

By Senator Bean

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1                                   A bill to be entitled  
2       An act relating to the Division of Insurance Agents  
3       and Agency Services; amending s. 20.121, F.S.;  
4       revising the name of the division; amending s.  
5       624.310, F.S.; revising service delivery methods;  
6       amending s. 624.318, F.S.; prohibiting the removal of  
7       specified original documents under certain conditions;  
8       amending s. 624.501, F.S.; revising original  
9       appointment and renewal fees related to certain  
10      insurance representatives; amending s. 626.015, F.S.;  
11      defining the term "unaffiliated insurance agent";  
12      amending s. 626.0428, F.S.; requiring a branch place  
13      of business to have an agent in charge; authorizing an  
14      agent to be in charge of more than one branch office  
15      under certain circumstances; providing requirements  
16      relating to the designation of an agent in charge;  
17      providing that the agent in charge is accountable for  
18      wrongful acts, misconduct, and violations committed by  
19      the licensee and any person under his or her  
20      supervision; prohibiting an insurance agency from  
21      conducting insurance business at a location without a  
22      designated agent in charge; providing for expiration  
23      of an agency license under specified circumstances;  
24      amending s. 626.112, F.S.; prohibiting new limited  
25      customer representative licenses from being issued  
26      after a specified date; providing licensure exemptions  
27      that allow specified individuals or entities to  
28      conduct insurance business at specified locations  
29      under certain circumstances; revising licensure

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30 requirements and penalties with respect to registered  
31 insurance agencies; providing that the registration of  
32 an approved registered insurance agency automatically  
33 converts to an insurance agency license on a specified  
34 date; amending s. 626.171, F.S.; providing an  
35 exemption from certain licensure application fees;  
36 amending s. 626.172, F.S.; revising requirements  
37 relating to applications for insurance agency  
38 licenses; amending s. 626.207, F.S.; conforming a  
39 cross-reference; amending s. 626.241, F.S.; revising  
40 the scope of the examination for a limited agent  
41 license; amending s. 626.261, F.S.; deleting a  
42 provision requiring certain costs to be paid by  
43 applicants who request licensure examinations in  
44 Spanish; amending s. 626.311, F.S.; limiting the types  
45 of business that may be transacted by certain agents;  
46 amending s. 626.321, F.S.; providing that a license  
47 issued to a business renting or leasing motor vehicles  
48 applies to employees and authorized representatives;  
49 amending s. 626.382, F.S.; providing that an insurance  
50 agency license continues in force until canceled,  
51 suspended, revoked, terminated, or expired; amending  
52 s. 626.601, F.S.; revising terminology relating to  
53 investigations conducted by the Department of  
54 Financial Services and the Office of Insurance  
55 Regulation with respect to individuals and entities  
56 involved in the insurance industry; amending s.  
57 626.611, F.S.; requiring the department to suspend  
58 certain licenses and appointments; amending s.

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59 626.641, F.S.; conforming a cross-reference; amending  
60 s. 626.733, F.S.; revising applicability of certain  
61 appointment provisions; amending s. 626.7355, F.S.;  
62 revising qualifications for a temporary customer  
63 representative's license; repealing s. 626.747, F.S.,  
64 relating to branch agencies, agents in charge, and the  
65 payment of additional county tax under certain  
66 circumstances on a specified date; amending s.  
67 626.7845, F.S.; revising a prohibition against  
68 unlicensed transaction of life insurance; amending ss.  
69 626.8411, 626.861, and 626.862, F.S.; conforming  
70 cross-references; amending s. 626.9272, F.S.; revising  
71 requirements for the licensure of nonresident surplus  
72 lines agents; creating s. 627.4553, F.S.; requiring an  
73 insurance agent who recommends the surrender of  
74 certain annuity or life insurance to provide certain  
75 information to the department; amending s. 627.7015,  
76 F.S.; revising the rulemaking authority of the  
77 department with respect to qualifications and  
78 specified types of penalties covered under the  
79 property insurance mediation program; amending s.  
80 627.706, F.S.; revising the definition of the term  
81 "neutral evaluator"; amending s. 627.7074, F.S.;  
82 providing grounds for the department to deny an  
83 application, or suspend or revoke approval of  
84 certification, of a neutral evaluator; requiring the  
85 department to adopt rules; amending s. 627.745, F.S.;  
86 revising qualifications for approval as a mediator by  
87 the department; providing grounds for the department

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88 to deny an application, or suspend or revoke approval,  
89 of a mediator; requiring the department to adopt  
90 rules; amending s. 627.952, F.S.; providing that  
91 certain persons who are not residents of this state  
92 must be licensed and appointed as nonresident surplus  
93 lines agents in this state in order to engage in  
94 specified activities with respect to servicing  
95 insurance contracts, certificates, or agreements for  
96 purchasing or risk retention groups; deleting a  
97 fidelity bond requirement applicable to certain  
98 nonresident agents who are licensed as surplus lines  
99 agents in another state; amending s. 648.43, F.S.;  
100 revising requirements for the submission of a power of  
101 attorney; amending s. 648.49, F.S.; revising  
102 provisions relating to the duration of suspension or  
103 revocation of a license; amending ss. 943.0585 and  
104 943.059, F.S.; prohibiting a person seeking a license  
105 from the Division of Insurance Agent and Agency  
106 Services who is the subject of an expunged or sealed  
107 criminal history record from denying or failing to  
108 acknowledge arrests covered by the record; providing  
109 effective dates.

110  
111 Be It Enacted by the Legislature of the State of Florida:

112  
113 Section 1. Paragraph (g) of subsection (2) of section  
114 20.121, Florida Statutes, is amended to read:

115 20.121 Department of Financial Services.—There is created a  
116 Department of Financial Services.

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117 (2) DIVISIONS.—The Department of Financial Services shall  
118 consist of the following divisions:

119 (g) The Division of Insurance Agent ~~Agents~~ and Agency  
120 Services.

121 Section 2. Subsection (6) of section 624.310, Florida  
122 Statutes, is amended to read:

123 624.310 Enforcement; cease and desist orders; removal of  
124 certain persons; fines.—

125 (6) ADMINISTRATIVE PROCEDURES.—All administrative  
126 proceedings under subsections (3), (4), and (5) shall be  
127 conducted in accordance with chapter 120. Any service required  
128 or authorized to be made by the department or office under this  
129 code shall be made:

130 (a) By certified mail, return receipt requested, delivered  
131 to the addressee only;

132 (b) By e-mail, delivery receipt required, sent to the most  
133 recent e-mail address provided to the department by the  
134 applicant or licensee in accordance with s. 626.171, s. 626.551,  
135 s. 648.34, or s. 648.421, if service by mail cannot be obtained  
136 at the last address provided to the department by the recipient;

137 (c) By personal delivery, including hand delivery by  
138 department investigators;

139 (d) By publication in accordance with s. 120.60; or

140 (e) In accordance with chapter 48.

141  
142 The service provided for in this subsection ~~herein~~ shall be  
143 effective from the date of delivery.

144 Section 3. Subsection (5) of section 624.318, Florida  
145 Statutes, is amended to read:

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146 624.318 Conduct of examination or investigation; access to  
147 records; correction of accounts; appraisals.-

148 (5) ~~Neither~~ The department, the office, or an ~~nor any~~  
149 examiner may not shall remove an original ~~any~~ record, account,  
150 document, file, or other property of the person being examined  
151 from the offices of such person except with the person's written  
152 consent ~~of such person~~ given in advance of such removal or  
153 pursuant to a court ~~an order of court~~ ~~duly obtained~~.

154 Section 4. Paragraphs (a) and (c) of subsection (6) and  
155 subsections (7) and (8) of section 624.501, Florida Statutes,  
156 are amended to read:

157 624.501 Filing, license, appointment, and miscellaneous  
158 fees.-The department, commission, or office, as appropriate,  
159 shall collect in advance, and persons so served shall pay to it  
160 in advance, fees, licenses, and miscellaneous charges as  
161 follows:

162 (6) Insurance representatives, property, marine, casualty,  
163 and surety insurance.

164 (a) Agent's original appointment and biennial renewal or  
165 continuation thereof, each insurer or unaffiliated agent making  
166 an appointment:

167	Appointment fee.....	\$42.00
168	State tax.....	12.00
169	County tax.....	6.00
170	Total.....	\$60.00

171 (c) Nonresident agent's original appointment and biennial  
172 renewal or continuation thereof, appointment fee, each insurer  
173 or unaffiliated agent making an appointment.....\$60.00

174 (7) Life insurance agents.

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175 (a) Agent's original appointment and biennial renewal or  
176 continuation thereof, each insurer or unaffiliated agent making  
177 an appointment:

178 Appointment fee.....\$42.00  
179 State tax.....12.00  
180 County tax.....6.00  
181 Total.....\$60.00

182 (b) Nonresident agent's original appointment and biennial  
183 renewal or continuation thereof, appointment fee, each insurer  
184 or unaffiliated agent making an appointment \$60.00

185 (8) Health insurance agents.

