

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

---

1 Committee/Subcommittee hearing bill: Insurance & Banking  
2 Subcommittee

3 Representative Ingram offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (g) of subsection (2) of section  
8 20.121, Florida Statutes, is amended to read:

9 20.121 Department of Financial Services.—There is created  
10 a Department of Financial Services.

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

13 (g) The Division of Insurance Agent ~~Agents~~ and Agency  
14 Services.

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

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17           624.310 Enforcement; cease and desist orders; removal of  
18 certain persons; fines.—

19           (6) ADMINISTRATIVE PROCEDURES.—All administrative  
20 proceedings under subsections (3), (4), and (5) shall be  
21 conducted in accordance with chapter 120. Any service required  
22 or authorized to be made by the department or office under this  
23 code shall be made:

24           (a)1. By certified mail, return receipt requested,  
25 delivered to the addressee only; or

26           2. If service by certified mail cannot be obtained at the  
27 last address provided to the department by the recipient, then  
28 by e-mail, delivery receipt required, sent to the most recent e-  
29 mail address provided to the department by the applicant or  
30 licensee in accordance with s. 626.171, s. 626.551, s. 648.34,  
31 or s. 648.421;

32           (b) By personal delivery, including hand delivery by a  
33 department investigator;

34           (c) By publication in accordance with s. 120.60; or

35           (d) In accordance with chapter 48.

36  
37 The service provided for in this subsection ~~herein~~ shall be  
38 effective from the date of delivery.

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

41           624.318 Conduct of examination or investigation; access to  
42 records; correction of accounts; appraisals.—

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43 (5) ~~Neither~~ The department, the office, or an ~~nor any~~  
 44 examiner may not shall remove any original record, account,  
 45 document, file, or other property of the person being examined  
 46 from the offices of such person except with the written consent  
 47 of such person given in advance of such removal or pursuant to  
 48 an order of court duly obtained.

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

52 624.501 Filing, license, appointment, and miscellaneous  
 53 fees.—The department, commission, or office, as appropriate,  
 54 shall collect in advance, and persons so served shall pay to it  
 55 in advance, fees, licenses, and miscellaneous charges as  
 56 follows:

57 (6) Insurance representatives, property, marine, casualty,  
 58 and surety insurance.

59 (a) Agent's original appointment and biennial renewal or  
 60 continuation thereof, each insurer or unaffiliated agent making  
 61 an appointment:

62	Appointment fee.....	\$42.00
63	State tax.....	12.00
64	County tax.....	6.00
65	Total.....	\$60.00

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

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69 (7) Life insurance agents.

70 (a) Agent's original appointment and biennial renewal or  
71 continuation thereof, each insurer or unaffiliated agent making  
72 an appointment:

73	Appointment fee.....	\$42.00
74	State tax.....	12.00
75	County tax.....	6.00
76	Total.....	\$60.00

77 (b) Nonresident agent's original appointment and biennial  
78 renewal or continuation thereof, appointment fee, each insurer  
79 or unaffiliated agent making an appointment.....\$60.00

80 (8) Health insurance agents.

81 (a) Agent's original appointment and biennial renewal or  
82 continuation thereof, each insurer or unaffiliated agent making  
83 an appointment:

84	Appointment fee.....	\$42.00
85	State tax.....	12.00
86	County tax.....	6.00
87	Total.....	\$60.00

88 (b) Nonresident agent's original appointment and biennial  
89 renewal or continuation thereof, appointment fee, each insurer  
90 or unaffiliated agent making an appointment.....\$60.00

91 Section 5. Subsection (11) of section 626.015, Florida  
92 Statutes, is amended, subsection (18) of that section is  
93 renumbered as subsection (19), and a new subsection (18) is  
94 added to that section, to read:

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95 626.015 Definitions.—As used in this part:

96 (11) "Limited customer representative" means a customer  
97 representative appointed by a general lines agent or agency to  
98 assist that agent or agency in transacting only the business of  
99 private passenger motor vehicle insurance from the office of  
100 that agent or agency. A limited customer representative is  
101 subject to the Florida Insurance Code in the same manner as a  
102 customer representative, unless otherwise specified. Effective  
103 October 1, 2014, a new limited customer representative license  
104 may not be issued.

105 (18) "Unaffiliated insurance agent" means a licensed  
106 insurance agent, except a limited lines agent, who is self-  
107 appointed and who practices as an independent consultant in the  
108 business of analyzing or abstracting insurance policies,  
109 providing insurance advice or counseling, or making specific  
110 recommendations or comparisons of insurance products for a fee  
111 established in advance by written contract signed by the  
112 parties. An unaffiliated insurance agent may not be affiliated  
113 with an insurer, insurer-appointed insurance agent, or insurance  
114 agency contracted with or employing insurer-appointed insurance  
115 agents.

116 Section 6. Effective January 1, 2015, subsections (2) and  
117 (3) of section 626.0428, Florida Statutes, are amended, and  
118 subsection (4) is added to that section, to read:

119 626.0428 Agency personnel powers, duties, and  
120 limitations.—

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121 (2) An employee or an authorized representative located at  
122 a designated branch of an agent or agency may not bind insurance  
123 coverage unless licensed and appointed as an agent or customer  
124 representative.

125 (3) An employee or an authorized representative located at  
126 a designated branch of an agent or agency may not initiate  
127 contact with any person for the purpose of soliciting insurance  
128 unless licensed and appointed as an agent or customer  
129 representative. As to title insurance, an employee of an agent  
130 or agency may not initiate contact with any individual proposed  
131 insured for the purpose of soliciting title insurance unless  
132 licensed as a title insurance agent or exempt from such  
133 licensure pursuant to s. 626.8417(4).

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

139 (b) Notwithstanding paragraph (a), the licensed agent in  
140 charge of an insurance agency may also be the agent in charge of  
141 additional branch office locations of the agency if insurance  
142 activities requiring licensure as an insurance agent do not  
143 occur at any location when an agent is not physically present  
144 and unlicensed employees at the location do not engage in  
145 insurance activities requiring licensure as an insurance agent  
146 or customer representative.

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147 (c) An insurance agency and each branch place of business  
148 of an insurance agency shall designate an agent in charge and  
149 file the name and license number of the agent in charge and the  
150 physical address of the insurance agency location with the  
151 department at the department's designated website. The  
152 designation of the agent in charge may be changed at the option  
153 of the agency. A change of the designated agent in charge is  
154 effective upon notification to the department, which shall be  
155 provided within 30 days after such change.

156 (d) For the purposes of this subsection, an "agent in  
157 charge" is the licensed and appointed agent who is responsible  
158 for the supervision of all individuals within an insurance  
159 agency location, regardless of whether the agent in charge  
160 handles a specific transaction or deals with the general public  
161 in the solicitation or negotiation of insurance contracts or the  
162 collection or accounting of moneys.

163 (e) An agent in charge of an insurance agency is  
164 accountable for wrongful acts, misconduct, or violations of this  
165 code committed by the licensee or agent or by any person under  
166 his or her supervision while acting on behalf of the agency.  
167 This section does not render an agent in charge criminally  
168 liable for an act unless the agent in charge personally  
169 committed the act or knew or should have known of the act and of  
170 the facts constituting a violation of this chapter.

171 (f) An insurance agency location may not conduct the  
172 business of insurance unless an agent in charge is designated

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173 by, and providing services to, the agency at all times. If the  
174 agent in charge designated with the department ends his or her  
175 affiliation with the agency for any reason and the agency fails  
176 to designate another agent in charge within the 30 days provided  
177 for in paragraph (c) and such failure continues for 90 days, the  
178 agency license shall automatically expire on the 91st day from  
179 the date the designated agent in charge ended his or her  
180 affiliation with the agency.

181 Section 7. Effective January 1, 2015, subsection (7) of  
182 section 626.112, Florida Statutes, is amended to read:

183 626.112 License and appointment required; agents, customer  
184 representatives, adjusters, insurance agencies, service  
185 representatives, managing general agents.-

186 (7) (a) An ~~Effective October 1, 2006,~~ no individual, firm,  
187 partnership, corporation, association, or ~~any~~ other entity shall  
188 not act in its own name or under a trade name, directly or  
189 indirectly, as an insurance agency, unless it complies with s.  
190 626.172 with respect to possessing an insurance agency license  
191 for each place of business at which it engages in an ~~any~~  
192 activity that ~~which~~ may be performed only by a licensed  
193 insurance agent. However, an insurance agency that is owned and  
194 operated by a single licensed agent conducting business in his  
195 or her individual name and not employing or otherwise using the  
196 services of or appointing other licensees shall be exempt from  
197 the agency licensing requirements of this subsection.



