skating rink. In order to make it more economically feasible for insurance companies to provide affordable coverage to owners, this section establishes standards to provide more predictability in liability to the owners of rinks and that encourage risk reduction techniques.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Operator” means a person or an entity that owns, manages, controls, directs, or has operational responsibility for a roller skating rink.

(b) “Roller skater” means a person wearing roller skates while in a roller skating rink for the purpose of recreational or competitive roller skating. The term includes an individual in a roller skating rink who is an invitee, regardless of whether the person pays consideration.
(c) “Roller skating rink” means a building, a facility, or a premises that provides an area specifically designed to be used by the public for recreational or competitive roller skating.

(d) “Spectator” means a person who is present in a roller skating rink only for the purpose of observing recreational or competitive roller skating.

(3) OPERATOR RESPONSIBILITIES.—An operator shall:

(a) Comply with all current roller skating rink safety standards published by the Roller Skating Association International to the extent such standards are consistent with this section.

(b) Post the duties of roller skaters and spectators and the duties and obligations of the operator, as prescribed in this section, in at least three conspicuous locations in the roller skating rink.

(c) Maintain the stability and legibility of all signs, symbols, and posted notices required by this section.

(d) When the skating rink is open for skating sessions, have at least one floor supervisor on duty for every 200 roller skaters.

(e) Maintain the skating surface in a reasonably safe condition, and clean and inspect the skating surface before each skating session.

(f) Maintain in good condition the railings, kickboards, and walls surrounding the skating surface.

(g) In rinks with step-up or step-down skating surfaces, ensure that the covering on the riser is securely fastened.

(h) Install fire extinguishers and inspect them at
recommended intervals.

(i) Inspect emergency lighting units at least quarterly to ensure that they are in proper working order.

(j) Keep exit lights and lights in service areas on when skating surface lights are turned off during a skating session.

(k) Maintain in good mechanical condition roller skating equipment that the operator leases or rents to roller skaters.

(l) Comply with all applicable state and local safety codes.

(4) ROLLER SKATER RESPONSIBILITIES.—A roller skater shall:

(a) Maintain reasonable control of his or her speed and the course at all times.

(b) Heed all posted signs and warnings.

(c) Maintain a proper outlook to avoid other roller skaters and objects.

(d) Accept the responsibility for knowing the range of his or her own ability to negotiate the intended direction of travel while on roller skates and to skate within the limits of that ability.

(e) Refrain from acting in a manner that may cause or contribute to the injury of the roller skater or any other person.

Section 18. Paragraph (e) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

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

379.367(4) 3rd Willful molestation of a commercial harvester’s spiny lobster trap, line, or buoy.
<table>
<thead>
<tr>
<th>Section</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>379.407(5)(b)3.</td>
<td>3rd</td>
<td>Possession of 100 or more undersized spiny lobsters.</td>
</tr>
<tr>
<td>381.0041(11)(b)</td>
<td>3rd</td>
<td>Donate blood, plasma, or organs knowing HIV positive.</td>
</tr>
<tr>
<td>440.10(1)(g)</td>
<td>2nd</td>
<td>Failure to obtain workers’ compensation coverage.</td>
</tr>
<tr>
<td>440.105(5)</td>
<td>2nd</td>
<td>Unlawful solicitation for the purpose of making workers’ compensation claims.</td>
</tr>
<tr>
<td>440.381(2)</td>
<td>3rd 2nd</td>
<td>Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers’ compensation premiums.</td>
</tr>
<tr>
<td>624.401(4)(b)2.</td>
<td>2nd</td>
<td>Transacting insurance without a certificate or authority; premium collected $20,000 or</td>
</tr>
<tr>
<td>Section</td>
<td>Degree</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>--------</td>
<td>-------------</td>
</tr>
<tr>
<td>626.902(1)(c)</td>
<td>2nd</td>
<td>Representing an unauthorized insurer; repeat offender.</td>
</tr>
<tr>
<td>790.01(2)</td>
<td>3rd</td>
<td>Carrying a concealed firearm.</td>
</tr>
<tr>
<td>790.162</td>
<td>2nd</td>
<td>Threat to throw or discharge destructive device.</td>
</tr>
<tr>
<td>790.163(1)</td>
<td>2nd</td>
<td>False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.</td>
</tr>
<tr>
<td>790.221(1)</td>
<td>2nd</td>
<td>Possession of short-barreled shotgun or machine gun.</td>
</tr>
<tr>
<td>790.23</td>
<td>2nd</td>
<td>Felons in possession of firearms, ammunition, or electronic weapons or devices.</td>
</tr>
</tbody>
</table>