186 (a) Agent's original appointment and biennial renewal or  
187 continuation thereof, each insurer or unaffiliated agent making  
188 an appointment:

189 Appointment fee.....\$42.00  
190 State tax.....12.00  
191 County tax.....6.00  
192 Total.....\$60.00

193 (b) Nonresident agent's original appointment and biennial  
194 renewal or continuation thereof, appointment fee, each insurer  
195 or unaffiliated agent making an appointment \$60.00

196 Section 5. Present subsection (18) of section 626.015,  
197 Florida Statutes, is renumbered as subsection (19), and a new  
198 subsection (18) is added to that section, to read:

199 626.015 Definitions.—As used in this part:

200 (18) "Unaffiliated insurance agent" means a licensed  
201 insurance agent, except a limited lines agent, who is self-  
202 appointed and who practices as an independent consultant in the  
203 business of analyzing or abstracting insurance policies,

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204 providing insurance advice or counseling, or making specific  
205 recommendations or comparisons of insurance products for a fee  
206 established in advance by written contract signed by the  
207 parties. An unaffiliated insurance agent may not be affiliated  
208 with an insurer, insurer-appointed insurance agent, or insurance  
209 agency contracted with or employing insurer-appointed insurance  
210 agents.

211 Section 6. Effective January 1, 2015, section 626.0428,  
212 Florida Statutes, is amended to read:

213 626.0428 Agency personnel powers, duties, and limitations.—

214 (1) An employee of individual ~~employed by~~ an agent or  
215 agency on salary who devotes full time to clerical work, with  
216 incidental taking of insurance applications or quoting or  
217 receiving premiums on incoming inquiries in the office of the  
218 agent or agency, is not ~~deemed to be~~ an agent or customer  
219 representative if his or her compensation does not include in  
220 whole or in part any commissions on such business and is not  
221 related to the production of applications, insurance, or  
222 premiums.

223 (2) An employee, or an authorized representative located at  
224 a designated branch of an agent or agency may not bind insurance  
225 coverage unless licensed and appointed as an agent or customer  
226 representative.

227 (3) An employee or an authorized representative located at  
228 a designated branch of an agent or agency may not initiate  
229 contact with any person for the purpose of soliciting insurance  
230 unless licensed and appointed as an agent or customer  
231 representative. As to title insurance, an employee of an agent  
232 or agency may not initiate contact with an ~~any~~ individual



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233 proposed to be insured for the purpose of soliciting title  
234 insurance unless licensed as a title insurance agent or exempt  
235 from such licensure pursuant to s. 626.8417(4).

236 (4) (a) Each place of business established by an agent or  
237 agency, firm, corporation, or association must be in the active  
238 full-time charge of a licensed and appointed agent holding the  
239 required agent licenses to transact the lines of insurance being  
240 handled at the location.

241 (b) However, the licensed agent in charge of an insurance  
242 agency may also be the agent in charge of additional branch  
243 office locations of the agency if insurance activities requiring  
244 licensure as an insurance agent do not occur at a location when  
245 an agent is not physically present and unlicensed employees at  
246 the location do not engage in insurance activities requiring  
247 licensure as an insurance agent or customer representative.

248 (c) An insurance agency and each branch place of business  
249 of an insurance agency shall designate an agent in charge and  
250 file the name and license number of the agent in charge and the  
251 physical address of the insurance agency location with the  
252 department at the department's designated website. The  
253 designation of the agent in charge may be changed at the option  
254 of the agency. A change of the designated agent in charge is  
255 effective upon notification to the department, which shall be  
256 provided within 30 days after such change.

257 (d) For the purposes of this subsection, an "agent in  
258 charge" is the licensed and appointed agent who is responsible  
259 for the supervision of all individuals within an insurance  
260 agency location, regardless of whether the agent in charge  
261 handles a specific transaction or deals with the general public

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262 in the solicitation or negotiation of insurance contracts or the  
263 collection or accounting of moneys.

264 (e) An agent in charge of an insurance agency is  
265 accountable for wrongful acts, misconduct, or violations of this  
266 code committed by the licensee or agent or by any person under  
267 his or her supervision while acting on behalf of the agency.  
268 This section does not render an agent in charge criminally  
269 liable for an act unless the agent in charge personally  
270 committed the act or knew or should have known of the act and of  
271 the facts constituting a violation of this chapter.

272 (f) An insurance agency location may not conduct the  
273 business of insurance unless an agent in charge is designated  
274 by, and providing services to, the agency at all times. If the  
275 agent in charge designated with the department ends his or her  
276 affiliation with the agency and the agency fails to designate  
277 another agent in charge within the 30 days provided for in  
278 paragraph (c) and such failure continues for 90 days, the agency  
279 license shall automatically expire on the 91st day after the  
280 date the designated agent in charge ended his or her affiliation  
281 with the agency.

282 Section 7. Effective January 1, 2015, paragraph (b) of  
283 subsection (1) and subsection (7) of section 626.112, Florida  
284 Statutes, are amended to read:

285 626.112 License and appointment required; agents, customer  
286 representatives, adjusters, insurance agencies, service  
287 representatives, managing general agents.—

288 (1)

289 (b) Except as provided in subsection (6) or in applicable  
290 department rules, and in addition to other conduct described in

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291 this chapter with respect to particular types of agents, a  
292 license as an insurance agent, service representative, customer  
293 representative, or limited customer representative is required  
294 in order to engage in the solicitation of insurance. Effective  
295 October 1, 2014, new limited customer representative licenses  
296 may not be issued. For purposes of this requirement, as  
297 applicable to ~~any of~~ the license types described in this  
298 section, the solicitation of insurance is the attempt to  
299 persuade any person to purchase an insurance product by:

- 300 1. Describing the benefits or terms of insurance coverage,  
301 including premiums or rates of return;
- 302 2. Distributing an invitation to contract to prospective  
303 purchasers;
- 304 3. Making general or specific recommendations as to  
305 insurance products;
- 306 4. Completing orders or applications for insurance  
307 products;
- 308 5. Comparing insurance products, advising as to insurance  
309 matters, or interpreting policies or coverages; or
- 310 6. Offering or attempting to negotiate on behalf of another  
311 person a viatical settlement contract as defined in s. 626.9911.  
312

313 However, an employee leasing company licensed under ~~pursuant to~~  
314 chapter 468 which is seeking to enter into a contract with an  
315 employer that identifies products and services offered to  
316 employees may deliver proposals for the purchase of employee  
317 leasing services to prospective clients of the employee leasing  
318 company setting forth the terms and conditions of doing  
319 business; classify employees as permitted by s. 468.529; collect

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320 information from prospective clients and other sources as  
321 necessary to perform due diligence on the prospective client and  
322 to prepare a proposal for services; provide and receive  
323 enrollment forms, plans, and other documents; and discuss or  
324 explain in general terms the conditions, limitations, options,  
325 or exclusions of insurance benefit plans available to the client  
326 or employees of the employee leasing company were the client to  
327 contract with the employee leasing company. Any advertising  
328 materials or other documents describing specific insurance  
329 coverages must identify and be from a licensed insurer or its  
330 licensed agent or a licensed and appointed agent employed by the  
331 employee leasing company. The employee leasing company may not  
332 advise or inform the prospective business client or individual  
333 employees of specific coverage provisions, exclusions, or  
334 limitations of particular plans. As to clients for which the  
335 employee leasing company is providing services pursuant to s.  
336 468.525(4), the employee leasing company may engage in  
337 activities permitted by ss. 626.7315, 626.7845, and 626.8305,  
338 subject to the restrictions specified in those sections. If a  
339 prospective client requests more specific information concerning  
340 the insurance provided by the employee leasing company, the  
341 employee leasing company must refer the prospective business  
342 client to the insurer or its licensed agent or to a licensed and  
343 appointed agent employed by the employee leasing company.

344 (7)(a) An ~~Effective October 1, 2006,~~ no individual, firm,  
345 partnership, corporation, association, or ~~any~~ other entity may  
346 not shall act in its own name or under a trade name, directly or  
347 indirectly, as an insurance agency, unless it complies with s.  
348 626.172 with respect to possessing an insurance agency license

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349 for each place of business at which it engages in an any  
350 activity that ~~which~~ may be performed only by a licensed  
351 insurance agent. However, an insurance agency that is owned and  
352 operated by a single licensed agent conducting business in his  
353 or her individual name and not employing or otherwise using the  
354 services of or appointing other licensees is exempt from the  
355 agency licensing requirements of this subsection.

356 (a) A branch location of a business which is established by  
357 a licensed insurance agency is considered a branch agency and is  
358 not required to be licensed if it transacts business under the  
359 same name and federal tax identification number as the licensed  
360 agency and has designated with the department a licensed agent  
361 in charge of the branch location as required by s. 626.0428 and  
362 the address and telephone number of the branch location have  
363 been submitted to the department for inclusion in the licensing  
364 record of the licensed agency within 30 days after insurance  
365 transactions begin at the branch location ~~Each agency engaged in~~  
366 ~~business in this state before January 1, 2003, which is wholly~~  
367 ~~owned by insurance agents currently licensed and appointed under~~  
368 ~~this chapter, each incorporated agency whose voting shares are~~  
369 ~~traded on a securities exchange, each agency designated and~~  
370 ~~subject to supervision and inspection as a branch office under~~  
371 ~~the rules of the National Association of Securities Dealers, and~~  
372 ~~each agency whose primary function is offering insurance as a~~  
373 ~~service or member benefit to members of a nonprofit corporation~~  
374 ~~may file an application for registration in lieu of licensure in~~  
375 ~~accordance with s. 626.172(3). Each agency engaged in business~~  
376 ~~before October 1, 2006, shall file an application for licensure~~  
377 ~~or registration on or before October 1, 2006.~~

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378        (b)1. If an agency is required to be licensed but fails to  
379 file an application for licensure in accordance with this  
380 section, the department shall impose ~~on the agency an~~  
381 administrative penalty ~~in an amount~~ of up to \$10,000.