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198       (b) A branch place of business that is established by a  
199       licensed agency is considered a branch agency and is not  
200       required to be licensed so long as it transacts business under  
201       the same name and federal tax identification number as the  
202       licensed agency and has designated with the department a  
203       licensed agent in charge of the branch location as required by  
204       s. 626.0428 and the address and telephone number of the branch  
205       location have been submitted to the department for inclusion in  
206       the licensing record of the licensed agency within 30 days after  
207       insurance transactions begin at the branch location ~~Each agency~~  
208       ~~engaged in business in this state before January 1, 2003, which~~  
209       ~~is wholly owned by insurance agents currently licensed and~~  
210       ~~appointed under this chapter, each incorporated agency whose~~  
211       ~~voting shares are traded on a securities exchange, each agency~~  
212       ~~designated and subject to supervision and inspection as a branch~~  
213       ~~office under the rules of the National Association of Securities~~  
214       ~~Dealers, and each agency whose primary function is offering~~  
215       ~~insurance as a service or member benefit to members of a~~  
216       ~~nonprofit corporation may file an application for registration~~  
217       ~~in lieu of licensure in accordance with s. 626.172(3). Each~~  
218       ~~agency engaged in business before October 1, 2006, shall file an~~  
219       ~~application for licensure or registration on or before October~~  
220       ~~1, 2006.~~

221       (c)1. If an agency is required to be licensed but fails to  
222       file an application for licensure in accordance with this

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223 section, the department shall impose on the agency an  
224 administrative penalty ~~in an amount~~ of up to \$10,000.

225 ~~2. If an agency is eligible for registration but fails to~~  
226 ~~file an application for registration or an application for~~  
227 ~~licensure in accordance with this section, the department shall~~  
228 ~~impose on the agency an administrative penalty in an amount of~~  
229 ~~up to \$5,000.~~

230 ~~(d) (b) Effective October 1, 2015, the department must~~  
231 ~~automatically convert the registration of an approved a~~  
232 ~~registered insurance agency to shall, as a condition precedent~~  
233 ~~to continuing business, obtain an insurance agency license if~~  
234 ~~the department finds that, with respect to any majority owner,~~  
235 ~~partner, manager, director, officer, or other person who manages~~  
236 ~~or controls the agency, any person has:~~

237 ~~1. Been found guilty of, or has pleaded guilty or nolo~~  
238 ~~contendere to, a felony in this state or any other state~~  
239 ~~relating to the business of insurance or to an insurance agency,~~  
240 ~~without regard to whether a judgment of conviction has been~~  
241 ~~entered by the court having jurisdiction of the cases.~~

242 ~~2. Employed any individual in a managerial capacity or in~~  
243 ~~a capacity dealing with the public who is under an order of~~  
244 ~~revocation or suspension issued by the department. An insurance~~  
245 ~~agency may request, on forms prescribed by the department,~~  
246 ~~verification of any person's license status. If a request is~~  
247 ~~mailed within 5 working days after an employee is hired, and the~~  
248 ~~employee's license is currently suspended or revoked, the agency~~

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249 ~~shall not be required to obtain a license, if the unlicensed~~  
250 ~~person's employment is immediately terminated.~~

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

253 ~~4. With such frequency as to have made the operation of~~  
254 ~~the agency hazardous to the insurance-buying public or other~~  
255 ~~persons:~~

256 ~~a. Solicited or handled controlled business. This~~  
257 ~~subparagraph shall not prohibit the licensing of any lending or~~  
258 ~~financing institution or creditor, with respect to insurance~~  
259 ~~only, under credit life or disability insurance policies of~~  
260 ~~borrowers from the institutions, which policies are subject to~~  
261 ~~part IX of chapter 627.~~

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

265 ~~e. Unlawfully rebated, attempted to unlawfully rebate, or~~  
266 ~~unlawfully divided or offered to divide commissions with~~  
267 ~~another.~~

268 ~~d. Misrepresented any insurance policy or annuity~~  
269 ~~contract, or used deception with regard to any policy or~~  
270 ~~contract, done either in person or by any form of dissemination~~  
271 ~~of information or advertising.~~

272 ~~e. Violated any provision of this code or any other law~~  
273 ~~applicable to the business of insurance in the course of dealing~~  
274 ~~under the license.~~

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- 275 ~~f. Violated any lawful order or rule of the department.~~
- 276 ~~g. Failed or refused, upon demand, to pay over to any~~
- 277 ~~insurer he or she represents or has represented any money coming~~
- 278 ~~into his or her hands belonging to the insurer.~~
- 279 ~~h. Violated the provision against twisting as defined in~~
- 280 ~~s. 626.9541(1)(1).~~
- 281 ~~i. In the conduct of business, engaged in unfair methods~~
- 282 ~~of competition or in unfair or deceptive acts or practices, as~~
- 283 ~~prohibited under part IX of this chapter.~~
- 284 ~~j. Willfully overinsured any property insurance risk.~~
- 285 ~~k. Engaged in fraudulent or dishonest practices in the~~
- 286 ~~conduct of business arising out of activities related to~~
- 287 ~~insurance or the insurance agency.~~
- 288 ~~l. Demonstrated lack of fitness or trustworthiness to~~
- 289 ~~engage in the business of insurance arising out of activities~~
- 290 ~~related to insurance or the insurance agency.~~
- 291 ~~m. Authorized or knowingly allowed individuals to transact~~
- 292 ~~insurance who were not then licensed as required by this code.~~
- 293 ~~5. Knowingly employed any person who within the preceding~~
- 294 ~~3 years has had his or her relationship with an agency~~
- 295 ~~terminated in accordance with paragraph (d).~~
- 296 ~~6. Willfully circumvented the requirements or prohibitions~~
- 297 ~~of this code.~~
- 298 Section 8. Subsection (6) of section 626.171, Florida
- 299 Statutes, is renumbered as subsection (7), and a new subsection
- 300 (6) is added to that section to read:

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301           626.171 Application for license as an agent, customer  
302 representative, adjuster, service representative, managing  
303 general agent, or reinsurance intermediary.-

304           (6) Members of the United States Armed Forces and their  
305 spouses, and veterans of the United States Armed Forces who have  
306 retired within 24 months before application for licensure, are  
307 exempt from the application filing fee prescribed in s. 624.501.  
308 Qualified individuals must provide a copy of a military  
309 identification card, military dependent identification card,  
310 military service record, military personnel file, veteran  
311 record, discharge paper, or separation document, or a separation  
312 document that indicates such members of the United States Armed  
313 Forces are currently in good standing or were honorably  
314 discharged.

315           Section 9. Subsections (2), (3), and (4) of section  
316 626.172, Florida Statutes, are amended to read:

317           626.172 Application for insurance agency license.-

318           (2) An application for an insurance agency license must  
319 shall be signed by an individual required to be listed in the  
320 application under paragraph (a) the owner or owners of the  
321 agency. If the agency is incorporated, the application shall be  
322 signed by the president and secretary of the corporation. An  
323 insurance agency may permit a third party to complete, submit,  
324 and sign an application on the insurance agency's behalf;  
325 however, the insurance agency is responsible for ensuring that  
326 the information on the application is true and correct and is

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327 accountable for any misstatements or misrepresentations. The  
328 application for an insurance agency license must ~~shall~~ include:

329 (a) The name of each ~~majority~~ owner, partner, officer, ~~and~~  
330 director, president, senior vice president, secretary,  
331 treasurer, and limited liability company member who directs or  
332 participates in the management or control of the insurance  
333 agency, whether through ownership of voting securities, by  
334 contract, by ownership of any agency bank account, or otherwise.

