

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 prohibiting new limited customer representative  
12 licenses from being issued after a specified date;  
13 defining the term "unaffiliated insurance agent";  
14 amending s. 626.0428, F.S.; requiring a branch place  
15 of business to have an agent in charge; authorizing an  
16 agent to be in charge of more than one branch office  
17 under certain circumstances; providing requirements  
18 relating to the designation of an agent in charge;  
19 providing that the agent in charge is accountable for  
20 misconduct and violations committed by the licensee  
21 and any person under his or her supervision;  
22 prohibiting an insurance agency from conducting  
23 insurance business at a location without a designated  
24 agent in charge; providing for expiration of an agency  
25 license under specified circumstances; amending s.  
26 626.112, F.S.; providing licensure exemptions that

27 | allow specified individuals or entities to conduct  
28 | insurance business at specified locations under  
29 | certain circumstances; revising licensure requirements  
30 | and penalties with respect to registered insurance  
31 | agencies; providing that the registration of an  
32 | 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.; prohibiting  
39 | certain persons who are the subject of a sealed  
40 | criminal history record from denying or failing to  
41 | acknowledge arrests for certain offenses; amending s.  
42 | 626.241, F.S.; revising the scope of the examination  
43 | for a limited agent; amending s. 626.261, F.S.;  
44 | deleting a provision requiring certain costs to be  
45 | paid by applicants who request licensure examinations  
46 | in Spanish; amending s. 626.311, F.S.; limiting the  
47 | types of business that may be transacted by certain  
48 | agents; amending s. 626.382, F.S.; providing that an  
49 | insurance agency license continues in force until  
50 | canceled, suspended, revoked, terminated, or expired;  
51 | amending s. 626.601, F.S.; revising terminology  
52 | relating to investigations conducted by the Department

53 of Financial Services and the Office of Insurance  
54 Regulation with respect to individuals and entities  
55 involved in the insurance industry; amending s.  
56 626.611, F.S.; requiring the department to suspend  
57 certain licenses and appointments; amending s.  
58 626.641, F.S.; conforming a cross-reference; amending  
59 s. 626.733, F.S.; revising applicability of certain  
60 appointment provisions; amending s. 626.7355, F.S.;  
61 revising qualifications for a temporary customer  
62 representative's license; repealing s. 626.747, F.S.,  
63 relating to branch agencies, agents in charge, and the  
64 payment of additional county tax under certain  
65 circumstances on a specified date; amending s.  
66 626.7845, F.S.; revising a prohibition against  
67 unlicensed transaction of life insurance; amending ss.  
68 626.8411, 626.861, and 626.862, F.S.; conforming  
69 cross-references; amending s. 626.9272, F.S.; revising  
70 requirements for the licensure of nonresident surplus  
71 lines agents; creating s. 627.4553, F.S.; requiring an  
72 insurance agent who recommends the surrender of  
73 certain annuity or life insurance to provide certain  
74 information to the department; amending s. 627.7015,  
75 F.S.; revising the rulemaking authority of the  
76 department with respect to qualifications and  
77 specified types of penalties covered under the  
78 property insurance mediation program; amending s.

79 627.706, F.S.; revising the definition of the term  
80 "neutral evaluator"; amending s. 627.7074, F.S.;  
81 providing grounds for the department to deny an  
82 application, or suspend or revoke approval of  
83 certification, of a neutral evaluator; requiring the  
84 department to adopt rules; amending s. 627.745, F.S.;  
85 revising qualifications for approval as a mediator by  
86 the department; providing grounds for the department  
87 to deny an application, or suspend or revoke approval,  
88 of a mediator; requiring the department to adopt  
89 rules; amending s. 627.952, F.S.; providing that  
90 certain persons who are not residents of this state  
91 must be licensed and appointed as nonresident surplus  
92 lines agents in this state in order to engage in  
93 specified activities with respect to servicing  
94 insurance contracts, certificates, or agreements for  
95 purchasing or risk retention groups; deleting a  
96 fidelity bond requirement applicable to certain  
97 nonresident agents who are licensed as surplus lines  
98 agents in another state; amending s. 648.43, F.S.;  
99 revising requirements for the submission of a power of  
100 attorney; amending s. 648.49, F.S.; revising  
101 provisions relating to the duration of suspension or  
102 revocation of a license; providing effective dates.

103  
104 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

(6) ADMINISTRATIVE PROCEDURES.—All administrative proceedings under subsections (3), (4), and (5) shall be conducted in accordance with chapter 120. Any service required or authorized to be made by the department or office under this code shall be made by certified mail, return receipt requested, delivered to the addressee only; by personal delivery, including hand delivery by department investigators; by e-mail, sent to the most recent e-mail address provided to the department by the applicant or licensee in accordance with s. 626.171 or s. 626.551; by publication in accordance with s. 120.60; or in accordance with chapter 48. The service provided for in this subsection ~~herein~~ shall be effective from the date of delivery.

Section 3. Subsection (5) of section 624.318, Florida

131 Statutes, is amended to read:

132 624.318 Conduct of examination or investigation; access to  
 133 records; correction of accounts; appraisals.—

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

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

143 624.501 Filing, license, appointment, and miscellaneous  
 144 fees.—The department, commission, or office, as appropriate,  
 145 shall collect in advance, and persons so served shall pay to it  
 146 in advance, fees, licenses, and miscellaneous charges as  
 147 follows:

148 (6) Insurance representatives, property, marine, casualty,  
 149 and surety insurance.

150 (a) Agent's original appointment and biennial renewal or  
 151 continuation thereof, each insurer or unaffiliated agent making  
 152 an appointment:

153	Appointment fee.....	\$42.00
154	State tax.....	12.00
155	County tax.....	6.00
156	Total.....	\$60.00

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

160 (7) Life insurance agents.