382        ~~2. If an agency is eligible for registration but fails to~~  
383 ~~file an application for registration or an application for~~  
384 ~~licensure in accordance with this section, the department shall~~  
385 ~~impose on the agency an administrative penalty in an amount of~~  
386 ~~up to \$5,000.~~

387        (c)(b) Effective October 1, 2015, the department must  
388 convert the registration of an approved a registered insurance  
389 agency to shall, as a condition precedent to continuing  
390 business, obtain an insurance agency license if the department  
391 finds that, with respect to any majority owner, partner,  
392 manager, director, officer, or other person who manages or  
393 controls the agency, any person has:

394        ~~1. Been found guilty of, or has pleaded guilty or nolo~~  
395 ~~contendere to, a felony in this state or any other state~~  
396 ~~relating to the business of insurance or to an insurance agency,~~  
397 ~~without regard to whether a judgment of conviction has been~~  
398 ~~entered by the court having jurisdiction of the cases.~~

399        ~~2. Employed any individual in a managerial capacity or in a~~  
400 ~~capacity dealing with the public who is under an order of~~  
401 ~~revocation or suspension issued by the department. An insurance~~  
402 ~~agency may request, on forms prescribed by the department,~~  
403 ~~verification of any person's license status. If a request is~~  
404 ~~mailed within 5 working days after an employee is hired, and the~~  
405 ~~employee's license is currently suspended or revoked, the agency~~  
406 ~~shall not be required to obtain a license, if the unlicensed~~

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407 ~~person's employment is immediately terminated.~~

408 ~~3. Operated the agency or permitted the agency to be~~  
409 ~~operated in violation of s. 626.747.~~

410 ~~4. With such frequency as to have made the operation of the~~  
411 ~~agency hazardous to the insurance buying public or other~~  
412 ~~persons:~~

413 ~~a. Solicited or handled controlled business. This~~  
414 ~~subparagraph shall not prohibit the licensing of any lending or~~  
415 ~~financing institution or creditor, with respect to insurance~~  
416 ~~only, under credit life or disability insurance policies of~~  
417 ~~borrowers from the institutions, which policies are subject to~~  
418 ~~part IX of chapter 627.~~

419 ~~b. Misappropriated, converted, or unlawfully withheld~~  
420 ~~moneys belonging to insurers, insureds, beneficiaries, or others~~  
421 ~~and received in the conduct of business under the license.~~

422 ~~c. Unlawfully rebated, attempted to unlawfully rebate, or~~  
423 ~~unlawfully divided or offered to divide commissions with~~  
424 ~~another.~~

425 ~~d. Misrepresented any insurance policy or annuity contract,~~  
426 ~~or used deception with regard to any policy or contract, done~~  
427 ~~either in person or by any form of dissemination of information~~  
428 ~~or advertising.~~

429 ~~e. Violated any provision of this code or any other law~~  
430 ~~applicable to the business of insurance in the course of dealing~~  
431 ~~under the license.~~

432 ~~f. Violated any lawful order or rule of the department.~~

433 ~~g. Failed or refused, upon demand, to pay over to any~~  
434 ~~insurer he or she represents or has represented any money coming~~  
435 ~~into his or her hands belonging to the insurer.~~

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436 ~~h. Violated the provision against twisting as defined in s.~~  
 437 ~~626.9541(1)(1).~~

438 ~~i. In the conduct of business, engaged in unfair methods of~~  
 439 ~~competition or in unfair or deceptive acts or practices, as~~  
 440 ~~prohibited under part IX of this chapter.~~

441 ~~j. Willfully overinsured any property insurance risk.~~

442 ~~k. Engaged in fraudulent or dishonest practices in the~~  
 443 ~~conduct of business arising out of activities related to~~  
 444 ~~insurance or the insurance agency.~~

445 ~~l. Demonstrated lack of fitness or trustworthiness to~~  
 446 ~~engage in the business of insurance arising out of activities~~  
 447 ~~related to insurance or the insurance agency.~~

448 ~~m. Authorized or knowingly allowed individuals to transact~~  
 449 ~~insurance who were not then licensed as required by this code.~~

450 ~~5. Knowingly employed any person who within the preceding 3~~  
 451 ~~years has had his or her relationship with an agency terminated~~  
 452 ~~in accordance with paragraph (d).~~

453 ~~6. Willfully circumvented the requirements or prohibitions~~  
 454 ~~of this code.~~

455 Section 8. Present subsection (6) of section 626.171,  
 456 Florida Statutes, is renumbered as subsection (7), and a new  
 457 subsection (6) is added to that section, to read:

458 626.171 Application for license as an agent, customer  
 459 representative, adjuster, service representative, managing  
 460 general agent, or reinsurance intermediary.—

461 (6) Members of the United States Armed Forces and their  
 462 spouses, and veterans of the United States Armed Forces who have  
 463 retired within 24 months before application for licensure, are  
 464 exempt from the application filing fee prescribed in s. 624.501.



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465 Qualified individuals must provide a copy of a military  
466 identification card, military dependent identification card,  
467 military service record, military personnel file, veteran  
468 record, discharge paper, or separation document, or separation  
469 document that indicates such members of the United States Armed  
470 Forces are currently in good standing or were honorably  
471 discharged.

472 Section 9. Subsections (2), (3), and (4) of section  
473 626.172, Florida Statutes, are amended to read:

474 626.172 Application for insurance agency license.—

475 (2) An application for an insurance agency license must be  
476 signed by an individual specified in paragraph (a) ~~shall be~~  
477 signed by the owner or owners of the agency. An insurance agency  
478 may permit a third party to complete, submit, and sign an  
479 application on the insurance agency's behalf; however, the  
480 insurance agency is responsible for ensuring that the  
481 information on the application is true and correct and is  
482 accountable for any misstatements or misrepresentations. ~~If the~~  
483 agency is incorporated, the application shall be signed by the  
484 president and secretary of the corporation. The application must  
485 for an insurance agency license shall include:

486 (a) The name of each ~~majority~~ owner, partner, officer, and  
487 director, president, senior vice president, secretary,  
488 treasurer, and limited liability company member who directs or  
489 participates in the management or control of the insurance  
490 agency, whether through ownership of voting securities, by  
491 contract, by ownership of an agency bank account, or otherwise.

492 (b) The residence address of each person required to be  
493 listed in the application under paragraph (a).

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494           (c) The name, principal business street address, and valid  
495 e-mail address of the insurance agency and the name, address,  
496 and e-mail address of the agency's registered agent or person or  
497 company authorized to accept service on behalf of the agency and  
498 ~~its principal business address.~~

499           (d) The physical address location of each branch agency,  
500 including its name, e-mail address, and telephone number, and  
501 the date that the branch location began transacting insurance  
502 ~~office and the name under which each agency office conducts or~~  
503 ~~will conduct business.~~

504           (e) The name of the ~~each~~ agent ~~to be~~ in full-time charge of  
505 the an agency office, including branch locations, and his or her  
506 corresponding location ~~specification of which office.~~

507           (f) The fingerprints of each of the following:

508           1. A sole proprietor;

509           2. Each individual specified in paragraph (a) ~~partner;~~ and

510           ~~3. Each owner of an unincorporated agency;~~

511           3.4. Each individual ~~owner~~ who directs or participates in  
512 the management or control of an incorporated agency whose shares  
513 are not traded on a securities exchange;

514           ~~5. The president, senior vice presidents, treasurer,~~  
515 ~~secretary, and directors of the agency; and~~

516           ~~6. Any other person who directs or participates in the~~  
517 ~~management or control of the agency, whether through the~~  
518 ~~ownership of voting securities, by contract, or otherwise.~~

519  
520 Fingerprints must be taken by a law enforcement agency or other  
521 entity approved by the department and must be accompanied by the  
522 fingerprint processing fee specified in s. 624.501. Fingerprints

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523 must ~~shall~~ be processed in accordance with s. 624.34. However,  
524 fingerprints need not be filed for an ~~any~~ individual who is  
525 currently licensed and appointed under this chapter. This  
526 paragraph does not apply to corporations whose voting shares are  
527 traded on a securities exchange.

528 (g) Such additional information as the department requires  
529 by rule to ascertain the trustworthiness and competence of  
530 persons required to be listed on the application and to  
531 ascertain that such persons meet the requirements of this code.  
532 However, the department may not require that credit or character  
533 reports be submitted for persons required to be listed on the  
534 application.

535 (3) ~~(h)~~ ~~Beginning October 1, 2005,~~ The department must ~~shall~~  
536 accept the uniform application for nonresident agency licensure.  
537 The department may adopt by rule revised versions of the uniform  
538 application.