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

337 (c) The name, principal business street address, and valid  
338 e-mail address of the insurance agency and the name, address,  
339 and e-mail address of the agency's registered agent or person or  
340 company authorized to accept service on behalf of the agency ~~and~~  
341 ~~its principal business address.~~

342 (d) The physical address ~~location~~ of each branch agency,  
343 including its name, e-mail address, and telephone number, and  
344 the date that the branch location began transacting insurance  
345 ~~office and the name under which each agency office conducts or~~  
346 ~~will conduct business.~~

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

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

351 1. A sole proprietor;

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352           2. Each individual required to be listed in the  
353 application under paragraph (a) partner; and

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

355           ~~3.4.~~ Each individual ~~owner~~ who directs or participates in  
356 the management or control of an incorporated agency whose shares  
357 are not traded on a securities exchange;

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

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

363  
364 Fingerprints must be taken by a law enforcement agency or other  
365 entity approved by the department and must be accompanied by the  
366 fingerprint processing fee specified in s. 624.501. Fingerprints  
367 must ~~shall~~ be processed in accordance with s. 624.34. However,  
368 fingerprints need not be filed for an ~~any~~ individual who is  
369 currently licensed and appointed under this chapter. This  
370 paragraph does not apply to corporations whose voting shares are  
371 traded on a securities exchange.

372           (g) Such additional information as the department requires  
373 by rule to ascertain the trustworthiness and competence of  
374 persons required to be listed on the application and to  
375 ascertain that such persons meet the requirements of this code.  
376 However, the department may not require that credit or character

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377 reports be submitted for persons required to be listed on the  
378 application.

379 ~~(3)(h) Beginning October 1, 2005,~~ The department must  
380 ~~shall~~ accept the uniform application for nonresident agency  
381 licensure. The department may adopt by rule revised versions of  
382 the uniform application.

383 ~~(3) The department shall issue a registration as an~~  
384 ~~insurance agency to any agency that files a written application~~  
385 ~~with the department and qualifies for registration. The~~  
386 ~~application for registration shall require the agency to provide~~  
387 ~~the same information required for an agency licensed under~~  
388 ~~subsection (2), the agent identification number for each owner~~  
389 ~~who is a licensed agent, proof that the agency qualifies for~~  
390 ~~registration as provided in s. 626.112(7), and any other~~  
391 ~~additional information that the department determines is~~  
392 ~~necessary in order to demonstrate that the agency qualifies for~~  
393 ~~registration. The application must be signed by the owner or~~  
394 ~~owners of the agency. If the agency is incorporated, the~~  
395 ~~application must be signed by the president and the secretary of~~  
396 ~~the corporation. An agent who owns the agency need not file~~  
397 ~~fingerprints with the department if the agent obtained a license~~  
398 ~~under this chapter and the license is currently valid.~~

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



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

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

411 (4) The department must ~~shall~~ issue a license ~~or~~  
412 ~~registration~~ to each agency upon approval of the application,  
413 and each agency location must ~~shall~~ display the license ~~or~~  
414 ~~registration~~ prominently in a manner that makes it clearly  
415 visible to any customer or potential customer who enters the  
416 agency location.

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

419 626.207 Disqualification of applicants and licensees;  
420 penalties against licensees; rulemaking authority.—

421 (7) After the disqualifying period has been met, the  
422 burden is on the applicant to demonstrate that the applicant has  
423 been rehabilitated, does not pose a risk to the insurance-buying  
424 public, is fit and trustworthy to engage in the business of  
425 insurance pursuant to s. 626.611(1)(g) ~~626.611(7)~~, and is  
426 otherwise qualified for licensure.

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

429 626.241 Scope of examination.—

430 (5) Examinations given applicants for a limited agent  
431 ~~license as agent or as customer representative~~ shall be limited  
432 in scope to the kind of business to be transacted under such  
433 license.

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

436 626.261 Conduct of examination.—

437 (5) The department may provide licensure examinations in  
438 Spanish. ~~Applicants requesting examination or reexamination in~~  
439 ~~Spanish must bear the full cost of the department's development,~~  
440 ~~preparation, administration, grading, and evaluation of the~~  
441 ~~Spanish language examination.~~ When determining whether it is in  
442 the public interest to allow the examination to be translated  
443 into and administered in Spanish, the department shall consider  
444 the percentage of the population who speak Spanish.

445 Section 13. Subsection (6) of section 626.311, Florida  
446 Statutes, is renumbered as subsection (7), and a new subsection  
447 (6) is added to that section to read:

448 626.311 Scope of license.—

449 (6) An agent who appoints his or her license as an  
450 unaffiliated insurance agent may not hold an appointment from an  
451 insurer for any license he or she holds; transact, solicit, or  
452 service an insurance contract on behalf of an insurer; interfere

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453 with commissions received or to be received by an insurer-  
454 appointed insurance agent or an insurance agency contracted with  
455 or employing insurer-appointed insurance agents; or receive  
456 compensation or any other thing of value from an insurer, an  
457 insurer-appointed insurance agent, or an insurance agency  
458 contracted with or employing insurer-appointed insurance agents  
459 for any transaction or referral occurring after the date of  
460 appointment as an unaffiliated insurance agent. An unaffiliated  
461 insurance agent may continue to receive commissions on sales  
462 that occurred before the date of appointment as an unaffiliated  
463 insurance agent if the receipt of such commissions is disclosed  
464 when making recommendations or evaluating products for a client  
465 that involve products of the entity from which the commissions  
466 are received.

467 Section 14. Paragraph (d) of subsection (1) of section  
468 626.321, Florida Statutes, is amended to read:

469 626.321 Limited licenses.—

470 (1) The department shall issue to a qualified applicant a  
471 license as agent authorized to transact a limited class of  
472 business in any of the following categories of limited lines  
473 insurance:

474 (d) Motor vehicle rental insurance.—

475 1. License covering only insurance of the risks set forth  
476 in this paragraph when offered, sold, or solicited with and  
477 incidental to the rental or lease of a motor vehicle and which  
478 applies only to the motor vehicle that is the subject of the

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479 lease or rental agreement and the occupants of the motor  
480 vehicle:

481 a. Excess motor vehicle liability insurance providing  
482 coverage in excess of the standard liability limits provided by  
483 the lessor in the lessor's lease to a person renting or leasing  
484 a motor vehicle from the licensee's employer for liability  
485 arising in connection with the negligent operation of the leased  
486 or rented motor vehicle.

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

489 c. Insurance covering the loss of or damage to baggage,  
490 personal effects, or travel documents of a person renting or  
491 leasing a motor vehicle.

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

495 2. Insurance under a motor vehicle rental insurance  
496 license may be issued only if the lease or rental agreement is  
497 for no more than 60 days, the lessee is not provided coverage  
498 for more than 60 consecutive days per lease period, and the  
499 lessee is given written notice that his or her personal  
500 insurance policy providing coverage on an owned motor vehicle  
501 may provide coverage of such risks and that the purchase of the  
502 insurance is not required in connection with the lease or rental  
503 of a motor vehicle. If the lease is extended beyond 60 days, the  
504 coverage may be extended one time only for a period not to

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505 exceed an additional 60 days. Insurance may be provided to the  
506 lessee as an additional insured on a policy issued to the  
507 licensee's employer.

508 3. The license may be issued only to the full-time  
509 salaried employee of a licensed general lines agent or to a  
510 business entity that offers motor vehicles for rent or lease if  
511 insurance sales activities authorized by the license are in  
512 connection with and incidental to the rental or lease of a motor  
513 vehicle.

514 a. A license issued to a business entity that offers motor  
515 vehicles for rent or lease encompasses each office, branch  
516 office, employee, authorized representative located at a  
517 designated branch, or place of business making use of the  
518 entity's business name in order to offer, solicit, and sell  
519 insurance pursuant to this paragraph.

520 b. The application for licensure must list the name,  
521 address, and phone number for each office, branch office, or  
522 place of business that is to be covered by the license. The  
523 licensee shall notify the department of the name, address, and  
524 phone number of any new location that is to be covered by the  
525 license before the new office, branch office, or place of  
526 business engages in the sale of insurance pursuant to this  
527 paragraph. The licensee must notify the department within 30  
528 days after closing or terminating an office, branch office, or  
529 place of business. Upon receipt of the notice, the department

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530 shall delete the office, branch office, or place of business  
531 from the license.