161 (a) Agent's original appointment and biennial renewal or  
 162 continuation thereof, each insurer or unaffiliated agent making  
 163 an appointment:

164 Appointment fee.....\$42.00  
 165 State tax.....12.00  
 166 County tax.....6.00  
 167 Total.....\$60.00

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

171 (8) Health insurance agents.

172 (a) Agent's original appointment and biennial renewal or  
 173 continuation thereof, each insurer or unaffiliated agent making  
 174 an appointment:

175 Appointment fee.....\$42.00  
 176 State tax.....12.00  
 177 County tax.....6.00  
 178 Total.....\$60.00

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

182 Section 5. Subsection (11) of section 626.015, Florida

183 Statutes, is amended, subsection (18) of that section is  
184 renumbered as subsection (19), and a new subsection (18) is  
185 added to that section, to read:

186 626.015 Definitions.—As used in this part:

187 (11) "Limited customer representative" means a customer  
188 representative appointed by a general lines agent or agency to  
189 assist that agent or agency in transacting only the business of  
190 private passenger motor vehicle insurance from the office of  
191 that agent or agency. A limited customer representative is  
192 subject to the Florida Insurance Code in the same manner as a  
193 customer representative, unless otherwise specified. Effective  
194 October 1, 2014, no new limited customer representative licenses  
195 may be issued.

196 (18) "Unaffiliated insurance agent" means a licensed  
197 insurance agent, except a limited lines agent, who is self-  
198 appointed and who practices as an independent consultant in the  
199 business of analyzing or abstracting insurance policies,  
200 providing insurance advice or counseling, or making specific  
201 recommendations or comparisons of insurance products for a fee  
202 established in advance by written contract signed by the  
203 parties. An unaffiliated insurance agent may not be affiliated  
204 with an insurer, insurer-appointed insurance agent, or insurance  
205 agency contracted with or employing insurer-appointed insurance  
206 agents.

207 Section 6. Effective January 1, 2015, subsection (4) is  
208 added to section 626.0428, Florida Statutes, to read:



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2014

209 626.0428 Agency personnel powers, duties, and  
210 limitations.-

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

216 (b) Notwithstanding paragraph (a), the licensed agent in  
217 charge of an insurance agency may also be the agent in charge of  
218 additional branch office locations of the agency if insurance  
219 activities requiring licensure as an insurance agent do not  
220 occur at any location when an agent is not physically present  
221 and unlicensed employees at the location do not engage in  
222 insurance activities requiring licensure as an insurance agent  
223 or customer representative.

224 (c) An insurance agency and each branch place of business  
225 of an insurance agency shall designate an agent in charge and  
226 file the name and license number of the agent in charge and the  
227 physical address of the insurance agency location with the  
228 department at the department's designated website. The  
229 designation of the agent in charge may be changed at the option  
230 of the agency. A change of the designated agent in charge is  
231 effective upon notification to the department, which shall be  
232 provided within 30 days after such change.

233 (d) For the purposes of this subsection, an "agent in  
234 charge" is the licensed and appointed agent who is responsible

235 for the supervision of all individuals within an insurance  
236 agency location, regardless of whether the agent in charge  
237 handles a specific transaction or deals with the general public  
238 in the solicitation or negotiation of insurance contracts or the  
239 collection or accounting of moneys.

240 (e) An agent in charge of an insurance agency is  
241 accountable for wrongful acts, misconduct, or violations of this  
242 code committed by the licensee or agent or by any person under  
243 his or her supervision while acting on behalf of the agency.  
244 This section does not render an agent in charge criminally  
245 liable for an act unless the agent in charge personally  
246 committed the act or knew or should have known of the act and of  
247 the facts constituting a violation of this chapter.

248 (f) An insurance agency location may not conduct the  
249 business of insurance unless an agent in charge is designated  
250 by, and providing services to, the agency at all times. If the  
251 agent in charge designated with the department ends his or her  
252 affiliation with the agency for any reason and the agency fails  
253 to designate another agent in charge within the 30 days provided  
254 for in paragraph (c) and such failure continues for 90 days, the  
255 agency license shall automatically expire on the 91st day from  
256 the date the designated agent in charge ended his or her  
257 affiliation with the agency.

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

260 626.112 License and appointment required; agents, customer

261 representatives, adjusters, insurance agencies, service  
 262 representatives, managing general agents.-

263 (7) (a) An ~~Effective October 1, 2006,~~ no individual, firm,  
 264 partnership, corporation, association, or ~~any~~ other entity shall  
 265 not act in its own name or under a trade name, directly or  
 266 indirectly, as an insurance agency, unless it complies with s.  
 267 626.172 with respect to possessing an insurance agency license  
 268 for each place of business at which it engages in an ~~any~~  
 269 activity that ~~which~~ may be performed only by a licensed  
 270 insurance agent. However, an insurance agency that is owned and  
 271 operated by a single licensed agent conducting business in his  
 272 or her individual name and not employing or otherwise using the  
 273 services of or appointing other licensees shall be exempt from  
 274 the agency licensing requirements of this subsection.

275 (b) A branch place of business that is established by a  
 276 licensed agency is considered a branch agency and is not  
 277 required to be licensed so long as it transacts business under  
 278 the same name and federal tax identification number as the  
 279 licensed agency and has designated with the department a  
 280 licensed agent in charge of the branch location as required by  
 281 s. 626.0428 and the address and telephone number of the branch  
 282 location have been submitted to the department for inclusion in  
 283 the licensing record of the licensed agency within 30 days after  
 284 insurance transactions begin at the branch location ~~Each agency~~  
 285 ~~engaged in business in this state before January 1, 2003, which~~  
 286 ~~is wholly owned by insurance agents currently licensed and~~

287 ~~appointed under this chapter, each incorporated agency whose~~  
288 ~~voting shares are traded on a securities exchange, each agency~~  
289 ~~designated and subject to supervision and inspection as a branch~~  
290 ~~office under the rules of the National Association of Securities~~  
291 ~~Dealers, and each agency whose primary function is offering~~  
292 ~~insurance as a service or member benefit to members of a~~  
293 ~~nonprofit corporation may file an application for registration~~  
294 ~~in lieu of licensure in accordance with s. 626.172(3). Each~~  
295 ~~agency engaged in business before October 1, 2006, shall file an~~  
296 ~~application for licensure or registration on or before October~~  
297 ~~1, 2006.~~

298 (c)1. If an agency is required to be licensed but fails to  
299 file an application for licensure in accordance with this  
300 section, the department shall impose on the agency an  
301 administrative penalty ~~in an amount~~ of up to \$10,000.