539 ~~(3) The department shall issue a registration as an~~  
540 ~~insurance agency to any agency that files a written application~~  
541 ~~with the department and qualifies for registration. The~~  
542 ~~application for registration shall require the agency to provide~~  
543 ~~the same information required for an agency licensed under~~  
544 ~~subsection (2), the agent identification number for each owner~~  
545 ~~who is a licensed agent, proof that the agency qualifies for~~  
546 ~~registration as provided in s. 626.112(7), and any other~~  
547 ~~additional information that the department determines is~~  
548 ~~necessary in order to demonstrate that the agency qualifies for~~  
549 ~~registration. The application must be signed by the owner or~~  
550 ~~owners of the agency. If the agency is incorporated, the~~  
551 ~~application must be signed by the president and the secretary of~~

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552 ~~the corporation. An agent who owns the agency need not file~~  
553 ~~fingerprints with the department if the agent obtained a license~~  
554 ~~under this chapter and the license is currently valid.~~

555 ~~(a) If an application for registration is denied, the~~  
556 ~~agency must file an application for licensure no later than 30~~  
557 ~~days after the date of the denial of registration.~~

558 ~~(b) A registered insurance agency must file an application~~  
559 ~~for licensure no later than 30 days after the date that any~~  
560 ~~person who is not a licensed and appointed agent in this state~~  
561 ~~acquires any ownership interest in the agency. If an agency~~  
562 ~~fails to file an application for licensure in compliance with~~  
563 ~~this paragraph, the department shall impose an administrative~~  
564 ~~penalty in an amount of up to \$5,000 on the agency.~~

565 ~~(c) Sections 626.6115 and 626.6215 do not apply to agencies~~  
566 ~~registered under this subsection.~~

567 (4) The department must ~~shall~~ issue a license ~~or~~  
568 ~~registration~~ to each agency upon approval of the application,  
569 and each agency location must ~~shall~~ display the license ~~or~~  
570 ~~registration~~ prominently in a manner that makes it clearly  
571 visible to any customer or potential customer who enters the  
572 agency location.

573 Section 10. Subsection (7) of section 626.207, Florida  
574 Statutes, is amended to read:

575 626.207 Disqualification of applicants and licensees;  
576 penalties against licensees; rulemaking authority.—

577 (7) After the disqualifying period has been met, the burden  
578 is on the applicant to demonstrate that the applicant has been  
579 rehabilitated, does not pose a risk to the insurance-buying  
580 public, is fit and trustworthy to engage in the business of

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581 insurance pursuant to s. 626.611(1)(g) ~~s. 626.611(7)~~, and is  
582 otherwise qualified for licensure.

583 Section 11. Subsection (5) of section 626.241, Florida  
584 Statutes, is amended to read:

585 626.241 Scope of examination.—

586 (5) Examinations given applicants for a limited agent  
587 ~~license as agent or as customer representative~~ shall be limited  
588 in scope to the kind of business to be transacted under such  
589 license.

590 Section 12. Subsection (5) of section 626.261, Florida  
591 Statutes, is amended to read:

592 626.261 Conduct of examination.—

593 (5) The department may provide licensure examinations in  
594 Spanish. ~~Applicants requesting examination or reexamination in~~  
595 ~~Spanish must bear the full cost of the department's development,~~  
596 ~~preparation, administration, grading, and evaluation of the~~  
597 ~~Spanish language examination.~~ When determining whether it is in  
598 the public interest to allow the examination to be translated  
599 into and administered in Spanish, the department shall consider  
600 the percentage of the population who speak Spanish.

601 Section 13. Present subsection (6) of section 626.311,  
602 Florida Statutes, is renumbered as subsection (7), and a new  
603 subsection (6) is added to that section, to read:

604 626.311 Scope of license.—

605 (6) An agent who appoints his or her license as an  
606 unaffiliated insurance agent may not hold an appointment from an  
607 insurer for any license he or she holds; transact, solicit, or  
608 service an insurance contract on behalf of an insurer; interfere  
609 with commissions received or to be received by an insurer—

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610 appointed insurance agent or an insurance agency contracted with  
611 or employing insurer-appointed insurance agents; or receive  
612 compensation or any other thing of value from an insurer, an  
613 insurer-appointed insurance agent, or an insurance agency  
614 contracted with or employing insurer-appointed insurance agents  
615 for any transaction or referral occurring after the date of  
616 appointment as an unaffiliated insurance agent. An unaffiliated  
617 insurance agent may continue to receive commissions on sales  
618 that occurred before the date of appointment as an unaffiliated  
619 insurance agent if the receipt of such commissions is disclosed  
620 when making recommendations or evaluating products for a client  
621 that involve products of the entity from which the commissions  
622 are received.

623 Section 14. Paragraph (d) of subsection (1) of section  
624 626.321, Florida Statutes, is amended to read:

625 626.321 Limited licenses.—

626 (1) The department shall issue to a qualified applicant a  
627 license as agent authorized to transact a limited class of  
628 business in any of the following categories of limited lines  
629 insurance:

630 (d) *Motor vehicle rental insurance.*—

631 1. License covering only insurance of the risks set forth  
632 in this paragraph when offered, sold, or solicited with and  
633 incidental to the rental or lease of a motor vehicle and which  
634 applies only to the motor vehicle that is the subject of the  
635 lease or rental agreement and the occupants of the motor  
636 vehicle:

637 a. Excess motor vehicle liability insurance providing  
638 coverage in excess of the standard liability limits provided by

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639 the lessor in the lessor's lease to a person renting or leasing  
640 a motor vehicle from the licensee's employer for liability  
641 arising in connection with the negligent operation of the leased  
642 or rented motor vehicle.

643 b. Insurance covering the liability of the lessee to the  
644 lessor for damage to the leased or rented motor vehicle.

645 c. Insurance covering the loss of or damage to baggage,  
646 personal effects, or travel documents of a person renting or  
647 leasing a motor vehicle.

648 d. Insurance covering accidental personal injury or death  
649 of the lessee and any passenger who is riding or driving with  
650 the covered lessee in the leased or rented motor vehicle.

651 2. Insurance under a motor vehicle rental insurance license  
652 may be issued only if the lease or rental agreement is for no  
653 more than 60 days, the lessee is not provided coverage for more  
654 than 60 consecutive days per lease period, and the lessee is  
655 given written notice that his or her personal insurance policy  
656 providing coverage on an owned motor vehicle may provide  
657 coverage of such risks and that the purchase of the insurance is  
658 not required in connection with the lease or rental of a motor  
659 vehicle. If the lease is extended beyond 60 days, the coverage  
660 may be extended one time only for up to 60 ~~a period not to~~  
661 ~~exceed an~~ additional ~~60~~ days. Insurance may be provided to the  
662 lessee as an additional insured on a policy issued to the  
663 licensee's employer.

664 3. The license may be issued only to the full-time salaried  
665 employee of a licensed general lines agent or to a business  
666 entity that offers motor vehicles for rent or lease if insurance  
667 sales activities authorized by the license are in connection

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668 with and incidental to the rental or lease of a motor vehicle.

669 a. A license issued to a business entity that offers motor  
670 vehicles for rent or lease encompasses each office, branch  
671 office, employee, and authorized representative located at a  
672 designated branch or place of business making use of the  
673 entity's business name in order to offer, solicit, and sell  
674 insurance pursuant to this paragraph.

675 b. The application for licensure must list the name,  
676 address, and phone number for each office, branch office, or  
677 place of business that is to be covered by the license. The  
678 licensee shall notify the department of the name, address, and  
679 phone number of any new location that is to be covered by the  
680 license before the new office, branch office, or place of  
681 business engages in the sale of insurance pursuant to this  
682 paragraph. The licensee must notify the department within 30  
683 days after closing or terminating an office, branch office, or  
684 place of business. Upon receipt of the notice, the department  
685 shall delete the office, branch office, or place of business  
686 from the license.

687 c. A licensed and appointed entity is directly responsible  
688 and accountable for all acts of the licensee's employees.

689 Section 15. Effective January 1, 2015, section 626.382,  
690 Florida Statutes, is amended to read:

691 626.382 Continuation, expiration of license; insurance  
692 agencies.—The license of an ~~any~~ insurance agency ~~shall be issued~~  
693 ~~for a period of 3 years and shall continue in force until~~  
694 ~~canceled, suspended, or revoked,~~ or until it is otherwise  
695 terminated or expires by operation of law. ~~A license may be~~  
696 ~~renewed by submitting a renewal request to the department on a~~



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697 ~~form adopted by department rule.~~

698 Section 16. Section 626.601, Florida Statutes, is amended  
699 to read:

700 626.601 Improper conduct; investigation inquiry;  
701 fingerprinting.—

702 (1) The department or office may, upon its own motion or  
703 upon a written complaint signed by an ~~any~~ interested person and  
704 filed with the department or office, inquire into the ~~any~~  
705 alleged improper conduct of any licensed, approved, or certified  
706 licensee, insurance agency, agent, adjuster, service  
707 representative, managing general agent, customer representative,  
708 title insurance agent, title insurance agency, mediator, neutral  
709 evaluator, navigator, continuing education course provider,  
710 instructor, school official, or monitor group under this code.