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

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

536 626.382 Continuation, expiration of license; insurance  
537 agencies.—The license of an ~~any~~ insurance agency ~~shall be issued~~  
538 ~~for a period of 3 years and~~ shall continue in force until  
539 canceled, suspended, or ~~revoked,~~ or until it is otherwise  
540 terminated or expires by operation of law. ~~A license may be~~  
541 ~~renewed by submitting a renewal request to the department on a~~  
542 ~~form adopted by department rule.~~

543 Section 16. Section 626.601, Florida Statutes, is amended  
544 to read:

545 626.601 Improper conduct; inquiry; fingerprinting.—

546 (1) The department or office may, upon its own motion or  
547 upon a written complaint signed by any interested person and  
548 filed with the department or office, inquire into any alleged  
549 improper conduct of any licensed, approved, or certified  
550 licensee, insurance agency, agent, adjuster, service  
551 representative, managing general agent, customer representative,  
552 title insurance agent, title insurance agency, mediator, neutral  
553 evaluator, navigator, continuing education course provider,  
554 instructor, school official, or monitor group under this code.  
555 The department or office may thereafter initiate an

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556 investigation of any such individual or entity ~~licensee~~ if it  
557 has reasonable cause to believe that the individual or entity  
558 ~~licensee~~ has violated any provision of the insurance code.  
559 During the course of its investigation, the department or office  
560 shall contact the individual or entity ~~licensee~~ being  
561 investigated unless it determines that contacting such  
562 individual or entity ~~person~~ could jeopardize the successful  
563 completion of the investigation or cause injury to the public.

564 (2) In the investigation by the department or office of  
565 any ~~the~~ alleged misconduct, an individual or entity ~~the licensee~~  
566 shall, whenever so required by the department or office, cause  
567 the individual's or entity's ~~his or her~~ books and records to be  
568 open for inspection for the purpose of such investigation  
569 inquiries.

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

574 (4) The expense for any hearings or investigations  
575 conducted under this law, as well as the fees and mileage of  
576 witnesses, may be paid out of the appropriate fund.

577 (5) If the department or office, after investigation, has  
578 reason to believe that an individual ~~a licensee~~ may have been  
579 found guilty of or pleaded guilty or nolo contendere to a felony  
580 or a crime related to the business of insurance in this or any  
581 other state or jurisdiction, the department or office may

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582 require the individual licensee to file with the department or  
583 office a complete set of his or her fingerprints, which shall be  
584 accompanied by the fingerprint processing fee set forth in s.  
585 624.501. The fingerprints shall be taken by an authorized law  
586 enforcement agency or other department-approved entity.

587 (6) The complaint and any information obtained pursuant to  
588 the investigation by the department or office are confidential  
589 and are exempt from ~~the provisions of~~ s. 119.07, unless the  
590 department or office files a formal administrative complaint,  
591 emergency order, or consent order against the individual or  
592 entity licensee. ~~Nothing in~~ This subsection does not shall be  
593 ~~construed to~~ prevent the department or office from disclosing  
594 the complaint or such information as it deems necessary to  
595 conduct the investigation, to update the complainant as to the  
596 status and outcome of the complaint, or to share such  
597 information with any law enforcement agency or other regulatory  
598 body.

599 Section 17. Section 626.611, Florida Statutes, is amended  
600 to read:

601 626.611 Grounds for compulsory refusal, suspension, or  
602 revocation of agent's, title agency's, adjuster's, customer  
603 representative's, service representative's, or managing general  
604 agent's license or appointment.-

605 (1) The department shall deny an application for, suspend,  
606 revoke, or refuse to renew or continue the license or  
607 appointment of any applicant, agent, title agency, adjuster,



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608 customer representative, service representative, or managing  
609 general agent, and it shall suspend or revoke the eligibility to  
610 hold a license or appointment of any such person, if it finds  
611 that as to the applicant, licensee, or appointee any one or more  
612 of the following applicable grounds exist:

613 ~~(a)(1)~~ Lack of one or more of the qualifications for the  
614 license or appointment as specified in this code.

615 ~~(b)(2)~~ Material misstatement, misrepresentation, or fraud  
616 in obtaining the license or appointment or in attempting to  
617 obtain the license or appointment.

618 ~~(c)(3)~~ Failure to pass to the satisfaction of the  
619 department any examination required under this code.

620 ~~(d)(4)~~ If the license or appointment is willfully used, or  
621 to be used, to circumvent any of the requirements or  
622 prohibitions of this code.

623 ~~(e)(5)~~ Willful misrepresentation of any insurance policy  
624 or annuity contract or willful deception with regard to any such  
625 policy or contract, done either in person or by any form of  
626 dissemination of information or advertising.

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

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

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

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

641        ~~(j)(10)~~ Misappropriation, conversion, or unlawful  
642 withholding of moneys belonging to insurers or insureds or  
643 beneficiaries or to others and received in conduct of business  
644 under the license or appointment.

645        ~~(k)(11)~~ Unlawfully rebating, attempting to unlawfully  
646 rebate, or unlawfully dividing or offering to divide his or her  
647 commission with another.

648        ~~(l)(12)~~ Having obtained or attempted to obtain, or having  
649 used or using, a license or appointment as agent or customer  
650 representative for the purpose of soliciting or handling  
651 "controlled business" as defined in s. 626.730 with respect to  
652 general lines agents, s. 626.784 with respect to life agents,  
653 and s. 626.830 with respect to health agents.

654        ~~(m)(13)~~ Willful failure to comply with, or willful  
655 violation of, any proper order or rule of the department or  
656 willful violation of any provision of this code.

657        ~~(n)(14)~~ Having been found guilty of or having pleaded  
658 guilty or nolo contendere to a felony or a crime punishable by  
659 imprisonment of 1 year or more under the law of the United

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660 States of America or of any state thereof or under the law of  
661 any other country which involves moral turpitude, without regard  
662 to whether a judgment of conviction has been entered by the  
663 court having jurisdiction of such cases.

664 ~~(o) (15)~~ Fraudulent or dishonest practice in submitting or  
665 aiding or abetting any person in the submission of an  
666 application for workers' compensation coverage under chapter 440  
667 containing false or misleading information as to employee  
668 payroll or classification for the purpose of avoiding or  
669 reducing the amount of premium due for such coverage.

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

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

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

675 ~~2.(b)~~ No longer meeting the requirements for initial  
676 licensure.

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

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

684 (2) The department shall, upon receipt of information or  
685 an indictment, immediately temporarily suspend a license or

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686 appointment issued under this chapter when the licensee is  
687 charged with a felony enumerated in s. 626.207(3). Such  
688 suspension shall continue if the licensee is found guilty of, or  
689 pleads guilty or nolo contendere to, the crime, regardless of  
690 whether a judgment or conviction is entered, during a pending  
691 appeal. A person may not transact insurance business after  
692 suspension of his or her license or appointment.

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

695 626.641 Duration of suspension or revocation.—

696 (2) No person or appointee under any license or  
697 appointment revoked by the department, nor any person whose  
698 eligibility to hold same has been revoked by the department,  
699 shall have the right to apply for another license or appointment  
700 under this code within 2 years from the effective date of such  
701 revocation or, if judicial review of such revocation is sought,  
702 within 2 years from the date of final court order or decree  
703 affirming the revocation. An applicant for another license or  
704 appointment pursuant to this subsection must apply and qualify  
705 for licensure in the same manner as a first-time applicant, and  
706 the application may be denied on the same grounds that apply to  
707 first-time applicants for licensure pursuant to ss. 626.207,  
708 626.611, and 626.621. In addition, the department shall not  
709 grant a new license or appointment or reinstate eligibility to  
710 hold such license or appointment if it finds that the  
711 circumstance or circumstances for which the eligibility was

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712 | revoked or for which the previous license or appointment was  
713 | revoked still exist or are likely to recur; if an individual's  
714 | license as agent or customer representative or eligibility to  
715 | hold same has been revoked upon the ground specified in s.  
716 | 626.611(1)(1) ~~626.611(12)~~, the department shall refuse to grant  
717 | or issue any new license or appointment so applied for.

