

By Senator Diaz-Balart

37-723-98

1 A bill to be entitled
 2 An act relating to insurance; creating s.
 3 626.2816, F.S.; requiring continuing education
 4 course providers and instructors to be approved
 5 by the Department of Insurance; providing for
 6 the adoption of rules; amending s. 626.601,
 7 F.S.; providing for the department to
 8 investigate alleged improper conduct by
 9 customer representatives and continuing
 10 education course providers and instructors;
 11 amending s. 626.681, F.S.; providing for
 12 administrative fines in addition to other
 13 penalties for certain licensees, appointees,
 14 and other persons; increasing an administrative
 15 penalty; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 626.2816, Florida Statutes, is
 20 created to read:

21 626.2816 Continuing education course providers and
 22 instructors.--

23 (1) Course providers and instructors must be approved
 24 by the department before offering continuing education courses
 25 pursuant to s. 626.2815.

26 (2) The department shall adopt rules establishing
 27 standards for the approval, regulation, and discipline of
 28 course providers and instructors. The standards must be
 29 designed to ensure that the providers and instructors have the
 30 knowledge, competence, and integrity to fulfill the
 31 educational objectives of s. 626.2815.

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

3 626.601 Improper conduct; inquiry; fingerprinting.--

4 (1) The department may, upon its own motion, and
5 shall, upon a written complaint signed by any interested
6 person and filed with the department, inquire into any alleged
7 improper conduct of any licensed agent, customer
8 representative, solicitor, adjuster, service representative,
9 managing general agent, or continuing education course
10 provider or instructor ~~claims investigator~~ under this code.

11 Section 3. Section 626.681, Florida Statutes, is
12 amended to read:

13 626.681 Administrative fine in lieu of or in addition
14 to suspension, revocation, or refusal of license, ~~or~~
15 appointment, or approval.--

16 (1) Except as to insurance agencies, if the department
17 finds that one or more grounds exist for the suspension,
18 revocation, or refusal to issue, renew, or continue any
19 license, ~~or~~ appointment, or approval issued under this
20 chapter, the department may, in addition to or its discretion,
21 in lieu of such suspension ~~or~~ revocation, or in lieu of such
22 refusal, and except on a second offense or when such
23 suspension, revocation, or refusal is mandatory, impose upon
24 the licensee, ~~or~~ appointee, or other person an administrative
25 penalty in an amount up to \$500 or, if the department has
26 found willful misconduct or willful violation on the part of
27 the licensee, ~~or~~ appointee, or other person, an amount up to
28 \$3,500 ~~\$2,500~~. The administrative penalty may, in the
29 discretion of the department, be augmented by an amount equal
30 to any commissions received by or accruing to the credit of
31 the licensee or appointee in connection with any transaction

1 as to which the grounds for suspension, revocation, or refusal
2 related.

3 (2) With respect to insurance agencies, if the
4 department finds that one or more grounds exist for the
5 suspension, revocation, or refusal to issue, renew, or
6 continue any license issued under this chapter, the department
7 may, ~~in its discretion,~~ in lieu of or in addition to such
8 suspension ~~or~~ revocation, or in lieu of such refusal, impose
9 upon the licensee an administrative penalty in an amount not
10 to exceed \$10,000 per violation. The administrative penalty
11 may, in the discretion of the department, be augmented by an
12 amount equal to any commissions received by or accruing to the
13 credit of the licensee in connection with any transaction as
14 to which the grounds for suspension, revocation, or refusal
15 related.

16 (3) The department may allow the licensee, ~~or~~
17 appointee, or other person a reasonable period, not to exceed
18 30 days, within which to pay to the department the amount of
19 the penalty so imposed. If the licensee, ~~or~~ appointee, or
20 other person fails to pay the penalty in its entirety to the
21 department within the period so allowed, the licensee, ~~or~~
22 appointments, or approval of that person ~~the licensee or~~
23 ~~appointee~~ shall stand suspended or revoked, or issuance,
24 renewal, or continuation shall be refused, as the case may be,
25 upon expiration of such period.

26 Section 4. This act shall take effect July 1, 1998.
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Requires continuing education providers and instructors to be approved by the Department of Insurance before operating. Authorizes the department to investigate customer representatives and continuing education providers and instructors. Authorizes the imposition of administrative fines in addition to other penalties. Increases an administrative penalty.