302 ~~2.~~ ~~If an agency is eligible for registration but fails to~~  
303 ~~file an application for registration or an application for~~  
304 ~~licensure in accordance with this section, the department shall~~  
305 ~~impose on the agency an administrative penalty in an amount of~~  
306 ~~up to \$5,000.~~

307 (d)(b) Effective October 1, 2015, the department must  
308 automatically convert the registration of an approved a  
309 registered insurance agency to shall, as a condition precedent  
310 to continuing business, obtain an insurance agency license if  
311 the department finds that, with respect to any majority owner,  
312 partner, manager, director, officer, or other person who manages

313 ~~or controls the agency, any person has:~~

314 ~~1. Been found guilty of, or has pleaded guilty or nolo~~  
315 ~~contendere to, a felony in this state or any other state~~  
316 ~~relating to the business of insurance or to an insurance agency,~~  
317 ~~without regard to whether a judgment of conviction has been~~  
318 ~~entered by the court having jurisdiction of the cases.~~

319 ~~2. Employed any individual in a managerial capacity or in~~  
320 ~~a capacity dealing with the public who is under an order of~~  
321 ~~revocation or suspension issued by the department. An insurance~~  
322 ~~agency may request, on forms prescribed by the department,~~  
323 ~~verification of any person's license status. If a request is~~  
324 ~~mailed within 5 working days after an employee is hired, and the~~  
325 ~~employee's license is currently suspended or revoked, the agency~~  
326 ~~shall not be required to obtain a license, if the unlicensed~~  
327 ~~person's employment is immediately terminated.~~

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

330 ~~4. With such frequency as to have made the operation of~~  
331 ~~the agency hazardous to the insurance-buying public or other~~  
332 ~~persons:~~

333 ~~a. Solicited or handled controlled business. This~~  
334 ~~subparagraph shall not prohibit the licensing of any lending or~~  
335 ~~financing institution or creditor, with respect to insurance~~  
336 ~~only, under credit life or disability insurance policies of~~  
337 ~~borrowers from the institutions, which policies are subject to~~  
338 ~~part IX of chapter 627.~~

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

342 ~~e. Unlawfully rebated, attempted to unlawfully rebate, or~~  
343 ~~unlawfully divided or offered to divide commissions with~~  
344 ~~another.~~

345 ~~d. Misrepresented any insurance policy or annuity~~  
346 ~~contract, or used deception with regard to any policy or~~  
347 ~~contract, done either in person or by any form of dissemination~~  
348 ~~of information or advertising.~~

349 ~~e. Violated any provision of this code or any other law~~  
350 ~~applicable to the business of insurance in the course of dealing~~  
351 ~~under the license.~~

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

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

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

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

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

362 ~~k. Engaged in fraudulent or dishonest practices in the~~  
363 ~~conduct of business arising out of activities related to~~  
364 ~~insurance or the insurance agency.~~

365 ~~1. Demonstrated lack of fitness or trustworthiness to~~  
366 ~~engage in the business of insurance arising out of activities~~  
367 ~~related to insurance or the insurance agency.~~

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

370 ~~5. Knowingly employed any person who within the preceding~~  
371 ~~3 years has had his or her relationship with an agency~~  
372 ~~terminated in accordance with paragraph (d).~~

373 ~~6. Willfully circumvented the requirements or prohibitions~~  
374 ~~of this code.~~

375 Section 8. Subsection (6) of section 626.171, Florida  
376 Statutes, is renumbered as subsection (7), and a new subsection  
377 (6) is added to that section to read:

378 626.171 Application for license as an agent, customer  
379 representative, adjuster, service representative, managing  
380 general agent, or reinsurance intermediary.—

381 (6) Members of the United States Armed Forces and their  
382 spouses, and veterans of the United States Armed Forces who have  
383 retired within 24 months before application for licensure, are  
384 exempt from the application filing fee prescribed in s. 624.501.  
385 Qualified individuals must provide a copy of a military  
386 identification card, military dependent identification card,  
387 military service record, military personnel file, veteran  
388 record, discharge paper, or separation document, or separation  
389 document that indicates such members of the United States Armed  
390 Forces are currently in good standing or were honorably

391 discharged.

392 Section 9. Subsections (2), (3), and (4) of section  
 393 626.172, Florida Statutes, are amended to read:

394 626.172 Application for insurance agency license.—

395 (2) An application for an insurance agency license must  
 396 ~~shall~~ be signed by the owner or owners of the agency. If the  
 397 agency is incorporated, the application must ~~shall~~ be signed by  
 398 the president and secretary of the corporation. An insurance  
 399 agency may permit a third party to complete, submit, and sign an  
 400 application on the insurance agency's behalf; however, the  
 401 insurance agency is responsible for ensuring that the  
 402 information on the application is true and correct and is  
 403 accountable for any misstatements or misrepresentations. The  
 404 application for an insurance agency license must ~~shall~~ include:

405 (a) The name of each majority owner, partner, officer, and  
 406 director of the insurance agency.