718 |       Section 19. Section 626.733, Florida Statutes, is amended  
719 | to read:

720 |       626.733 Agency firms and corporations; special  
721 | requirements.—If a sole proprietorship, partnership,  
722 | corporation, or association holds an agency contract, all  
723 | members thereof who solicit, negotiate, or effect insurance  
724 | contracts, and all officers and stockholders of the corporation  
725 | who solicit, negotiate, or effect insurance contracts, must ~~are~~  
726 | ~~required to~~ qualify and be licensed individually as agents or  
727 | customer representatives, + and all of such agents must be  
728 | individually appointed as to each property and casualty insurer  
729 | entering into an agency contract with such agency. Each ~~such~~  
730 | appointing insurer ~~as soon as known to it~~ shall comply with this  
731 | section and shall determine and require that each agent so  
732 | associated ~~in or so connected~~ with such agency is likewise  
733 | appointed as to the same such insurer and for the same type and  
734 | class of license. However, an ~~no~~ insurer is not required to  
735 | comply with the appointment provisions of this section for an  
736 | agent within an agency who does not solicit, negotiate, or  
737 | effect insurance contracts for that insurer ~~if such insurer~~

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738 ~~satisfactorily demonstrates to the department that the insurer~~  
739 ~~has issued an aggregate net written premium, in an agency, in an~~  
740 ~~amount of \$25,000 or less.~~

741 Section 20. Paragraphs (a) and (g) of subsection (1) of  
742 section 626.7355, Florida Statutes, are amended to read:

743 626.7355 Temporary license as customer representative  
744 pending examination.—

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

748 (a) Has filed an application for a customer  
749 representative's license ~~or a limited customer representative's~~  
750 ~~license~~ and has paid any fees required under s. 624.501(5) in  
751 connection with such application for a customer representative's  
752 license ~~or limited customer representative's license.~~

753 (g) Is not disqualified from licensure by the department  
754 under s. 626.207. Within the last 5 years, has not been  
755 ~~convicted, found guilty or pleaded nolo contendere to a felony~~  
756 ~~or a crime punishable by imprisonment of 1 year or more under~~  
757 ~~the law of any municipality, county, state, territory, or~~  
758 ~~country, whether or not a judgment of conviction has been~~  
759 ~~entered.~~

760 Section 21. Effective January 1, 2015, section 626.747,  
761 Florida Statutes, is repealed.

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

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764           626.7845 Prohibition against unlicensed transaction of  
765 life insurance.—

766           (1) An individual may not solicit or sell variable life  
767 insurance, variable annuity contracts, or any other  
768 indeterminate value or variable contract as defined in s.  
769 627.8015~~7~~ unless the individual has successfully completed a  
770 licensure examination relating to variable ~~annuity~~ contracts  
771 authorized and approved by the department.

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

774           626.8411 Application of Florida Insurance Code provisions  
775 to title insurance agents or agencies.—

776           (1) The following provisions ~~of part II~~ applicable to  
777 general lines agents or agencies also apply to title insurance  
778 agents or agencies:

779           (a) Section 626.734, relating to liability of certain  
780 agents.

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

783           (c) Section 626.749, relating to place of business in  
784 residence.

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

786           (e) Section 626.754, relating to rights of agent following  
787 termination of appointment.

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

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790 626.861 Insurer's officers, insurer's employees,  
791 reciprocal insurer's representatives; adjustments by.—

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

797 Section 25. Section 626.862, Florida Statutes, is amended  
798 to read:

799 626.862 Agents; adjustments by.—A licensed and appointed  
800 insurance agent may, without being licensed as an adjuster,  
801 adjust losses for the insurer represented by him or her as agent  
802 if so authorized by the insurer. The license and appointment of  
803 the agent may be suspended or revoked for violation of or  
804 misconduct prohibited by s. 626.611(1)(f) ~~626.611(6)~~.

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

807 626.9272 Licensing of nonresident surplus lines agents.—

808 (2) The department may not issue a license unless the  
809 applicant satisfies the same licensing requirements under s.  
810 626.927 as required of a resident surplus lines agent, excluding  
811 the required experience or coursework and examination. The  
812 department may refuse to issue such license or appointment when  
813 it has reason to believe that any of the grounds exist for  
814 denial, suspension, or revocation of a license as set forth in  
815 ss. 626.611 and 626.621.

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816 Section 27. Section 627.4553, Florida Statutes, is created  
817 to read:

818 627.4553 Recommendations to surrender.—If an insurance  
819 agent recommends the surrender of an annuity or life insurance  
820 policy containing a cash value and does not recommend that the  
821 proceeds from the surrender be used to fund or purchase another  
822 annuity or life insurance policy, before execution of the  
823 surrender, the insurance agent, or insurance company if no agent  
824 is involved, shall provide, on a form that satisfies the  
825 requirements of the rule adopted by the department, information  
826 relating to the annuity or policy to be surrendered. Such  
827 information shall include, but is not limited to, the amount of  
828 any surrender charge, the loss of any minimum interest rate  
829 guarantees, the amount of any tax consequences resulting from  
830 the transaction, the amount of any forfeited death benefit, and  
831 the value of any other investment performance guarantees being  
832 forfeited as a result of the transaction. This section also  
833 applies to a person performing insurance agent activities  
834 pursuant to an exemption from licensure under this part.

835 Section 28. Paragraph (b) of subsection (4) of section  
836 627.7015, Florida Statutes, is amended to read:

837 627.7015 Alternative procedure for resolution of disputed  
838 property insurance claims.—

839 (4) The department shall adopt by rule a property  
840 insurance mediation program to be administered by the department  
841 or its designee. The department may also adopt special rules

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842 which are applicable in cases of an emergency within the state.  
843 The rules shall be modeled after practices and procedures set  
844 forth in mediation rules of procedure adopted by the Supreme  
845 Court. The rules shall provide for:

846 (b) Qualifications, denial of application, suspension,  
847 revocation of approval, and other penalties for ~~of~~ mediators as  
848 provided in s. 627.745 and in the Florida Rules of Certified and  
849 Court Appointed Mediators, ~~and for such other individuals as are~~  
850 ~~qualified by education, training, or experience as the~~  
851 ~~department determines to be appropriate.~~

852 Section 29. Paragraph (c) of subsection (2) of section  
853 627.706, Florida Statutes, is amended to read:

854 627.706 Sinkhole insurance; catastrophic ground cover  
855 collapse; definitions.—

856 (2) As used in ss. 627.706-627.7074, and as used in  
857 connection with any policy providing coverage for a catastrophic  
858 ground cover collapse or for sinkhole losses, the term:

859 (c) "Neutral evaluator" means a professional engineer or a  
860 professional geologist who has completed a course of study in  
861 alternative dispute resolution designed or approved by the  
862 department for use in the neutral evaluation process, ~~and~~ who is  
863 determined by the department to be fair and impartial, and who  
864 is not otherwise ineligible for certification as provided in s.  
865 627.7074.

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

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868           627.7074 Alternative procedure for resolution of disputed  
869 sinkhole insurance claims.—

870           (7) Upon receipt of a request for neutral evaluation, the  
871 department shall provide the parties a list of certified neutral  
872 evaluators. The department shall allow the parties to submit  
873 requests to disqualify evaluators on the list for cause.

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

876           1. A familial relationship exists between the neutral  
877 evaluator and either party or a representative of either party  
878 within the third degree.

879           2. The proposed neutral evaluator has, in a professional  
880 capacity, previously represented either party or a  
881 representative of either party, in the same or a substantially  
882 related matter.

883           3. The proposed neutral evaluator has, in a professional  
884 capacity, represented another person in the same or a  
885 substantially related matter and that person's interests are  
886 materially adverse to the interests of the parties. The term  
887 "substantially related matter" means participation by the  
888 neutral evaluator on the same claim, property, or adjacent  
889 property.

890           4. The proposed neutral evaluator has, within the  
891 preceding 5 years, worked as an employer or employee of any  
892 party to the case.

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

897 1. Lack of one or more of the qualifications specified in  
898 this section for certification.

899 2. Material misstatement, misrepresentation, or fraud in  
900 obtaining or attempting to obtain the certification.

901 3. Demonstrated lack of fitness or trustworthiness to act  
902 as a neutral evaluator.

903 4. Fraudulent or dishonest practices in the conduct of an  
904 evaluation or in the conduct of financial services business.