711 The department or office may thereafter initiate an  
712 investigation of any such individual or entity ~~licensee~~ if it  
713 has reasonable cause to believe that the individual or entity  
714 ~~licensee~~ has violated any provision of the insurance code.  
715 During the course of its investigation, the department or office  
716 shall contact the individual or entity ~~licensee~~ being  
717 investigated unless it determines that contacting such  
718 individual or entity ~~person~~ could jeopardize the successful  
719 completion of the investigation or cause injury to the public.

720 (2) In the investigation by the department or office of any  
721 ~~the~~ alleged misconduct, an individual or entity ~~the licensee~~  
722 shall, if ~~whenever~~ so required by the department or office,  
723 cause the individual's or entity's ~~his or her~~ books and records  
724 to be open for inspection for the purpose of such investigation  
725 ~~inquiries~~.

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726 (3) ~~The~~ Complaints against an individual or entity ~~any~~  
727 ~~licensee~~ may be informally alleged and are not required to  
728 include ~~need not be in any such~~ language as ~~is~~ necessary to  
729 charge a crime on an indictment or information.

730 (4) The expense for ~~any~~ hearings or investigations  
731 conducted under this section ~~law~~, as well as the fees and  
732 mileage of witnesses, may be paid out of the appropriate fund.

733 (5) If ~~the department or office~~, after investigation, the  
734 department or office has reason to believe that an individual ~~a~~  
735 ~~licensee~~ may have been found guilty of or pleaded guilty or nolo  
736 contendere to a felony or a crime related to the business of  
737 insurance in this or any other state or jurisdiction, the  
738 department or office may require the individual ~~licensee~~ to file  
739 with the department or office a complete set of his or her  
740 fingerprints, ~~which shall be~~ accompanied by the fingerprint  
741 processing fee set forth in s. 624.501. The fingerprints shall  
742 be taken by an authorized law enforcement agency or other  
743 department-approved entity.

744 (6) The complaint and any information obtained pursuant to  
745 the investigation by the department or office are confidential  
746 and are exempt from ~~the provisions of~~ s. 119.07, unless the  
747 department or office files a formal administrative complaint,  
748 emergency order, or consent order against the individual or  
749 entity ~~licensee~~. ~~Nothing in~~ This subsection does not ~~shall be~~  
750 ~~construed to~~ prevent the department or office from disclosing  
751 the complaint or such information as it deems necessary to  
752 conduct the investigation, to update the complainant as to the  
753 status and outcome of the complaint, or to share such  
754 information with any law enforcement agency or other regulatory

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755 body.756 Section 17. Section 626.611, Florida Statutes, is amended  
757 to read:758 626.611 Grounds for compulsory refusal, suspension, or  
759 revocation of agent's, title agency's, adjuster's, customer  
760 representative's, service representative's, or managing general  
761 agent's license or appointment.-762 (1) The department shall deny an application for, suspend,  
763 revoke, or refuse to renew or continue the license or  
764 appointment of an ~~any~~ applicant, agent, title agency, adjuster,  
765 customer representative, service representative, or managing  
766 general agent, and it shall suspend or revoke the eligibility to  
767 hold a license or appointment of any such person, if it finds  
768 that as to the applicant, licensee, or appointee any one or more  
769 of the following applicable grounds exist:770 (a) ~~(1)~~ Lack of one or more of the qualifications for the  
771 license or appointment as specified in this code.772 (b) ~~(2)~~ Material misstatement, misrepresentation, or fraud  
773 in obtaining the license or appointment or in attempting to  
774 obtain the license or appointment.775 (c) ~~(3)~~ Failure to pass to the satisfaction of the  
776 department any examination required under this code.777 (d) ~~(4)~~ If the license or appointment is willfully used, or  
778 to be used, to circumvent any of the requirements or  
779 prohibitions of this code.780 (e) ~~(5)~~ Willful misrepresentation of any insurance policy or  
781 annuity contract or willful deception with regard to any such  
782 policy or contract, done either in person or by any form of  
783 dissemination of information or advertising.

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784        (f)~~(6)~~ If, as an adjuster, or as an agent licensed and  
785 appointed to adjust claims under this code, he or she has  
786 materially misrepresented to an insured or other interested  
787 party the terms and coverage of an insurance contract with  
788 intent and for the purpose of effecting settlement of claim for  
789 loss or damage or benefit under such contract on less favorable  
790 terms than those provided in and contemplated by the contract.

791        (g)~~(7)~~ Demonstrated lack of fitness or trustworthiness to  
792 engage in the business of insurance.

793        (h)~~(8)~~ Demonstrated lack of reasonably adequate knowledge  
794 and technical competence to engage in the transactions  
795 authorized by the license or appointment.

796        (i)~~(9)~~ Fraudulent or dishonest practices in the conduct of  
797 business under the license or appointment.

798        (j)~~(10)~~ Misappropriation, conversion, or unlawful  
799 withholding of moneys belonging to insurers or insureds or  
800 beneficiaries or to others and received in conduct of business  
801 under the license or appointment.

802        (k)~~(11)~~ Unlawfully rebating, attempting to unlawfully  
803 rebate, or unlawfully dividing or offering to divide his or her  
804 commission with another.

805        (l)~~(12)~~ Having obtained or attempted to obtain, or having  
806 used or using, a license or appointment as agent or customer  
807 representative for the purpose of soliciting or handling  
808 "controlled business" as defined in s. 626.730 with respect to  
809 general lines agents, s. 626.784 with respect to life agents,  
810 and s. 626.830 with respect to health agents.

811        (m)~~(13)~~ Willful failure to comply with, or willful  
812 violation of, any proper order or rule of the department or

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813 willful violation of any provision of this code.

814 (n)~~(14)~~ Having been found guilty of or having pleaded  
815 guilty or nolo contendere to a felony or a crime punishable by  
816 imprisonment of 1 year or more under the law of the United  
817 States of America or of any state thereof or under the law of  
818 any other country which involves moral turpitude, without regard  
819 to whether a judgment of conviction has been entered by the  
820 court having jurisdiction of such cases.

821 (o)~~(15)~~ Fraudulent or dishonest practice in submitting or  
822 aiding or abetting any person in the submission of an  
823 application for workers' compensation coverage under chapter 440  
824 containing false or misleading information as to employee  
825 payroll or classification for the purpose of avoiding or  
826 reducing the amount of premium due for such coverage.

827 (p)~~(16)~~ Sale of an unregistered security that was required  
828 to be registered, pursuant to chapter 517.

829 (q)~~(17)~~ In transactions related to viatical settlement  
830 contracts as defined in s. 626.9911:

831 1.~~(a)~~ Commission of a fraudulent or dishonest act.

832 2.~~(b)~~ No longer meeting the requirements for initial  
833 licensure.

834 3.~~(c)~~ Having received a fee, commission, or other valuable  
835 consideration for his or her services with respect to viatical  
836 settlements that involved unlicensed viatical settlement  
837 providers or persons who offered or attempted to negotiate on  
838 behalf of another person a viatical settlement contract as  
839 defined in s. 626.9911 and who were not licensed life agents.

840 4.~~(d)~~ Dealing in bad faith with viators.

841 (2) Upon receipt of an information or indictment, the

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842 department shall immediately temporarily suspend a license or  
843 appointment issued under this chapter if the licensee is charged  
844 with a felony enumerated in s. 626.207(3). The suspension shall  
845 continue if the licensee is found guilty of, or pleads guilty or  
846 nolo contendere to, the crime, regardless of whether a judgment  
847 or conviction is entered, during a pending appeal. A person may  
848 not transact insurance business after suspension of his or her  
849 license or appointment.

850 Section 18. Subsection (2) of section 626.641, Florida  
851 Statutes, is amended to read:

852 626.641 Duration of suspension or revocation.—

853 (2) No person or appointee under any license or appointment  
854 revoked by the department, nor any person whose eligibility to  
855 hold same has been revoked by the department, shall have the  
856 right to apply for another license or appointment under this  
857 code within 2 years after ~~from~~ the effective date of such  
858 revocation or, if judicial review of such revocation is sought,  
859 within 2 years after ~~from~~ the date of final court order or  
860 decree affirming the revocation. An applicant for another  
861 license or appointment pursuant to this subsection must apply  
862 and qualify for licensure in the same manner as a first-time  
863 applicant, and the application may be denied on the same grounds  
864 that apply to first-time applicants for licensure pursuant to  
865 ss. 626.207, 626.611, and 626.621. In addition, the department  
866 may ~~shall~~ not grant a new license or appointment or reinstate  
867 eligibility to hold such license or appointment if it finds that  
868 the circumstance or circumstances for which the eligibility was  
869 revoked or for which the previous license or appointment was  
870 revoked still exist or are likely to recur, or ~~+~~ if an

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871 individual's license as agent or customer representative or  
872 eligibility to hold same has been revoked upon the ground  
873 specified in s. 626.611(1)(1) ~~s. 626.611(12)~~, the department  
874 ~~shall refuse to grant or issue any new license or appointment so~~  
875 ~~applied for.~~