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

409 (c) The name, principal business street address, and valid  
 410 e-mail address of the insurance agency and the name, address,  
 411 and e-mail address of the agency's registered agent or person or  
 412 company authorized to accept service on behalf of the agency ~~and~~  
 413 ~~its principal business address.~~

414 (d) The physical address location of each branch agency,  
 415 including its name, e-mail address, and telephone number, and  
 416 the date that the branch location began transacting insurance



417 ~~office and the name under which each agency office conducts or~~  
 418 ~~will conduct business.~~

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

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

- 423 1. A sole proprietor;
- 424 2. Each partner;
- 425 3. Each owner of an unincorporated agency;
- 426 4. Each owner who directs or participates in the  
 427 management or control of an incorporated agency whose shares are  
 428 not traded on a securities exchange;
- 429 5. The president, senior vice presidents, treasurer,  
 430 secretary, and directors of the agency; and
- 431 6. Any other person who directs or participates in the  
 432 management or control of the agency, whether through the  
 433 ownership of voting securities, by contract, by ownership of any  
 434 agency bank accounts, or otherwise.

435  
 436 Fingerprints must be taken by a law enforcement agency or other  
 437 entity approved by the department and must be accompanied by the  
 438 fingerprint processing fee specified in s. 624.501. Fingerprints  
 439 must ~~shall~~ be processed in accordance with s. 624.34. However,  
 440 fingerprints need not be filed for an ~~any~~ individual who is  
 441 currently licensed and appointed under this chapter. This  
 442 paragraph does not apply to corporations whose voting shares are

443 traded on a securities exchange.

444 (g) Such additional information as the department requires  
445 by rule to ascertain the trustworthiness and competence of  
446 persons required to be listed on the application and to  
447 ascertain that such persons meet the requirements of this code.  
448 However, the department may not require that credit or character  
449 reports be submitted for persons required to be listed on the  
450 application.

451 ~~(3)(h) Beginning October 1, 2005,~~ The department must  
452 ~~shall~~ accept the uniform application for nonresident agency  
453 licensure. The department may adopt by rule revised versions of  
454 the uniform application.

455 ~~(3) The department shall issue a registration as an~~  
456 ~~insurance agency to any agency that files a written application~~  
457 ~~with the department and qualifies for registration. The~~  
458 ~~application for registration shall require the agency to provide~~  
459 ~~the same information required for an agency licensed under~~  
460 ~~subsection (2), the agent identification number for each owner~~  
461 ~~who is a licensed agent, proof that the agency qualifies for~~  
462 ~~registration as provided in s. 626.112(7), and any other~~  
463 ~~additional information that the department determines is~~  
464 ~~necessary in order to demonstrate that the agency qualifies for~~  
465 ~~registration. The application must be signed by the owner or~~  
466 ~~owners of the agency. If the agency is incorporated, the~~  
467 ~~application must be signed by the president and the secretary of~~  
468 ~~the corporation. An agent who owns the agency need not file~~

469 ~~fingerprints with the department if the agent obtained a license~~  
470 ~~under this chapter and the license is currently valid.~~

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

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

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

483 (4) The department must ~~shall~~ issue a license ~~or~~  
484 ~~registration~~ to each agency upon approval of the application,  
485 and each agency location must ~~shall~~ display the license ~~or~~  
486 ~~registration~~ prominently in a manner that makes it clearly  
487 visible to any customer or potential customer who enters the  
488 agency location.

489 Section 10. Subsection (7) of section 626.207, Florida  
490 Statutes, is amended, and subsection (10) is added to that  
491 section, to read:

492 626.207 Disqualification of applicants and licensees;  
493 penalties against licensees; rulemaking authority.-

494 (7) After the disqualifying period has been met, the

495 | burden is on the applicant to demonstrate that the applicant has  
 496 | been rehabilitated, does not pose a risk to the insurance-buying  
 497 | public, is fit and trustworthy to engage in the business of  
 498 | insurance pursuant to s. 626.611(1)(g) ~~626.611(7)~~, and is  
 499 | otherwise qualified for licensure.

500 |       (10) The subject of a criminal history record sealed under  
 501 | s. 943.059 may not lawfully deny or fail to acknowledge arrests  
 502 | for offenses specified in subsection (3).

503 |       Section 11. Subsection (5) of section 626.241, Florida  
 504 | Statutes, is amended to read:

505 |             626.241 Scope of examination.—

506 |             (5) Examinations given applicants for a limited agent  
 507 | ~~license as agent or as customer representative~~ shall be limited  
 508 | in scope to the kind of business to be transacted under such  
 509 | license.

510 |       Section 12. Subsection (5) of section 626.261, Florida  
 511 | Statutes, is amended to read:

512 |             626.261 Conduct of examination.—

513 |             (5) The department may provide licensure examinations in  
 514 | Spanish. ~~Applicants requesting examination or reexamination in~~  
 515 | ~~Spanish must bear the full cost of the department's development,~~  
 516 | ~~preparation, administration, grading, and evaluation of the~~  
 517 | ~~Spanish language examination.~~ When determining whether it is in  
 518 | the public interest to allow the examination to be translated  
 519 | into and administered in Spanish, the department shall consider  
 520 | the percentage of the population who speak Spanish.

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

524 626.311 Scope of license.—

525 (6) An agent who appoints his or her license as an  
 526 unaffiliated insurance agent may not hold an appointment from an  
 527 insurer for any license he or she holds; transact, solicit, or  
 528 service an insurance contract on behalf of an insurer; interfere  
 529 with commissions received or to be received by an insurer-  
 530 appointed insurance agent or an insurance agency contracted with  
 531 or employing insurer-appointed insurance agents; or receive  
 532 compensation or any other thing of value from an insurer, an  
 533 insurer-appointed insurance agent, or an insurance agency  
 534 contracted with or employing insurer-appointed insurance agents  
 535 for any transaction or referral occurring after the date of  
 536 appointment as an unaffiliated insurance agent. An unaffiliated  
 537 insurance agent may continue to receive commissions on sales  
 538 that occurred before the date of appointment as an unaffiliated  
 539 insurance agent if the receipt of such commissions is disclosed  
 540 when making recommendations or evaluating products for a client  
 541 that involve products of the entity from which the commissions  
 542 are received.