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

908 (c) ~~(b)~~ The parties shall appoint a neutral evaluator from  
909 the department list and promptly inform the department. If the  
910 parties cannot agree to a neutral evaluator within 14 business  
911 days, the department shall appoint a neutral evaluator from the  
912 list of certified neutral evaluators. The department shall allow  
913 each party to disqualify two neutral evaluators without cause.  
914 Upon selection or appointment, the department shall promptly  
915 refer the request to the neutral evaluator.

916 (d) ~~(e)~~ Within 14 business days after the referral, the  
917 neutral evaluator shall notify the policyholder and the insurer  
918 of the date, time, and place of the neutral evaluation

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919 conference. The conference may be held by telephone, if feasible  
920 and desirable. The neutral evaluator shall make reasonable  
921 efforts to hold the conference within 90 days after the receipt  
922 of the request by the department. Failure of the neutral  
923 evaluator to hold the conference within 90 days does not  
924 invalidate either party's right to neutral evaluation or to a  
925 neutral evaluation conference held outside this timeframe.

926 (18) The department shall adopt rules of procedure for the  
927 neutral evaluation process and adopt rules for certifying,  
928 denying certification of, suspending certification of, and  
929 revoking certification as a neutral evaluator.

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

934 627.745 Mediation of claims.—

935 (3) (a) The department shall approve mediators to conduct  
936 mediations pursuant to this section. All mediators must file an  
937 application under oath for approval as a mediator.

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

940 1. Possess an active certification as a Florida Supreme  
941 Court certified circuit court mediator. A Florida Supreme Court  
942 certified circuit court mediator in a lapsed, suspended,  
943 sanctioned, or decertified status is not eligible to participate  
944 in the mediation program ~~a masters or doctorate degree in~~

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945 ~~psychology, counseling, business, accounting, or economics, be a~~  
946 ~~member of The Florida Bar, be licensed as a certified public~~  
947 ~~accountant, or demonstrate that the applicant for approval has~~  
948 ~~been actively engaged as a qualified mediator for at least 4~~  
949 ~~years prior to July 1, 1990.~~

950 2. Be an approved department mediator as of July 1, 2014,  
951 and have conducted at least one mediation on behalf of the  
952 department within 4 years immediately preceding that the date  
953 the application for approval is filed with the department, have  
954 completed a minimum of a 40-hour training program approved by  
955 the department and successfully passed a final examination  
956 included in the training program and approved by the department.  
957 The training program shall include and address all of the  
958 following:

- 959 ~~a. Mediation theory.~~  
960 ~~b. Mediation process and techniques.~~  
961 ~~c. Standards of conduct for mediators.~~  
962 ~~d. Conflict management and intervention skills.~~  
963 ~~e. Insurance nomenclature.~~

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

968 (a) Lack of one or more of the qualifications specified in  
969 this section for approval.

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970 (b) Material misstatement, misrepresentation, or fraud in  
971 obtaining or attempting to obtain the approval.

972 (c) Demonstrated lack of fitness or trustworthiness to act  
973 as a mediator.

974 (d) Fraudulent or dishonest practices in the conduct of  
975 mediation or in the conduct of business in the financial  
976 services industry.

977 (e) Violation of any provision of this code or of a lawful  
978 order or rule of the department, violation of the Florida Rules  
979 of Certified and Court Appointed Mediators, or aiding,  
980 instructing, or encouraging another party in committing such a  
981 violation.

982

983 The department may adopt rules to administer this subsection.

984 Section 32. Paragraph (b) of subsection (1) of section  
985 627.952, Florida Statutes, is amended to read:

986 627.952 Risk retention and purchasing group agents.—

987 (1) Any person offering, soliciting, selling, purchasing,  
988 administering, or otherwise servicing insurance contracts,  
989 certificates, or agreements for any purchasing group or risk  
990 retention group to any resident of this state, either directly  
991 or indirectly, by the use of mail, advertising, or other means  
992 of communication, shall obtain a license and appointment to act  
993 as a resident general lines agent, if a resident of this state,  
994 or a nonresident general lines agent if not a resident. Any such

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995 person shall be subject to all requirements of the Florida  
996 Insurance Code.

997 (b) Any person required to be licensed and appointed under  
998 this subsection, in order to place business through Florida  
999 eligible surplus lines carriers, must, if a resident of this  
1000 state, be licensed and appointed as a surplus lines agent. If  
1001 not a resident of this state, such person must be licensed and  
1002 appointed as a surplus lines agent in her or his state of  
1003 residence and be licensed and appointed as a nonresident surplus  
1004 lines agent in this state ~~file and maintain a fidelity bond in~~  
1005 ~~favor of the people of the State of Florida executed by a surety~~  
1006 ~~company admitted in this state and payable to the State of~~  
1007 ~~Florida; however, such nonresident is limited to the provision~~  
1008 ~~of insurance for purchasing groups. The bond must be continuous~~  
1009 ~~in form and in the amount of not less than \$50,000, aggregate~~  
1010 ~~liability. The bond must remain in force and effect until the~~  
1011 ~~surety is released from liability by the department or until the~~  
1012 ~~bond is canceled by the surety. The surety may cancel the bond~~  
1013 ~~and be released from further liability upon 30 days' prior~~  
1014 ~~written notice to the department. The cancellation does not~~  
1015 ~~affect any liability incurred or accrued before the termination~~  
1016 ~~of the 30-day period. Upon receipt of a notice of cancellation,~~  
1017 ~~the department shall immediately notify the agent.~~

1018 Section 33. Subsection (1) of section 648.43, Florida  
1019 Statutes, is amended to read:



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1020 648.43 Power of attorney; to be approved by department;  
1021 filing of copies; notification of transfer bond.—

1022 (1) Every insurer engaged in the writing of bail bonds  
1023 through bail bond agents in this state shall submit to ~~and have~~  
1024 ~~approved by the~~ office for prior approval ~~department~~ a sample  
1025 power of attorney, which shall ~~will~~ be the only form of power of  
1026 attorney the insurer issues ~~will issue~~ to bail bond agents in  
1027 this state.

1028 Section 34. Subsection (3) of section 648.49, Florida  
1029 Statutes, is amended to read:

1030 648.49 Duration of suspension or revocation.—

1031 (3) During the period of suspension, ~~or after~~ revocation  
1032 of the license and until the license is reinstated or a new  
1033 license is issued, the former licensee may not engage in or  
1034 attempt to profess to engage in any transaction or business for  
1035 which a license or appointment is required under this chapter. A  
1036 ~~Any~~ person who violates this subsection commits a felony of the  
1037 third degree, punishable as provided in s. 775.082, s. 775.083,  
1038 or s. 775.084.

1039 Section 35. Paragraphs (a) and (c) of subsection (4) of  
1040 section 943.0585, Florida Statutes, are amended to read:

1041 943.0585 Court-ordered expunction of criminal history  
1042 records.—The courts of this state have jurisdiction over their  
1043 own procedures, including the maintenance, expunction, and  
1044 correction of judicial records containing criminal history  
1045 information to the extent such procedures are not inconsistent

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1046 with the conditions, responsibilities, and duties established by  
1047 this section. Any court of competent jurisdiction may order a  
1048 criminal justice agency to expunge the criminal history record  
1049 of a minor or an adult who complies with the requirements of  
1050 this section. The court shall not order a criminal justice  
1051 agency to expunge a criminal history record until the person  
1052 seeking to expunge a criminal history record has applied for and  
1053 received a certificate of eligibility for expunction pursuant to  
1054 subsection (2). A criminal history record that relates to a  
1055 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1056 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
1057 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
1058 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
1059 any violation specified as a predicate offense for registration  
1060 as a sexual predator pursuant to s. 775.21, without regard to  
1061 whether that offense alone is sufficient to require such  
1062 registration, or for registration as a sexual offender pursuant  
1063 to s. 943.0435, may not be expunged, without regard to whether  
1064 adjudication was withheld, if the defendant was found guilty of  
1065 or pled guilty or nolo contendere to the offense, or if the  
1066 defendant, as a minor, was found to have committed, or pled  
1067 guilty or nolo contendere to committing, the offense as a  
1068 delinquent act. The court may only order expunction of a  
1069 criminal history record pertaining to one arrest or one incident  
1070 of alleged criminal activity, except as provided in this  
1071 section. The court may, at its sole discretion, order the

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1072 expunction of a criminal history record pertaining to more than  
1073 one arrest if the additional arrests directly relate to the  
1074 original arrest. If the court intends to order the expunction of  
1075 records pertaining to such additional arrests, such intent must  
1076 be specified in the order. A criminal justice agency may not  
1077 expunge any record pertaining to such additional arrests if the  
1078 order to expunge does not articulate the intention of the court  
1079 to expunge a record pertaining to more than one arrest. This  
1080 section does not prevent the court from ordering the expunction  
1081 of only a portion of a criminal history record pertaining to one  
1082 arrest or one incident of alleged criminal activity.

