

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Santiago offered the following:

**Amendment (with title amendment)**

Remove lines 61-164 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 reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

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 subsection, 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  
38 a motor vehicle or mobile home that is considered to be salvage

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

39 shall, within 72 hours after the motor vehicle or mobile home  
40 becomes salvage, forward the title to the motor vehicle or  
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 the United States  
48 Postal Service, by another commercial delivery service, or by  
49 electronic means, when such means are made available by the  
50 department, to the department for processing. The owner or  
51 insurance company, as applicable, may not dispose of a vehicle  
52 or mobile home that is a total loss before it obtains a salvage  
53 certificate of title or certificate of destruction from the  
54 department. Effective January 1, 2020 ~~July 1, 2023~~:

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

63 a. Has obtained the release of all liens on the motor

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

64 vehicle or mobile home;

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

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

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

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

86 (d) An electronic signature that is consistent with  
87 chapter 668 satisfies any signature required under this  
88 subsection, except that an electronic signature on an odometer

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

89 disclosure submitted through an insurance company must be  
90 executed using an electronic signature, as defined in s.  
91 668.003(4), that uses a system providing an Identity Assurance  
92 Level, Authenticator Assurance Level, and Federation Assurance  
93 Level, as described in the National Institute of Standards and  
94 Technology Special Publication 800-63-3, as of December 1, 2017,  
95 that are equivalent to or greater than:

96 1. Level 2, for each level, for a certificate of  
97 destruction.

98 2. Level 3, for each level, for a salvage certificate of  
99 title.

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

102 440.381 Application for coverage; reporting payroll;  
103 payroll audit procedures; penalties.—

104 (2) Submission of an application that contains false,  
105 misleading, or incomplete information provided with the purpose  
106 of avoiding or reducing the amount of premiums for workers'  
107 compensation coverage is a felony of the third ~~second~~ degree,  
108 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
109 The application must contain a statement that the filing of an  
110 application containing false, misleading, or incomplete  
111 information provided with the purpose of avoiding or reducing  
112 the amount of premiums for workers' compensation coverage is a  
113 felony of the third degree, punishable as provided in s.

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

114 775.082, s. 775.083, or s. 775.084. The application must contain  
 115 a sworn statement by the employer attesting to the accuracy of  
 116 the information submitted and acknowledging the provisions of  
 117 former s. 440.37(4). The application must contain a sworn  
 118 statement by the agent attesting that the agent explained to the  
 119 employer or officer the classification codes that are used for  
 120 premium calculations. The sworn statements by the employer and  
 121 the agent are not required to be notarized.

122 Section 5. Paragraph (e) of subsection (3) of section  
 123 921.0022, Florida Statutes, is amended to read:

124 921.0022 Criminal Punishment Code; offense severity  
 125 ranking chart.—

126 (3) OFFENSE SEVERITY RANKING CHART

127 (e) LEVEL 5

128

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.

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514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

132	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
133	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
134	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 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

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

135

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

136

379.407 (5) (b) 3. 3rd Possession of 100 or more undersized spiny lobsters.

137

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

138

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

139

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

140

440.381 (2) 3rd ~~2nd~~ Submission of false, misleading, or incomplete information with the purpose of

514283

Approved For Filing: 4/5/2019 2:27:39 PM



Amendment No.

firearms, ammunition, or  
electronic weapons or devices.

148

796.05(1) 2nd Live on earnings of a  
prostitute; 1st offense.

149

800.04(6)(c) 3rd Lewd or lascivious conduct;  
offender less than 18 years of  
age.

150

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

151

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

152

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

153

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

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

one or more specified acts.

154

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

155

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

156

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

157

817.034 (4) (a) 2. 2nd Communications fraud, value  
\$20,000 to \$50,000.

158

817.234 (11) (b) 2nd Insurance fraud; property value  
\$20,000 or more but less than  
\$100,000.

159

817.2341 (1), 3rd Filing false financial  
(2) (a) & (3) (a) statements, making false  
entries of material fact or  
false statements regarding  
property values relating to the  
solvency of an insuring entity.

160

817.568 (2) (b) 2nd Fraudulent use of personal

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

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.

161

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

162

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

163

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

164

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

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

child.

165

827.071 (5)

3rd

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

166

828.12 (2)

3rd

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

167

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.

168

843.01

3rd

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

169

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

years or older.

170

847.0137 3rd Transmission of pornography by  
(2) & (3) electronic device or equipment.

171

847.0138 3rd Transmission of material  
(2) & (3) harmful to minors to a minor by  
electronic device or equipment.

172

874.05(1)(b) 2nd Encouraging or recruiting  
another to join a criminal  
gang; second or subsequent  
offense.

173

874.05(2)(a) 2nd Encouraging or recruiting  
person under 13 years of age to  
join a criminal gang.

174

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).

175

893.13(1)(c)2. 2nd Sell, manufacture, or deliver

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

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.

176

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.

177

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.,

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

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

178

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.

179

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

180

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

181

182

183

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184

**T I T L E A M E N D M E N T**

185

Remove lines 2-14 and insert:

514283

Approved For Filing: 4/5/2019 2:27:39 PM

Amendment No.

186 An act relating to insurance; providing a short title;  
187 amending s. 215.555, F.S.; specifying the required  
188 reimbursement of loss adjustment expenses in  
189 reimbursement contracts between the State Board of  
190 Administration and property insurers under the Florida  
191 Hurricane Catastrophe Fund on or after a specified  
192 date; amending s. 319.30, F.S.; specifying means by  
193 which an insurance company may forward certificates of  
194 title of certain salvage motor vehicles or mobile  
195 homes to the Department of Highway Safety and Motor  
196 Vehicles; revising the effective date of certain  
197 procedures and requirements relating to certificates  
198 of title; providing that certain electronic signatures  
199 satisfy certain signature requirements; amending s.  
200 440.381, F.S.; revising a criminal penalty for the  
201 submission, with certain intent, of an employer  
202 application for workers' compensation insurance  
203 coverage which contains false, misleading, or  
204 incomplete information; providing that certain sworn  
205 statements in such applications are not required to be  
206 notarized; amending s. 921.0022, F.S.; conforming a  
207 provision to changes made by the act; creating s.  
208 624.1055, F.S.; providing

514283

Approved For Filing: 4/5/2019 2:27:39 PM