543 Section 14. Effective January 1, 2015, section 626.382,  
 544 Florida Statutes, is amended to read:

545 626.382 Continuation, expiration of license; insurance  
 546 agencies.—The license of an ~~any~~ insurance agency ~~shall be issued~~

547 ~~for a period of 3 years and shall continue in force until~~  
548 ~~canceled, suspended, or revoked,~~ or until it is otherwise  
549 terminated or expires by operation of law. ~~A license may be~~  
550 ~~renewed by submitting a renewal request to the department on a~~  
551 ~~form adopted by department rule.~~

552 Section 15. Section 626.601, Florida Statutes, is amended  
553 to read:

554 626.601 Improper conduct; inquiry; fingerprinting.—

555 (1) The department or office may, upon its own motion or  
556 upon a written complaint signed by any interested person and  
557 filed with the department or office, inquire into any alleged  
558 improper conduct of any licensed, approved, or certified  
559 licensee, insurance agency, agent, adjuster, service  
560 representative, managing general agent, customer representative,  
561 title insurance agent, title insurance agency, mediator, neutral  
562 evaluator, navigator, continuing education course provider,  
563 instructor, school official, or monitor group under this code.  
564 The department or office may thereafter initiate an  
565 investigation of any such individual or entity ~~licensee~~ if it  
566 has reasonable cause to believe that the individual or entity  
567 ~~licensee~~ has violated any provision of the insurance code.  
568 During the course of its investigation, the department or office  
569 shall contact the individual or entity ~~licensee~~ being  
570 investigated unless it determines that contacting such  
571 individual or entity ~~person~~ could jeopardize the successful  
572 completion of the investigation or cause injury to the public.

573 (2) In the investigation by the department or office of  
574 any ~~the~~ alleged misconduct, an individual or entity ~~the licensee~~  
575 shall, whenever so required by the department or office, cause  
576 the individual's or entity's ~~his or her~~ books and records to be  
577 open for inspection for the purpose of such investigation  
578 inquiries.

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

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

586 (5) If the department or office, after investigation, has  
587 reason to believe that an individual ~~a licensee~~ may have been  
588 found guilty of or pleaded guilty or nolo contendere to a felony  
589 or a crime related to the business of insurance in this or any  
590 other state or jurisdiction, the department or office may  
591 require the individual ~~licensee~~ to file with the department or  
592 office a complete set of his or her fingerprints, which shall be  
593 accompanied by the fingerprint processing fee set forth in s.  
594 624.501. The fingerprints shall be taken by an authorized law  
595 enforcement agency or other department-approved entity.

596 (6) The complaint and any information obtained pursuant to  
597 the investigation by the department or office are confidential  
598 and are exempt from ~~the provisions of~~ s. 119.07~~7~~, unless the

599 department or office files a formal administrative complaint,  
 600 emergency order, or consent order against the individual or  
 601 entity licensee. ~~Nothing in This subsection does not shall be~~  
 602 ~~construed to~~ prevent the department or office from disclosing  
 603 the complaint or such information as it deems necessary to  
 604 conduct the investigation, to update the complainant as to the  
 605 status and outcome of the complaint, or to share such  
 606 information with any law enforcement agency or other regulatory  
 607 body.

608 Section 16. Section 626.611, Florida Statutes, is amended  
 609 to read:

610 626.611 Grounds for compulsory refusal, suspension, or  
 611 revocation of agent's, title agency's, adjuster's, customer  
 612 representative's, service representative's, or managing general  
 613 agent's license or appointment.-

614 (1) The department shall deny an application for, suspend,  
 615 revoke, or refuse to renew or continue the license or  
 616 appointment of any applicant, agent, title agency, adjuster,  
 617 customer representative, service representative, or managing  
 618 general agent, and it shall suspend or revoke the eligibility to  
 619 hold a license or appointment of any such person, if it finds  
 620 that as to the applicant, licensee, or appointee any one or more  
 621 of the following applicable grounds exist:

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

624 (b) ~~(2)~~ Material misstatement, misrepresentation, or fraud



625 in obtaining the license or appointment or in attempting to  
626 obtain the license or appointment.

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

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

632 (e)~~(5)~~ Willful misrepresentation of any insurance policy  
633 or annuity contract or willful deception with regard to any such  
634 policy or contract, done either in person or by any form of  
635 dissemination of information or advertising.

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

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

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

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

650 (j)~~(10)~~ Misappropriation, conversion, or unlawful

651 withholding of moneys belonging to insurers or insureds or  
652 beneficiaries or to others and received in conduct of business  
653 under the license or appointment.

654 (k)~~(11)~~ Unlawfully rebating, attempting to unlawfully  
655 rebate, or unlawfully dividing or offering to divide his or her  
656 commission with another.

657 (l)~~(12)~~ Having obtained or attempted to obtain, or having  
658 used or using, a license or appointment as agent or customer  
659 representative for the purpose of soliciting or handling  
660 "controlled business" as defined in s. 626.730 with respect to  
661 general lines agents, s. 626.784 with respect to life agents,  
662 and s. 626.830 with respect to health agents.

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

666 (n)~~(14)~~ Having been found guilty of or having pleaded  
667 guilty or nolo contendere to a felony or a crime punishable by  
668 imprisonment of 1 year or more under the law of the United  
669 States of America or of any state thereof or under the law of  
670 any other country which involves moral turpitude, without regard  
671 to whether a judgment of conviction has been entered by the  
672 court having jurisdiction of such cases.

673 (o)~~(15)~~ Fraudulent or dishonest practice in submitting or  
674 aiding or abetting any person in the submission of an  
675 application for workers' compensation coverage under chapter 440  
676 containing false or misleading information as to employee

677 payroll or classification for the purpose of avoiding or  
 678 reducing the amount of premium due for such coverage.

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

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

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

684 2. ~~(b)~~ No longer meeting the requirements for initial  
 685 licensure.