1083 Notwithstanding any law to the contrary, a criminal justice  
1084 agency may comply with laws, court orders, and official requests  
1085 of other jurisdictions relating to expunction, correction, or  
1086 confidential handling of criminal history records or information  
1087 derived therefrom. This section does not confer any right to the  
1088 expunction of any criminal history record, and any request for  
1089 expunction of a criminal history record may be denied at the  
1090 sole discretion of the court.

1091 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1092 criminal history record of a minor or an adult which is ordered  
1093 expunged by a court of competent jurisdiction pursuant to this  
1094 section must be physically destroyed or obliterated by any  
1095 criminal justice agency having custody of such record; except  
1096 that any criminal history record in the custody of the  
1097 department must be retained in all cases. A criminal history

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1098 record ordered expunged that is retained by the department is  
1099 confidential and exempt from the provisions of s. 119.07(1) and  
1100 s. 24(a), Art. I of the State Constitution and not available to  
1101 any person or entity except upon order of a court of competent  
1102 jurisdiction. A criminal justice agency may retain a notation  
1103 indicating compliance with an order to expunge.

1104 (a) The person who is the subject of a criminal history  
1105 record that is expunged under this section or under other  
1106 provisions of law, including former s. 893.14, former s. 901.33,  
1107 and former s. 943.058, may lawfully deny or fail to acknowledge  
1108 the arrests covered by the expunged record, except when the  
1109 subject of the record:

- 1110 1. Is a candidate for employment with a criminal justice  
1111 agency;
- 1112 2. Is a defendant in a criminal prosecution;
- 1113 3. Concurrently or subsequently petitions for relief under  
1114 this section, s. 943.0583, or s. 943.059;
- 1115 4. Is a candidate for admission to The Florida Bar;
- 1116 5. Is seeking to be employed or licensed by or to contract  
1117 with the Department of Children and Families, the Division of  
1118 Vocational Rehabilitation within the Department of Education,  
1119 the Agency for Health Care Administration, the Agency for  
1120 Persons with Disabilities, the Department of Health, the  
1121 Department of Elderly Affairs, or the Department of Juvenile  
1122 Justice or to be employed or used by such contractor or licensee

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1123 in a sensitive position having direct contact with children, the  
1124 disabled, or the elderly; ~~or~~

1125 6. Is seeking to be employed or licensed by the Department  
1126 of Education, any district school board, any university  
1127 laboratory school, any charter school, any private or parochial  
1128 school, or any local governmental entity that licenses child  
1129 care facilities; or

1130 7. Is seeking to be licensed by the Division of Insurance  
1131 Agent and Agency Services within the Department of Financial  
1132 Services.

1133 (c) Information relating to the existence of an expunged  
1134 criminal history record which is provided in accordance with  
1135 paragraph (a) is confidential and exempt from the provisions of  
1136 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1137 except that the department shall disclose the existence of a  
1138 criminal history record ordered expunged to the entities set  
1139 forth in subparagraphs (a)1., 4., 5., 6., and 7. ~~7.~~ for their  
1140 respective licensing, access authorization, and employment  
1141 purposes, and to criminal justice agencies for their respective  
1142 criminal justice purposes. It is unlawful for any employee of an  
1143 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
1144 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7.  
1145 ~~subparagraph (a)7.~~ to disclose information relating to the  
1146 existence of an expunged criminal history record of a person  
1147 seeking employment, access authorization, or licensure with such  
1148 entity or contractor, except to the person to whom the criminal

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1149 history record relates or to persons having direct  
1150 responsibility for employment, access authorization, or  
1151 licensure decisions. Any person who violates this paragraph  
1152 commits a misdemeanor of the first degree, punishable as  
1153 provided in s. 775.082 or s. 775.083.

1154 Section 36. Paragraphs (a) and (c) of subsection (4) of  
1155 section 943.059, Florida Statutes, are amended to read:

1156 943.059 Court-ordered sealing of criminal history  
1157 records.—The courts of this state shall continue to have  
1158 jurisdiction over their own procedures, including the  
1159 maintenance, sealing, and correction of judicial records  
1160 containing criminal history information to the extent such  
1161 procedures are not inconsistent with the conditions,  
1162 responsibilities, and duties established by this section. Any  
1163 court of competent jurisdiction may order a criminal justice  
1164 agency to seal the criminal history record of a minor or an  
1165 adult who complies with the requirements of this section. The  
1166 court shall not order a criminal justice agency to seal a  
1167 criminal history record until the person seeking to seal a  
1168 criminal history record has applied for and received a  
1169 certificate of eligibility for sealing pursuant to subsection  
1170 (2). A criminal history record that relates to a violation of s.  
1171 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
1172 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
1173 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
1174 916.1075, a violation enumerated in s. 907.041, or any violation

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1175 specified as a predicate offense for registration as a sexual  
1176 predator pursuant to s. 775.21, without regard to whether that  
1177 offense alone is sufficient to require such registration, or for  
1178 registration as a sexual offender pursuant to s. 943.0435, may  
1179 not be sealed, without regard to whether adjudication was  
1180 withheld, if the defendant was found guilty of or pled guilty or  
1181 nolo contendere to the offense, or if the defendant, as a minor,  
1182 was found to have committed or pled guilty or nolo contendere to  
1183 committing the offense as a delinquent act. The court may only  
1184 order sealing of a criminal history record pertaining to one  
1185 arrest or one incident of alleged criminal activity, except as  
1186 provided in this section. The court may, at its sole discretion,  
1187 order the sealing of a criminal history record pertaining to  
1188 more than one arrest if the additional arrests directly relate  
1189 to the original arrest. If the court intends to order the  
1190 sealing of records pertaining to such additional arrests, such  
1191 intent must be specified in the order. A criminal justice agency  
1192 may not seal any record pertaining to such additional arrests if  
1193 the order to seal does not articulate the intention of the court  
1194 to seal records pertaining to more than one arrest. This section  
1195 does not prevent the court from ordering the sealing of only a  
1196 portion of a criminal history record pertaining to one arrest or  
1197 one incident of alleged criminal activity. Notwithstanding any  
1198 law to the contrary, a criminal justice agency may comply with  
1199 laws, court orders, and official requests of other jurisdictions  
1200 relating to sealing, correction, or confidential handling of

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1201 criminal history records or information derived therefrom. This  
1202 section does not confer any right to the sealing of any criminal  
1203 history record, and any request for sealing a criminal history  
1204 record may be denied at the sole discretion of the court.

1205 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1206 history record of a minor or an adult which is ordered sealed by  
1207 a court of competent jurisdiction pursuant to this section is  
1208 confidential and exempt from the provisions of s. 119.07(1) and  
1209 s. 24(a), Art. I of the State Constitution and is available only  
1210 to the person who is the subject of the record, to the subject's  
1211 attorney, to criminal justice agencies for their respective  
1212 criminal justice purposes, which include conducting a criminal  
1213 history background check for approval of firearms purchases or  
1214 transfers as authorized by state or federal law, to judges in  
1215 the state courts system for the purpose of assisting them in  
1216 their case-related decisionmaking responsibilities, as set forth  
1217 in s. 943.053(5), or to those entities set forth in  
1218 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
1219 licensing, access authorization, and employment purposes.