876 Section 19. Section 626.733, Florida Statutes, is amended  
877 to read:

878 626.733 Agency firms and corporations; special  
879 requirements.—If a sole proprietorship, partnership,  
880 corporation, or association holds an agency contract, all  
881 members thereof who solicit, negotiate, or effect insurance  
882 contracts, and all officers and stockholders of the corporation  
883 who solicit, negotiate, or effect insurance contracts, must ~~are~~  
884 ~~required to~~ qualify and be licensed individually as agents or  
885 customer representatives, + and all of such agents must be  
886 individually appointed as to each property and casualty insurer  
887 entering into an agency contract with such agency. Each ~~such~~  
888 appointing insurer ~~as seen as known to it~~ shall comply with this  
889 section and shall determine and require that each agent so  
890 associated ~~in or so connected~~ with such agency is likewise  
891 appointed as to the same such insurer and for the same type and  
892 class of license. However, an ~~no~~ insurer is not required to  
893 comply with the appointment provisions of this section for an  
894 agent within an agency who does not solicit, negotiate, or  
895 effect insurance contracts for that insurer if such insurer  
896 ~~satisfactorily demonstrates to the department that the insurer~~  
897 ~~has issued an aggregate net written premium, in an agency, in an~~  
898 ~~amount of \$25,000 or less.~~

899 Section 20. Paragraphs (a) and (g) of subsection (1) of

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900 section 626.7355, Florida Statutes, are amended to read:

901 626.7355 Temporary license as customer representative  
902 pending examination.—

903 (1) The department shall issue a temporary customer  
904 representative's license with respect to a person who has  
905 applied for such license upon finding that the person:

906 (a) Has filed an application for a customer  
907 representative's license ~~or a limited customer representative's~~  
908 ~~license~~ and has paid any fees required under s. 624.501(5) in  
909 connection with such application ~~for a customer representative's~~  
910 ~~license or limited customer representative's license.~~

911 (g) Is not disqualified from licensure by the department  
912 under s. 626.207 ~~Within the last 5 years, has not been~~  
913 ~~convicted, found guilty or pleaded nolo contendere to a felony~~  
914 ~~or a crime punishable by imprisonment of 1 year or more under~~  
915 ~~the law of any municipality, county, state, territory, or~~  
916 ~~country, whether or not a judgment of conviction has been~~  
917 ~~entered.~~

918 Section 21. Effective January 1, 2015, section 626.747,  
919 Florida Statutes, is repealed.

920 Section 22. Subsection (1) of section 626.7845, Florida  
921 Statutes, is amended to read:

922 626.7845 Prohibition against unlicensed transaction of life  
923 insurance.—

924 (1) An individual may not solicit or sell variable life  
925 insurance, variable annuity contracts, or any other  
926 indeterminate value or variable contract as defined in s.  
927 627.8015, unless the individual has successfully completed a  
928 licensure examination relating to variable ~~annuity~~ contracts



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929 authorized and approved by the department.

930 Section 23. Effective January 1, 2015, subsection (1) of  
931 section 626.8411, Florida Statutes, is amended to read:

932 626.8411 Application of Florida Insurance Code provisions  
933 to title insurance agents or agencies.—

934 (1) The following provisions ~~of part II~~ applicable to  
935 general lines agents or agencies also apply to title insurance  
936 agents or agencies:

937 (a) Section 626.734, relating to liability of certain  
938 agents.

939 (b) Section 626.0428(4) (a) and (b) ~~626.747~~, relating to  
940 branch agencies.

941 (c) Section 626.749, relating to place of business in  
942 residence.

943 (d) Section 626.753, relating to sharing of commissions.

944 (e) Section 626.754, relating to rights of agent following  
945 termination of appointment.

946 Section 24. Subsection (2) of section 626.861, Florida  
947 Statutes, is amended to read:

948 626.861 Insurer's officers, insurer's employees, reciprocal  
949 insurer's representatives; adjustments by.—

950 (2) If any such officer, employee, attorney, or agent in  
951 connection with the adjustment of any such claim, loss, or  
952 damage engages in ~~any of~~ the misconduct described in or  
953 contemplated by s. 626.611(1) (f) ~~s. 626.611(6)~~, the office may  
954 suspend or revoke the insurer's certificate of authority.

955 Section 25. Section 626.862, Florida Statutes, is amended  
956 to read:

957 626.862 Agents; adjustments by.—A licensed and appointed

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958 insurance agent may, without being licensed as an adjuster,  
959 adjust losses for the insurer represented by him or her as agent  
960 if ~~se~~ authorized by the insurer. The license and appointment of  
961 the agent may be suspended or revoked for violation of or  
962 misconduct prohibited by s. 626.611(1)(f) ~~s. 626.611(6)~~.

963 Section 26. Subsection (2) of section 626.9272, Florida  
964 Statutes, is amended to read:

965 626.9272 Licensing of nonresident surplus lines agents.—

966 (2) The department may not issue a license unless the  
967 applicant satisfies the same licensing requirements under s.  
968 626.927 as required of a resident surplus lines agent, excluding  
969 the required experience or coursework and examination. The  
970 department may refuse to issue such license or appointment if  
971 ~~when~~ it has reason to believe that any of the grounds exist for  
972 denial, suspension, or revocation of a license as set forth in  
973 ss. 626.611 and 626.621.

974 Section 27. Section 627.4553, Florida Statutes, is created  
975 to read:

976 627.4553 Recommendations to surrender.—If an insurance  
977 agent recommends the surrender of an annuity or life insurance  
978 policy containing a cash value but does not recommend that the  
979 proceeds from the surrender be used to fund or purchase another  
980 annuity or life insurance policy, before execution of the  
981 surrender, the insurance agent, or the insurance company if no  
982 agent is involved, must provide, on a form that satisfies the  
983 requirements of the rule adopted by the department, information  
984 relating to the annuity or policy to be surrendered. Such  
985 information must include, but need not limited to, the amount of  
986 any surrender charge, the loss of any minimum interest rate

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987 guarantees, the amount of any tax consequences resulting from  
988 the transaction, the amount of any forfeited death benefit, and  
989 the value of any other investment performance guarantees being  
990 forfeited as a result of the transaction. This section also  
991 applies to a person performing insurance agent activities  
992 pursuant to an exemption from licensure under this part.

993 Section 28. Paragraph (b) of subsection (4) of section  
994 627.7015, Florida Statutes, is amended to read:

995 627.7015 Alternative procedure for resolution of disputed  
996 property insurance claims.-

997 (4) The department shall adopt by rule a property insurance  
998 mediation program to be administered by the department or its  
999 designee. The department may also adopt special rules which are  
1000 applicable in cases of an emergency within the state. The rules  
1001 shall be modeled after practices and procedures set forth in  
1002 mediation rules of procedure adopted by the Supreme Court. The  
1003 rules shall provide for:

1004 (b) Qualifications, denial of application, suspension,  
1005 revocation, and other penalties for ~~of~~ mediators as provided in  
1006 s. 627.745 and ~~in~~ the Florida Rules for ~~of~~ Certified and Court-  
1007 Appointed Court Appointed Mediators, and ~~for such other~~  
1008 ~~individuals as are qualified by education, training, or~~  
1009 ~~experience as the department determines to be appropriate.~~

1010 Section 29. Paragraph (c) of subsection (2) of section  
1011 627.706, Florida Statutes, is amended to read:

1012 627.706 Sinkhole insurance; catastrophic ground cover  
1013 collapse; definitions.-

1014 (2) As used in ss. 627.706-627.7074, and as used in  
1015 connection with any policy providing coverage for a catastrophic

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1016 ground cover collapse or for sinkhole losses, the term:

1017 (c) "Neutral evaluator" means a professional engineer or a  
1018 professional geologist who has completed a course of study in  
1019 alternative dispute resolution designed or approved by the  
1020 department for use in the neutral evaluation process, ~~and~~ and who is  
1021 determined by the department to be fair and impartial, and who  
1022 is not otherwise ineligible for certification as provided in s.  
1023 627.7074.

1024 Section 30. Subsections (7) and (18) of section 627.7074,  
1025 Florida Statutes, are amended to read:

1026 627.7074 Alternative procedure for resolution of disputed  
1027 sinkhole insurance claims.—

1028 (7) Upon receipt of a request for neutral evaluation, the  
1029 department shall provide the parties a list of certified neutral  
1030 evaluators. The department shall allow the parties to submit  
1031 requests to disqualify evaluators on the list for cause.

1032 (a) The department shall disqualify neutral evaluators for  
1033 cause based only on any of the following grounds:

1034 1. A familial relationship exists between the neutral  
1035 evaluator and either party or a representative of either party  
1036 within the third degree.

1037 2. The proposed neutral evaluator has, in a professional  
1038 capacity, previously represented either party or a  
1039 representative of either party, in the same or a substantially  
1040 related matter.

1041 3. The proposed neutral evaluator has, in a professional  
1042 capacity, represented another person in the same or a  
1043 substantially related matter and that person's interests are  
1044 materially adverse to the interests of the parties. The term

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1045 "substantially related matter" means participation by the  
1046 neutral evaluator on the same claim, property, or adjacent  
1047 property.

1048 4. The proposed neutral evaluator has, within the preceding  
1049 5 years, worked as an employer or employee of a ~~any~~ party to the  
1050 case.

1051 (b) The department shall deny an application, or suspend or  
1052 revoke its certification, of a neutral evaluator to serve in  
1053 such capacity if the department finds that one or more of the  
1054 following grounds exist:

1055 1. Lack of one or more of the qualifications specified in  
1056 this section for certification.

1057 2. Material misstatement, misrepresentation, or fraud in  
1058 obtaining or attempting to obtain certification.