686 3. ~~(e)~~ Having received a fee, commission, or other valuable  
 687 consideration for his or her services with respect to viatical  
 688 settlements that involved unlicensed viatical settlement  
 689 providers or persons who offered or attempted to negotiate on  
 690 behalf of another person a viatical settlement contract as  
 691 defined in s. 626.9911 and who were not licensed life agents.

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

693 (2) The department shall, upon receipt of information or  
 694 an indictment, immediately temporarily suspend a license or  
 695 appointment issued under this chapter when the licensee is  
 696 charged with a felony enumerated in s. 626.207(3). Such  
 697 suspension shall continue if the licensee is found guilty of, or  
 698 pleads guilty or nolo contendere to, the crime, regardless of  
 699 whether a judgment or conviction is entered, during a pending  
 700 appeal. A person may not transact insurance business after  
 701 suspension of his or her license or appointment.

702 Section 17. Section 626.733, Florida Statutes, is amended

703 to read:

704           626.733 Agency firms and corporations; special  
 705 requirements.—If a sole proprietorship, partnership,  
 706 corporation, or association holds an agency contract, all  
 707 members thereof who solicit, negotiate, or effect insurance  
 708 contracts, and all officers and stockholders of the corporation  
 709 who solicit, negotiate, or effect insurance contracts, must ~~are~~  
 710 ~~required to~~ qualify and be licensed individually as agents or  
 711 customer representatives, + and all of such agents must be  
 712 individually appointed as to each property and casualty insurer  
 713 entering into an agency contract with such agency. Each ~~such~~  
 714 ~~appointing insurer as soon as known to it~~ shall comply with this  
 715 section and shall determine and require that each agent so  
 716 ~~associated in or so connected~~ with such agency is likewise  
 717 appointed as to the same such insurer and for the same type and  
 718 class of license. However, an ~~no~~ insurer is not required to  
 719 comply with the appointment provisions of this section for an  
 720 agent within an agency who does not solicit, negotiate, or  
 721 effect insurance contracts for that insurer if such insurer  
 722 ~~satisfactorily demonstrates to the department that the insurer~~  
 723 ~~has issued an aggregate net written premium, in an agency, in an~~  
 724 ~~amount of \$25,000 or less.~~

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

727           626.641 Duration of suspension or revocation.—

728           (2) No person or appointee under any license or

729 appointment revoked by the department, nor any person whose  
 730 eligibility to hold same has been revoked by the department,  
 731 shall have the right to apply for another license or appointment  
 732 under this code within 2 years from the effective date of such  
 733 revocation or, if judicial review of such revocation is sought,  
 734 within 2 years from the date of final court order or decree  
 735 affirming the revocation. An applicant for another license or  
 736 appointment pursuant to this subsection must apply and qualify  
 737 for licensure in the same manner as a first-time applicant, and  
 738 the application may be denied on the same grounds that apply to  
 739 first-time applicants for licensure pursuant to ss. 626.207,  
 740 626.611, and 626.621. In addition, the department shall not  
 741 grant a new license or appointment or reinstate eligibility to  
 742 hold such license or appointment if it finds that the  
 743 circumstance or circumstances for which the eligibility was  
 744 revoked or for which the previous license or appointment was  
 745 revoked still exist or are likely to recur; if an individual's  
 746 license as agent or customer representative or eligibility to  
 747 hold same has been revoked upon the ground specified in s.  
 748 626.611(1)(1) ~~626.611(12)~~, the department shall refuse to grant  
 749 or issue any new license or appointment so applied for.

750 Section 19. Paragraphs (a) and (g) of subsection (1) of  
 751 section 626.7355, Florida Statutes, are amended to read:

752 626.7355 Temporary license as customer representative  
 753 pending examination.—

754 (1) The department shall issue a temporary customer

755 representative's license with respect to a person who has  
756 applied for such license upon finding that the person:

757 (a) Has filed an application for a customer  
758 representative's license ~~or a limited customer representative's~~  
759 ~~license~~ and has paid any fees required under s. 624.501(5) in  
760 connection with such application for a customer representative's  
761 license ~~or limited customer representative's license~~.

762 (g) Is not disqualified from licensure by the department  
763 under s. 626.207. ~~Within the last 5 years, has not been~~  
764 ~~convicted, found guilty or pleaded nolo contendere to a felony~~  
765 ~~or a crime punishable by imprisonment of 1 year or more under~~  
766 ~~the law of any municipality, county, state, territory, or~~  
767 ~~country, whether or not a judgment of conviction has been~~  
768 ~~entered.~~

769 Section 20. Effective January 1, 2015, section 626.747,  
770 Florida Statutes, is repealed.

771 Section 21. Subsection (1) of section 626.7845, Florida  
772 Statutes, is amended to read:

773 626.7845 Prohibition against unlicensed transaction of  
774 life insurance.—

775 (1) An individual may not solicit or sell variable life  
776 insurance, variable annuity contracts, or any other  
777 indeterminate value or variable contract as defined in s.  
778 627.8015~~7~~, unless the individual has successfully completed a  
779 licensure examination relating to variable ~~annuity~~ contracts  
780 authorized and approved by the department.

781 Section 22. Effective January 1, 2015, subsection (1) of  
 782 section 626.8411, Florida Statutes, is amended to read:

783 626.8411 Application of Florida Insurance Code provisions  
 784 to title insurance agents or agencies.—

785 (1) The following provisions ~~of part II~~ applicable to  
 786 general lines agents or agencies also apply to title insurance  
 787 agents or agencies:

788 (a) Section 626.734, relating to liability of certain  
 789 agents.

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

792 (c) Section 626.749, relating to place of business in  
 793 residence.

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

795 (e) Section 626.754, relating to rights of agent following  
 796 termination of appointment.