1220 (a) The subject of a criminal history record sealed under  
1221 this section or under other provisions of law, including former  
1222 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
1223 deny or fail to acknowledge the arrests covered by the sealed  
1224 record, except when the subject of the record:

1225 1. Is a candidate for employment with a criminal justice  
1226 agency;



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- 1227           2. Is a defendant in a criminal prosecution;
- 1228           3. Concurrently or subsequently petitions for relief under  
1229 this section, s. 943.0583, or s. 943.0585;
- 1230           4. Is a candidate for admission to The Florida Bar;
- 1231           5. Is seeking to be employed or licensed by or to contract  
1232 with the Department of Children and Families, the Division of  
1233 Vocational Rehabilitation within the Department of Education,  
1234 the Agency for Health Care Administration, the Agency for  
1235 Persons with Disabilities, the Department of Health, the  
1236 Department of Elderly Affairs, or the Department of Juvenile  
1237 Justice or to be employed or used by such contractor or licensee  
1238 in a sensitive position having direct contact with children, the  
1239 disabled, or the elderly;
- 1240           6. Is seeking to be employed or licensed by the Department  
1241 of Education, any district school board, any university  
1242 laboratory school, any charter school, any private or parochial  
1243 school, or any local governmental entity that licenses child  
1244 care facilities; ~~or~~
- 1245           7. Is attempting to purchase a firearm from a licensed  
1246 importer, licensed manufacturer, or licensed dealer and is  
1247 subject to a criminal history check under state or federal law;  
1248 or
- 1249           8. Is seeking to be licensed by the Division of Insurance  
1250 Agent and Agency Services within the Department of Financial  
1251 Services.

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1252 (c) Information relating to the existence of a sealed  
1253 criminal record provided in accordance with the provisions of  
1254 paragraph (a) is confidential and exempt from the provisions of  
1255 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1256 except that the department shall disclose the sealed criminal  
1257 history record to the entities set forth in subparagraphs (a)1.,  
1258 4., 5., 6., and 8. ~~8.~~ for their respective licensing, access  
1259 authorization, and employment purposes. It is unlawful for any  
1260 employee of an entity set forth in subparagraph (a)1.,  
1261 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or  
1262 subparagraph (a)8. ~~subparagraph (a)8.~~ to disclose information  
1263 relating to the existence of a sealed criminal history record of  
1264 a person seeking employment, access authorization, or licensure  
1265 with such entity or contractor, except to the person to whom the  
1266 criminal history record relates or to persons having direct  
1267 responsibility for employment, access authorization, or  
1268 licensure decisions. Any person who violates the provisions of  
1269 this paragraph commits a misdemeanor of the first degree,  
1270 punishable as provided in s. 775.082 or s. 775.083.

1271 Section 37. Except as otherwise expressly provided in this  
1272 act, this act shall take effect July 1, 2014.

1273 -----  
1274  
1275 **T I T L E A M E N D M E N T**

1276 Remove everything before the enacting clause and insert:

1277 A bill to be entitled

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1278 An act relating to the Division of Insurance Agents  
1279 and Agency Services; amending s. 20.121, F.S.;;  
1280 revising the name of the division; amending s.  
1281 624.310, F.S.;; revising service delivery methods;  
1282 amending s. 624.318, F.S.;; prohibiting the removal of  
1283 specified original documents under certain conditions;  
1284 amending s. 624.501, F.S.;; revising original  
1285 appointment and renewal fees related to certain  
1286 insurance representatives; amending s. 626.015, F.S.;;  
1287 prohibiting new limited customer representative  
1288 licenses from being issued after a specified date;  
1289 defining the term "unaffiliated insurance agent";  
1290 amending s. 626.0428, F.S.;; revising prohibitions  
1291 relating to binding insurance and soliciting  
1292 insurance; requiring a branch place of business to  
1293 have an agent in charge; authorizing an agent to be in  
1294 charge of more than one branch office under certain  
1295 circumstances; providing requirements relating to the  
1296 designation of an agent in charge; providing that the  
1297 agent in charge is accountable for misconduct and  
1298 violations committed by the licensee and any person  
1299 under his or her supervision; prohibiting an insurance  
1300 agency from conducting insurance business at a  
1301 location without a designated agent in charge;  
1302 providing for expiration of an agency license under  
1303 specified circumstances; amending s. 626.112, F.S.;;

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1304 providing licensure exemptions that allow specified  
1305 individuals or entities to conduct insurance business  
1306 at specified locations under certain circumstances;  
1307 revising licensure requirements and penalties with  
1308 respect to registered insurance agencies; providing  
1309 that the registration of an approved registered  
1310 insurance agency automatically converts to an  
1311 insurance agency license on a specified date; amending  
1312 s. 626.171, F.S.; providing an exemption from certain  
1313 licensure application fees; amending s. 626.172, F.S.;  
1314 revising requirements relating to applications for  
1315 insurance agency licenses; amending s. 626.207, F.S.;  
1316 conforming a cross-reference; amending s. 626.241,  
1317 F.S.; revising the scope of the examination for a  
1318 limited agent; amending s. 626.261, F.S.; deleting a  
1319 provision requiring certain costs to be paid by  
1320 applicants who request licensure examinations in  
1321 Spanish; amending s. 626.311, F.S.; limiting the types  
1322 of business that may be transacted by certain agents;  
1323 amending s. 626.321, F.S.; providing that a limited  
1324 license to offer motor vehicle rental insurance issued  
1325 to a business that rents or leases motor vehicles  
1326 encompasses employees and authorized representatives  
1327 of such business; amending s. 626.382, F.S.; providing  
1328 that an insurance agency license continues in force  
1329 until canceled, suspended, revoked, terminated, or

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1330 expired; amending s. 626.601, F.S.; revising  
1331 terminology relating to investigations conducted by  
1332 the Department of Financial Services and the Office of  
1333 Insurance Regulation with respect to individuals and  
1334 entities involved in the insurance industry; amending  
1335 s. 626.611, F.S.; requiring the department to suspend  
1336 certain licenses and appointments; amending s.  
1337 626.641, F.S.; conforming a cross-reference; amending  
1338 s. 626.733, F.S.; revising applicability of certain  
1339 appointment provisions; amending s. 626.7355, F.S.;  
1340 revising qualifications for a temporary customer  
1341 representative's license; repealing s. 626.747, F.S.,  
1342 relating to branch agencies, agents in charge, and the  
1343 payment of additional county tax under certain  
1344 circumstances on a specified date; amending s.  
1345 626.7845, F.S.; revising a prohibition against  
1346 unlicensed transaction of life insurance; amending ss.  
1347 626.8411, 626.861, and 626.862, F.S.; conforming  
1348 cross-references; amending s. 626.9272, F.S.; revising  
1349 requirements for the licensure of nonresident surplus  
1350 lines agents; creating s. 627.4553, F.S.; requiring an  
1351 insurance agent who recommends the surrender of  
1352 certain annuity or life insurance to provide certain  
1353 information to the department; amending s. 627.7015,  
1354 F.S.; revising the rulemaking authority of the  
1355 department with respect to qualifications and

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1356 specified types of penalties covered under the  
1357 property insurance mediation program; amending s.  
1358 627.706, F.S.; revising the definition of the term  
1359 "neutral evaluator"; amending s. 627.7074, F.S.;  
1360 providing grounds for the department to deny an  
1361 application, or suspend or revoke approval of  
1362 certification, of a neutral evaluator; requiring the  
1363 department to adopt rules; amending s. 627.745, F.S.;  
1364 revising qualifications for approval as a mediator by  
1365 the department; providing grounds for the department  
1366 to deny an application, or suspend or revoke approval,  
1367 of a mediator; authorizing the department to adopt  
1368 rules; amending s. 627.952, F.S.; providing that  
1369 certain persons who are not residents of this state  
1370 must be licensed and appointed as nonresident surplus  
1371 lines agents in this state in order to engage in  
1372 specified activities with respect to servicing  
1373 insurance contracts, certificates, or agreements for  
1374 purchasing or risk retention groups; deleting a  
1375 fidelity bond requirement applicable to certain  
1376 nonresident agents who are licensed as surplus lines  
1377 agents in another state; amending s. 648.43, F.S.;  
1378 revising requirements for the submission of a power of  
1379 attorney; amending s. 648.49, F.S.; revising  
1380 provisions relating to the duration of suspension or  
1381 revocation of a license; amending ss. 943.0585 and

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1382 943.059, F.S.; prohibiting persons seeking to be  
1383 licensed by the Division of Insurance Agent and Agency  
1384 Services from denying or failing to acknowledge  
1385 certain expunged or sealed records; conforming cross-  
1386 references; providing effective dates.