1059 3. Demonstrated lack of fitness or trustworthiness to act  
1060 as a neutral evaluator.

1061 4. Fraudulent or dishonest practices in the conduct of an  
1062 evaluation or in the conduct of financial services business.

1063 5. Violation of any provision of this code or of a lawful  
1064 order or rule of the department or aiding, instructing, or  
1065 encouraging another party in committing such a violation.

1066 (c) ~~(b)~~ The parties shall appoint a neutral evaluator from  
1067 the department list and promptly inform the department. If the  
1068 parties cannot agree to a neutral evaluator within 14 business  
1069 days, the department shall appoint a neutral evaluator from the  
1070 list of certified neutral evaluators. The department shall allow  
1071 each party to disqualify two neutral evaluators without cause.  
1072 Upon selection or appointment, the department shall promptly  
1073 refer the request to the neutral evaluator.

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1074        (d)~~(e)~~ Within 14 business days after the referral, the  
 1075 neutral evaluator shall notify the policyholder and the insurer  
 1076 of the date, time, and place of the neutral evaluation  
 1077 conference. The conference may be held by telephone, if feasible  
 1078 and desirable. The neutral evaluator shall make reasonable  
 1079 efforts to hold the conference within 90 days after the receipt  
 1080 of the request by the department. Failure of the neutral  
 1081 evaluator to hold the conference within 90 days does not  
 1082 invalidate either party's right to neutral evaluation or to a  
 1083 neutral evaluation conference held outside this timeframe.

1084        (18) The department shall adopt rules of procedure for the  
 1085 neutral evaluation process and rules for certifying, denying  
 1086 certification of, suspending certification of, and revoking  
 1087 certification as a neutral evaluator.

1088        Section 31. Subsection (3) of section 627.745, Florida  
 1089 Statutes, is amended, present subsections (4) and (5) of that  
 1090 section are renumbered as subsections (5) and (6), respectively,  
 1091 and a new subsection (4) is added to that section, to read:

1092        627.745 Mediation of claims.—

1093        (3)~~(a)~~ ~~The department shall approve~~ Mediators who ~~to~~  
 1094 conduct mediations pursuant to this section. ~~All mediators~~ must  
 1095 file an application under oath and be approved by the department  
 1096 ~~for approval as a mediator.~~

1097        ~~(b)~~ To qualify for approval as a mediator, an individual a  
 1098 ~~person~~ must meet one of the following qualifications:

1099        (a)1. Possess active certification as a Florida Supreme  
 1100 Court certified circuit court mediator. A Florida Supreme Court  
 1101 certified circuit court mediator in a lapsed, suspended,  
 1102 sanctioned, or decertified status is not eligible to participate

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1103 ~~in the mediation program a masters or doctorate degree in~~  
 1104 ~~psychology, counseling, business, accounting, or economics, be a~~  
 1105 ~~member of The Florida Bar, be licensed as a certified public~~  
 1106 ~~accountant, or demonstrate that the applicant for approval has~~  
 1107 ~~been actively engaged as a qualified mediator for at least 4~~  
 1108 ~~years prior to July 1, 1990.~~

1109 (b)2. Be an approved department mediator as of July 1,  
 1110 2014, and have conducted at least one mediation on behalf of the  
 1111 department within 4 years immediately preceding that the date  
 1112 the application for approval is filed with the department, have  
 1113 completed a minimum of a 40-hour training program approved by  
 1114 the department and successfully passed a final examination  
 1115 included in the training program and approved by the department.  
 1116 The training program shall include and address all of the  
 1117 following:

- 1118 ~~a. Mediation theory.~~
- 1119 ~~b. Mediation process and techniques.~~
- 1120 ~~e. Standards of conduct for mediators.~~
- 1121 ~~d. Conflict management and intervention skills.~~
- 1122 ~~e. Insurance nomenclature.~~

1123 (4) The department shall deny an application, or suspend or  
 1124 revoke its approval, of a mediator to serve in such capacity if  
 1125 the department finds that one or more of the following grounds  
 1126 exist:

- 1127 (a) Lack of one or more of the qualifications specified in  
 1128 this section for approval or certification.
- 1129 (b) Material misstatement, misrepresentation, or fraud in  
 1130 obtaining or attempting to obtain the approval or certification.
- 1131 (c) Demonstrated lack of fitness or trustworthiness to act

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1132 as a mediator.

1133 (d) Fraudulent or dishonest practices in the conduct of  
 1134 mediation or in the conduct of business in the financial  
 1135 services industry.

1136 (e) Violation of any provision of this code or of a lawful  
 1137 order or rule of the department, violation of the Florida Rules  
 1138 for Certified and Court Appointed Mediators, or aiding,  
 1139 instructing, or encouraging another party in committing such a  
 1140 violation.

1141  
 1142 The department shall adopt rules for the approval or denial of  
 1143 mediator applications and the suspension and revocation of  
 1144 approval of mediators.

1145 Section 32. Paragraph (b) of subsection (1) of section  
 1146 627.952, Florida Statutes, is amended to read:

1147 627.952 Risk retention and purchasing group agents.—

1148 (1) Any person offering, soliciting, selling, purchasing,  
 1149 administering, or otherwise servicing insurance contracts,  
 1150 certificates, or agreements for any purchasing group or risk  
 1151 retention group to any resident of this state, either directly  
 1152 or indirectly, by the use of mail, advertising, or other means  
 1153 of communication, shall obtain a license and appointment to act  
 1154 as a resident general lines agent, if a resident of this state,  
 1155 or a nonresident general lines agent if not a resident. Any such  
 1156 person shall be subject to all requirements of the Florida  
 1157 Insurance Code.

1158 ~~(b) Any person required to be licensed and appointed under~~  
 1159 ~~this subsection,~~ In order to place business through a Florida-  
 1160 eligible Florida-eligible surplus lines carrier carriers, a



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1161 person required to be licensed and appointed under this  
1162 subsection must:~~7~~

1163 1. If a resident of this state, be licensed and appointed  
1164 as a surplus lines agent.

1165 2. If not a resident of this state, ~~such person must~~ be  
1166 licensed and appointed as a surplus lines agent in her or his  
1167 state of residence and be licensed and appointed as a  
1168 nonresident surplus lines agent in this state ~~file and maintain~~  
1169 ~~a fidelity bond in favor of the people of the State of Florida~~  
1170 ~~executed by a surety company admitted in this state and payable~~  
1171 ~~to the State of Florida; however, such nonresident is limited to~~  
1172 ~~the provision of insurance for purchasing groups. The bond must~~  
1173 ~~be continuous in form and in the amount of not less than~~  
1174 ~~\$50,000, aggregate liability. The bond must remain in force and~~  
1175 ~~effect until the surety is released from liability by the~~  
1176 ~~department or until the bond is canceled by the surety. The~~  
1177 ~~surety may cancel the bond and be released from further~~  
1178 ~~liability upon 30 days' prior written notice to the department.~~  
1179 ~~The cancellation does not affect any liability incurred or~~  
1180 ~~accrued before the termination of the 30-day period. Upon~~  
1181 ~~receipt of a notice of cancellation, the department shall~~  
1182 ~~immediately notify the agent.~~

1183 Section 33. Subsection (1) of section 648.43, Florida  
1184 Statutes, is amended to read:

1185 648.43 Power of attorney; to be approved by department;  
1186 filing of copies; notification of transfer bond.-

1187 (1) Every insurer engaged in the writing of bail bonds  
1188 through bail bond agents in this state shall submit ~~and have~~  
1189 ~~approved by the department~~ a sample power of attorney to the

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1190 office for prior approval, which shall ~~will~~ be the only form of  
1191 power of attorney the insurer issues ~~will issue~~ to bail bond  
1192 agents in this state.

1193 Section 34. Subsection (3) of section 648.49, Florida  
1194 Statutes, is amended to read:

1195 648.49 Duration of suspension or revocation.—

1196 (3) During the period of suspension~~r~~ or ~~after~~ revocation of  
1197 the license and until the license is reinstated or a new license  
1198 is issued, the former licensee may not engage in or attempt to  
1199 profess to engage in any transaction or business for which a  
1200 license or appointment is required under this chapter. A ~~Any~~  
1201 person who violates this subsection commits a felony of the  
1202 third degree, punishable as provided in s. 775.082, s. 775.083,  
1203 or s. 775.084.