CODING: Words **stricken** are deletions; words **underlined** are additions.
<table>
<thead>
<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>796.05(1)</td>
<td>2nd</td>
<td>Live on earnings of a prostitute; 1st offense.</td>
</tr>
<tr>
<td>800.04(6)(c)</td>
<td>3rd</td>
<td>Lewd or lascivious conduct; offender less than 18 years of age.</td>
</tr>
<tr>
<td>800.04(7)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition; offender 18 years of age or older.</td>
</tr>
<tr>
<td>806.111(1)</td>
<td>3rd</td>
<td>Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.</td>
</tr>
<tr>
<td>812.0145(2)(b)</td>
<td>2nd</td>
<td>Theft from person 65 years of age or older; $10,000 or more but less than $50,000.</td>
</tr>
<tr>
<td>812.015(8)</td>
<td>3rd</td>
<td>Retail theft; property stolen is valued at $300 or more and one or more specified acts.</td>
</tr>
<tr>
<td>812.019(1)</td>
<td>2nd</td>
<td>Stolen property; dealing in or trafficking in.</td>
</tr>
<tr>
<td>Section</td>
<td>Degree</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>812.131(2)(b)</td>
<td>3rd</td>
<td>Robbery by sudden snatching.</td>
</tr>
<tr>
<td>812.16(2)</td>
<td>3rd</td>
<td>Owning, operating, or conducting a chop shop.</td>
</tr>
<tr>
<td>817.034(4)(a)2.</td>
<td>2nd</td>
<td>Communications fraud, value $20,000 to $50,000.</td>
</tr>
<tr>
<td>817.234(11)(b)</td>
<td>2nd</td>
<td>Insurance fraud; property value $20,000 or more but less than $100,000.</td>
</tr>
<tr>
<td>817.2341(1), (2)(a) &amp; (3)(a)</td>
<td>3rd</td>
<td>Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.</td>
</tr>
<tr>
<td>817.568(2)(b)</td>
<td>2nd</td>
<td>Fraudulent use of personal identification information; value of benefit, services received, payment</td>
</tr>
<tr>
<td>576-04631-19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 671 |
| 817.611(2)(a) |
| 2nd |
| Traffic in or possess 5 to 14 counterfeit credit cards or related documents. |

| 672 |
| 817.625(2)(b) |
| 2nd |
| Second or subsequent fraudulent use of scanning device, skimming device, or reencoder. |

| 673 |
| 825.1025(4) |
| 3rd |
| Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |

| 674 |
| 827.071(4) |
| 2nd |
| Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct |
by a child.

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

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

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

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

Lewd or lascivious exhibition using computer; offender 18
<table>
<thead>
<tr>
<th>Section</th>
<th>Code</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>847.0137</td>
<td>3rd</td>
<td>Transmission of pornography by electronic device or equipment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) &amp; (3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>847.0138</td>
<td>3rd</td>
<td>Transmission of material harmful to minors to a minor by electronic device or equipment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) &amp; (3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>874.05(1)(b)</td>
<td>2nd</td>
<td>Encouraging or recruiting another to join a criminal gang; second or subsequent offense.</td>
<td></td>
</tr>
<tr>
<td>874.05(2)(a)</td>
<td>2nd</td>
<td>Encouraging or recruiting person under 13 years of age to join a criminal gang.</td>
<td></td>
</tr>
<tr>
<td>893.13(1)(a)1.</td>
<td>2nd</td>
<td>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c) drugs).</td>
<td></td>
</tr>
</tbody>
</table>
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., (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.

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.

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 or a specified business site.

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.

893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled substance.

893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

Section 19. Except as otherwise expressly provided in this

CODING: Words stricken are deletions; words underlined are additions.
act and except for this section, which shall take effect upon
this act becoming a law, this act shall take effect July 1,
2019.