

Bill No. SB 766

Amendment No. 1

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Banking and Insurance recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 626.2816, Florida Statutes, is created to read:

626.2816 Regulation of continuing education for licensees, course providers, instructors, school officials and monitor groups.--

(1) Continuing education course providers, instructors, school officials and monitor groups must be approved by the department before offering continuing education courses pursuant to s. 626.2815.

(2) The department shall adopt rules establishing standards for the approval, regulation, and operation of the continuing education programs and for the discipline of licensees, course providers, instructors, school officials and monitor groups. The standards must be designed to ensure that

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1 such course providers, instructors, school officials and  
2 monitor groups have the knowledge, competence and integrity to  
3 fulfill the educational objectives of ss. 626.2815,  
4 626.869(5), 648.385, and 648.386.

5 (3) The department shall adopt rules establishing a  
6 process by which compliance with the continuing education  
7 requirements of ss. 626.2815, 626.869(5), 648.385, and 648.386  
8 can be determined, the establishment of a continuing education  
9 requirement cycle for licensees, and forms necessary to  
10 implement such a process.

11 Section 2. Subsection (1) of section 626.601, Florida  
12 Statutes, is amended to read:

13 626.601 Improper conduct; inquiry; fingerprinting.--

14 (1) The department may, upon its own motion, and  
15 shall, upon a written complaint signed by any interested  
16 person and filed with the department, inquire into any alleged  
17 improper conduct of any licensed agent, solicitor, adjuster,  
18 service representative, managing general agent, continuing  
19 education course provider, instructor, school official or  
20 monitor group, or claims investigator under this code.

21 Section 3. Section 626.681, Florida Statutes, is  
22 amended to read:

23 626.681 Administrative fine in lieu of suspension,  
24 revocation, or refusal of license, ~~or~~ appointment, or  
25 disapproval.--

26 (1) Except as to insurance agencies, if the department  
27 finds that one or more grounds exist for the suspension,  
28 revocation, or refusal to renew or continue any license or  
29 appointment issued under this chapter, or disapproval of a  
30 continuing education course provider, instructor, school  
31 official or monitor groups the department may, in its

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1 discretion, in lieu of such suspension, revocation, ~~or~~  
2 refusal, or disapproval, and except on a second offense or  
3 when such suspension, revocation, or refusal is mandatory,  
4 impose upon the licensee, ~~or~~ appointee, course provider,  
5 instructor, school official or monitor group an administrative  
6 penalty in an amount up to \$500 or, if the department has  
7 found willful misconduct or willful violation on the part of  
8 the licensee, ~~or~~ appointee, course provider, instructor,  
9 school official or monitor group up to \$2,500. The  
10 administrative penalty may, in the discretion of the  
11 department, be augmented by an amount equal to any commissions  
12 received by or accruing to the credit of the licensee or  
13 appointee in connection with any transaction as to which the  
14 grounds for suspension, revocation, or refusal related.

15 (2) With respect to insurance agencies, if the  
16 department finds that one or more grounds exist for the  
17 suspension, revocation, or refusal to renew or continue any  
18 license issued under this chapter, the department may, in its  
19 discretion, in lieu of such suspension, revocation, or  
20 refusal, impose upon the licensee an administrative penalty in  
21 an amount not to exceed \$10,000 per violation. The  
22 administrative penalty may, in the discretion of the  
23 department, be augmented by an amount equal to any commissions  
24 received by or accruing to the credit of the licensee in  
25 connection with any transaction as to which the grounds for  
26 suspension, revocation, or refusal related.

27 (3) The department may allow the licensee, ~~or~~  
28 appointee, or continuing education course provider,  
29 instructor, school official or monitor group a reasonable  
30 period, not to exceed 30 days, within which to pay to the  
31 department the amount of the penalty so imposed. If the

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1 licensee, or appointee, course provider, instructor, school  
2 official or monitor group fails to pay the penalty in its  
3 entirety to the department within the period so allowed, the  
4 license, or appointments, or approval of that person the  
5 ~~licensee or appointee~~ shall stand suspended or revoked or  
6 renewal or continuation shall be refused, as the case may be,  
7 upon expiration of such period.

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

11 And the title is amended as follows:

12            On page 1, lines 4-15, delete those lines

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14

and insert:

15            course providers and related personnel to be  
16            approved by the Department of Insurance;  
17            providing for the adoption of rules related to  
18            continuing education; amending s. 626.601,  
19            F.S.; providing for the department to  
20            investigate alleged improper conduct by  
21            continuing education course providers and  
22            related personnel; amending s. 626.681, F.S.;

23            authorizing the Department of Insurance to  
24            impose an administrative penalty on continuing  
25            education course providers and related  
26            personnel under certain circumstances;  
27            providing an effective date.

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