797 Section 23. Subsection (2) of section 626.861, Florida  
 798 Statutes, is amended to read:

799 626.861 Insurer's officers, insurer's employees,  
 800 reciprocal insurer's representatives; adjustments by.—

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

806 Section 24. Section 626.862, Florida Statutes, is amended

807 to read:

808           626.862 Agents; adjustments by.—A licensed and appointed  
 809 insurance agent may, without being licensed as an adjuster,  
 810 adjust losses for the insurer represented by him or her as agent  
 811 if so authorized by the insurer. The license and appointment of  
 812 the agent may be suspended or revoked for violation of or  
 813 misconduct prohibited by s. 626.611(1)(f) ~~626.611(6)~~.

814           Section 25. Subsection (2) of section 626.9272, Florida  
 815 Statutes, is amended to read:

816           626.9272 Licensing of nonresident surplus lines agents.—

817           (2) The department may not issue a license unless the  
 818 applicant satisfies the same licensing requirements under s.  
 819 626.927 as required of a resident surplus lines agent, excluding  
 820 the required experience or coursework and examination. The  
 821 department may refuse to issue such license or appointment when  
 822 it has reason to believe that any of the grounds exist for  
 823 denial, suspension, or revocation of a license as set forth in  
 824 ss. 626.611 and 626.621.

825           Section 26. Section 627.4553, Florida Statutes, is created  
 826 to read:

827           627.4553 Recommendations to surrender.—If an insurance  
 828 agent recommends the surrender of an annuity or life insurance  
 829 policy containing a cash value and does not recommend that the  
 830 proceeds from the surrender be used to fund or purchase another  
 831 annuity or life insurance policy, before execution of the  
 832 surrender, the insurance agent, or insurance company if no agent



833 is involved, shall provide, on a form adopted by rule by the  
 834 department, information relating to the annuity or policy to be  
 835 surrendered. Such information shall include the amount of any  
 836 surrender charge, the loss of any minimum interest rate  
 837 guarantees, the amount of any tax consequences resulting from  
 838 the transaction, the amount of any forfeited death benefit, and  
 839 the value of any other investment performance guarantees being  
 840 forfeited as a result of the transaction. This section also  
 841 applies to a person performing insurance agent activities  
 842 pursuant to an exemption from licensure under this part.

843 Section 27. Paragraph (b) of subsection (4) of section  
 844 627.7015, Florida Statutes, is amended to read:

845 627.7015 Alternative procedure for resolution of disputed  
 846 property insurance claims.—

847 (4) The department shall adopt by rule a property  
 848 insurance mediation program to be administered by the department  
 849 or its designee. The department may also adopt special rules  
 850 which are applicable in cases of an emergency within the state.  
 851 The rules shall be modeled after practices and procedures set  
 852 forth in mediation rules of procedure adopted by the Supreme  
 853 Court. The rules shall provide for:

854 (b) Qualifications, denial of application, suspension,  
 855 revocation of approval, and other penalties for ~~of~~ mediators as  
 856 provided in s. 627.745 and in the Florida Rules of Certified and  
 857 Court Appointed Mediators, ~~and for such other individuals as are~~  
 858 ~~qualified by education, training, or experience as the~~

859 ~~department determines to be appropriate.~~

860 Section 28. Paragraph (c) of subsection (2) of section  
861 627.706, Florida Statutes, is amended to read:

862 627.706 Sinkhole insurance; catastrophic ground cover  
863 collapse; definitions.—

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

867 (c) "Neutral evaluator" means a professional engineer or a  
868 professional geologist who has completed a course of study in  
869 alternative dispute resolution designed or approved by the  
870 department for use in the neutral evaluation process, ~~and~~ who is  
871 determined by the department to be fair and impartial, and who  
872 is not otherwise ineligible for certification as provided in s.  
873 627.7074.

874 Section 29. Subsections (7) and (18) of section 627.7074,  
875 Florida Statutes, are amended to read:

876 627.7074 Alternative procedure for resolution of disputed  
877 sinkhole insurance claims.—

878 (7) Upon receipt of a request for neutral evaluation, the  
879 department shall provide the parties a list of certified neutral  
880 evaluators. The department shall allow the parties to submit  
881 requests to disqualify evaluators on the list for cause.

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

884 1. A familial relationship exists between the neutral

885 evaluator and either party or a representative of either party  
 886 within the third degree.

887 2. The proposed neutral evaluator has, in a professional  
 888 capacity, previously represented either party or a  
 889 representative of either party, in the same or a substantially  
 890 related matter.

891 3. The proposed neutral evaluator has, in a professional  
 892 capacity, represented another person in the same or a  
 893 substantially related matter and that person's interests are  
 894 materially adverse to the interests of the parties. The term  
 895 "substantially related matter" means participation by the  
 896 neutral evaluator on the same claim, property, or adjacent  
 897 property.

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

901 (b) The department shall deny an application, or suspend  
 902 or revoke its approval, of a neutral evaluator to serve in such  
 903 capacity if the department finds that one or more of the  
 904 following grounds exist:

905 1. Lack of one or more of the qualifications specified in  
 906 this section for approval or certification.

907 2. Material misstatement, misrepresentation, or fraud in  
 908 obtaining or attempting to obtain the approval or certification.

909 3. Demonstrated lack of fitness or trustworthiness to act  
 910 as a neutral evaluator.

911 4. Fraudulent or dishonest practices in the conduct of an  
912 evaluation or in the conduct of financial services business.

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

916 (c)~~(b)~~ The parties shall appoint a neutral evaluator from  
917 the department list and promptly inform the department. If the  
918 parties cannot agree to a neutral evaluator within 14 business  
919 days, the department shall appoint a neutral evaluator from the  
920 list of certified neutral evaluators. The department shall allow  
921 each party to disqualify two neutral evaluators without cause.  
922 Upon selection or appointment, the department shall promptly  
923 refer the request to the neutral evaluator.