1204 Section 35. Paragraph (a) of subsection (4) of section  
1205 943.0585, Florida Statutes, is amended to read:

1206 943.0585 Court-ordered expunction of criminal history  
1207 records.—The courts of this state have jurisdiction over their  
1208 own procedures, including the maintenance, expunction, and  
1209 correction of judicial records containing criminal history  
1210 information to the extent such procedures are not inconsistent  
1211 with the conditions, responsibilities, and duties established by  
1212 this section. Any court of competent jurisdiction may order a  
1213 criminal justice agency to expunge the criminal history record  
1214 of a minor or an adult who complies with the requirements of  
1215 this section. The court shall not order a criminal justice  
1216 agency to expunge a criminal history record until the person  
1217 seeking to expunge a criminal history record has applied for and  
1218 received a certificate of eligibility for expunction pursuant to

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1219 subsection (2). A criminal history record that relates to a  
1220 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1221 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
1222 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
1223 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
1224 any violation specified as a predicate offense for registration  
1225 as a sexual predator pursuant to s. 775.21, without regard to  
1226 whether that offense alone is sufficient to require such  
1227 registration, or for registration as a sexual offender pursuant  
1228 to s. 943.0435, may not be expunged, without regard to whether  
1229 adjudication was withheld, if the defendant was found guilty of  
1230 or pled guilty or nolo contendere to the offense, or if the  
1231 defendant, as a minor, was found to have committed, or pled  
1232 guilty or nolo contendere to committing, the offense as a  
1233 delinquent act. The court may only order expunction of a  
1234 criminal history record pertaining to one arrest or one incident  
1235 of alleged criminal activity, except as provided in this  
1236 section. The court may, at its sole discretion, order the  
1237 expunction of a criminal history record pertaining to more than  
1238 one arrest if the additional arrests directly relate to the  
1239 original arrest. If the court intends to order the expunction of  
1240 records pertaining to such additional arrests, such intent must  
1241 be specified in the order. A criminal justice agency may not  
1242 expunge any record pertaining to such additional arrests if the  
1243 order to expunge does not articulate the intention of the court  
1244 to expunge a record pertaining to more than one arrest. This  
1245 section does not prevent the court from ordering the expunction  
1246 of only a portion of a criminal history record pertaining to one  
1247 arrest or one incident of alleged criminal activity.

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1248 Notwithstanding any law to the contrary, a criminal justice  
1249 agency may comply with laws, court orders, and official requests  
1250 of other jurisdictions relating to expunction, correction, or  
1251 confidential handling of criminal history records or information  
1252 derived therefrom. This section does not confer any right to the  
1253 expunction of any criminal history record, and any request for  
1254 expunction of a criminal history record may be denied at the  
1255 sole discretion of the court.

1256 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1257 criminal history record of a minor or an adult which is ordered  
1258 expunged by a court of competent jurisdiction pursuant to this  
1259 section must be physically destroyed or obliterated by any  
1260 criminal justice agency having custody of such record; except  
1261 that any criminal history record in the custody of the  
1262 department must be retained in all cases. A criminal history  
1263 record ordered expunged that is retained by the department is  
1264 confidential and exempt from the provisions of s. 119.07(1) and  
1265 s. 24(a), Art. I of the State Constitution and not available to  
1266 any person or entity except upon order of a court of competent  
1267 jurisdiction. A criminal justice agency may retain a notation  
1268 indicating compliance with an order to expunge.

1269 (a) The person who is the subject of a criminal history  
1270 record that is expunged under this section or under other  
1271 provisions of law, including former s. 893.14, former s. 901.33,  
1272 and former s. 943.058, may lawfully deny or fail to acknowledge  
1273 the arrests covered by the expunged record, except when the  
1274 subject of the record:

1275 1. Is a candidate for employment with a criminal justice  
1276 agency;

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- 1277           2. Is a defendant in a criminal prosecution;
- 1278           3. Concurrently or subsequently petitions for relief under  
1279 this section, s. 943.0583, or s. 943.059;
- 1280           4. Is a candidate for admission to The Florida Bar;
- 1281           5. Is seeking to be employed or licensed by or to contract  
1282 with the Department of Children and Families, the Division of  
1283 Vocational Rehabilitation within the Department of Education,  
1284 the Agency for Health Care Administration, the Agency for  
1285 Persons with Disabilities, the Department of Health, the  
1286 Department of Elderly Affairs, or the Department of Juvenile  
1287 Justice or to be employed or used by such contractor or licensee  
1288 in a sensitive position having direct contact with children, the  
1289 disabled, or the elderly; or
- 1290           6. Is seeking to be employed or licensed by the Department  
1291 of Education, any district school board, any university  
1292 laboratory school, any charter school, any private or parochial  
1293 school, or any local governmental entity that licenses child  
1294 care facilities.
- 1295           7. Is seeking to be licensed by the Division of Insurance  
1296 Agent and Agency Services within the Department of Financial  
1297 Services.

1298           Section 36. Paragraph (a) of subsection (4) of section  
1299 943.059, Florida Statutes, is amended to read:

1300           943.059 Court-ordered sealing of criminal history records.—  
1301 The courts of this state shall continue to have jurisdiction  
1302 over their own procedures, including the maintenance, sealing,  
1303 and correction of judicial records containing criminal history  
1304 information to the extent such procedures are not inconsistent  
1305 with the conditions, responsibilities, and duties established by

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1306 this section. Any court of competent jurisdiction may order a  
1307 criminal justice agency to seal the criminal history record of a  
1308 minor or an adult who complies with the requirements of this  
1309 section. The court shall not order a criminal justice agency to  
1310 seal a criminal history record until the person seeking to seal  
1311 a criminal history record has applied for and received a  
1312 certificate of eligibility for sealing pursuant to subsection  
1313 (2). A criminal history record that relates to a violation of s.  
1314 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
1315 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
1316 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
1317 916.1075, a violation enumerated in s. 907.041, or any violation  
1318 specified as a predicate offense for registration as a sexual  
1319 predator pursuant to s. 775.21, without regard to whether that  
1320 offense alone is sufficient to require such registration, or for  
1321 registration as a sexual offender pursuant to s. 943.0435, may  
1322 not be sealed, without regard to whether adjudication was  
1323 withheld, if the defendant was found guilty of or pled guilty or  
1324 nolo contendere to the offense, or if the defendant, as a minor,  
1325 was found to have committed or pled guilty or nolo contendere to  
1326 committing the offense as a delinquent act. The court may only  
1327 order sealing of a criminal history record pertaining to one  
1328 arrest or one incident of alleged criminal activity, except as  
1329 provided in this section. The court may, at its sole discretion,  
1330 order the sealing of a criminal history record pertaining to  
1331 more than one arrest if the additional arrests directly relate  
1332 to the original arrest. If the court intends to order the  
1333 sealing of records pertaining to such additional arrests, such  
1334 intent must be specified in the order. A criminal justice agency

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1335 may not seal any record pertaining to such additional arrests if  
1336 the order to seal does not articulate the intention of the court  
1337 to seal records pertaining to more than one arrest. This section  
1338 does not prevent the court from ordering the sealing of only a  
1339 portion of a criminal history record pertaining to one arrest or  
1340 one incident of alleged criminal activity. Notwithstanding any  
1341 law to the contrary, a criminal justice agency may comply with  
1342 laws, court orders, and official requests of other jurisdictions  
1343 relating to sealing, correction, or confidential handling of  
1344 criminal history records or information derived therefrom. This  
1345 section does not confer any right to the sealing of any criminal  
1346 history record, and any request for sealing a criminal history  
1347 record may be denied at the sole discretion of the court.

1348 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1349 history record of a minor or an adult which is ordered sealed by  
1350 a court of competent jurisdiction pursuant to this section is  
1351 confidential and exempt from the provisions of s. 119.07(1) and  
1352 s. 24(a), Art. I of the State Constitution and is available only  
1353 to the person who is the subject of the record, to the subject's  
1354 attorney, to criminal justice agencies for their respective  
1355 criminal justice purposes, which include conducting a criminal  
1356 history background check for approval of firearms purchases or  
1357 transfers as authorized by state or federal law, to judges in  
1358 the state courts system for the purpose of assisting them in  
1359 their case-related decisionmaking responsibilities, as set forth  
1360 in s. 943.053(5), or to those entities set forth in  
1361 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
1362 licensing, access authorization, and employment purposes.

1363 (a) The subject of a criminal history record sealed under

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1364 this section or under other provisions of law, including former  
1365 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
1366 deny or fail to acknowledge the arrests covered by the sealed  
1367 record, except when the subject of the record:

- 1368 1. Is a candidate for employment with a criminal justice  
1369 agency;
- 1370 2. Is a defendant in a criminal prosecution;
- 1371 3. Concurrently or subsequently petitions for relief under  
1372 this section, s. 943.0583, or s. 943.0585;
- 1373 4. Is a candidate for admission to The Florida Bar;
- 1374 5. Is seeking to be employed or licensed by or to contract  
1375 with the Department of Children and Families, the Division of  
1376 Vocational Rehabilitation within the Department of Education,  
1377 the Agency for Health Care Administration, the Agency for  
1378 Persons with Disabilities, the Department of Health, the  
1379 Department of Elderly Affairs, or the Department of Juvenile  
1380 Justice or to be employed or used by such contractor or licensee  
1381 in a sensitive position having direct contact with children, the  
1382 disabled, or the elderly;
- 1383 6. Is seeking to be employed or licensed by the Department  
1384 of Education, any district school board, any university  
1385 laboratory school, any charter school, any private or parochial  
1386 school, or any local governmental entity that licenses child  
1387 care facilities; or
- 1388 7. Is attempting to purchase a firearm from a licensed  
1389 importer, licensed manufacturer, or licensed dealer and is  
1390 subject to a criminal history check under state or federal law.
- 1391 8. Is seeking to be licensed by the Division of Insurance  
1392 Agent and Agency Services within the Department of Financial



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1393 Services.

1394       Section 37. Except as otherwise expressly provided in this  
1395 act, and except for this section which shall take effect upon  
1396 becoming law, this act shall take effect July 1, 2014.