924 (d)~~(e)~~ Within 14 business days after the referral, the  
925 neutral evaluator shall notify the policyholder and the insurer  
926 of the date, time, and place of the neutral evaluation  
927 conference. The conference may be held by telephone, if feasible  
928 and desirable. The neutral evaluator shall make reasonable  
929 efforts to hold the conference within 90 days after the receipt  
930 of the request by the department. Failure of the neutral  
931 evaluator to hold the conference within 90 days does not  
932 invalidate either party's right to neutral evaluation or to a  
933 neutral evaluation conference held outside this timeframe.

934 (18) The department shall adopt rules of procedure for the  
935 neutral evaluation process and adopt rules for certifying,  
936 denying certification of, suspending certification of, and

937 revoking certification as a neutral evaluator.

938 Section 30. Subsection (3) of section 627.745, Florida  
939 Statutes, is amended, present subsections (4) and (5) of that  
940 section are renumbered as subsections (5) and (6), respectively,  
941 and a new subsection (4) is added to that section, to read:

942 627.745 Mediation of claims.—

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

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

948 1. Possess an active certification as a Florida Supreme  
949 Court certified circuit court mediator. A Florida Supreme Court  
950 certified circuit court mediator in a lapsed, suspended,  
951 sanctioned, or decertified status is not eligible to participate  
952 in the mediation program ~~a masters or doctorate degree in~~  
953 ~~psychology, counseling, business, accounting, or economics, be a~~  
954 ~~member of The Florida Bar, be licensed as a certified public~~  
955 ~~accountant, or demonstrate that the applicant for approval has~~  
956 ~~been actively engaged as a qualified mediator for at least 4~~  
957 ~~years prior to July 1, 1990.~~

958 2. Be an approved department mediator as of July 1, 2014,  
959 and have conducted at least one mediation on behalf of the  
960 department within 4 years immediately preceding that the date  
961 ~~the application for approval is filed with the department, have~~  
962 ~~completed a minimum of a 40-hour training program approved by~~

963 ~~the department and successfully passed a final examination~~  
964 ~~included in the training program and approved by the department.~~  
965 ~~The training program shall include and address all of the~~  
966 ~~following:~~

- 967       ~~a. Mediation theory.~~  
968       ~~b. Mediation process and techniques.~~  
969       ~~c. Standards of conduct for mediators.~~  
970       ~~d. Conflict management and intervention skills.~~  
971       ~~e. Insurance nomenclature.~~

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

976       (a) Lack of one or more of the qualifications specified in  
977 this section for approval or certification.

978       (b) Material misstatement, misrepresentation, or fraud in  
979 obtaining or attempting to obtain the approval or certification.

980       (c) Demonstrated lack of fitness or trustworthiness to act  
981 as a mediator.

982       (d) Fraudulent or dishonest practices in the conduct of  
983 mediation or in the conduct of business in the financial  
984 services industry.

985       (e) Violation of any provision of this code or of a lawful  
986 order or rule of the department, violation of the Florida Rules  
987 of Certified and Court Appointed Mediators, or aiding,  
988 instructing, or encouraging another party in committing such a

989 violation.

990

991 The department shall adopt rules for the approval or denial of  
 992 mediator applications and the suspension and revocation of  
 993 approval of mediators.

994 Section 31. Paragraph (b) of subsection (1) of section  
 995 627.952, Florida Statutes, is amended to read:

996 627.952 Risk retention and purchasing group agents.—

997 (1) Any person offering, soliciting, selling, purchasing,  
 998 administering, or otherwise servicing insurance contracts,  
 999 certificates, or agreements for any purchasing group or risk  
 1000 retention group to any resident of this state, either directly  
 1001 or indirectly, by the use of mail, advertising, or other means  
 1002 of communication, shall obtain a license and appointment to act  
 1003 as a resident general lines agent, if a resident of this state,  
 1004 or a nonresident general lines agent if not a resident. Any such  
 1005 person shall be subject to all requirements of the Florida  
 1006 Insurance Code.

1007 (b) Any person required to be licensed and appointed under  
 1008 this subsection, in order to place business through Florida  
 1009 eligible surplus lines carriers, must, if a resident of this  
 1010 state, be licensed and appointed as a surplus lines agent. If  
 1011 not a resident of this state, such person must be licensed and  
 1012 appointed as a surplus lines agent in her or his state of  
 1013 residence and be licensed and appointed as a nonresident surplus  
 1014 lines agent in this state ~~file and maintain a fidelity bond in~~

1015 ~~favor of the people of the State of Florida executed by a surety~~  
1016 ~~company admitted in this state and payable to the State of~~  
1017 ~~Florida; however, such nonresident is limited to the provision~~  
1018 ~~of insurance for purchasing groups. The bond must be continuous~~  
1019 ~~in form and in the amount of not less than \$50,000, aggregate~~  
1020 ~~liability. The bond must remain in force and effect until the~~  
1021 ~~surety is released from liability by the department or until the~~  
1022 ~~bond is canceled by the surety. The surety may cancel the bond~~  
1023 ~~and be released from further liability upon 30 days' prior~~  
1024 ~~written notice to the department. The cancellation does not~~  
1025 ~~affect any liability incurred or accrued before the termination~~  
1026 ~~of the 30-day period. Upon receipt of a notice of cancellation,~~  
1027 ~~the department shall immediately notify the agent.~~

1028 Section 32. Subsection (1) of section 648.43, Florida  
1029 Statutes, is amended to read:

1030 648.43 Power of attorney; to be approved by department;  
1031 filing of copies; notification of transfer bond.—

1032 (1) Every insurer engaged in the writing of bail bonds  
1033 through bail bond agents in this state shall submit to and ~~have~~  
1034 ~~approved by the~~ office for prior approval ~~department~~ a sample  
1035 power of attorney, which shall ~~will~~ be the only form of power of  
1036 attorney the insurer issues ~~will issue~~ to bail bond agents in  
1037 this state.

1038 Section 33. Subsection (3) of section 648.49, Florida  
1039 Statutes, is amended to read:

1040 648.49 Duration of suspension or revocation.—



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1041 (3) During the period of suspension, ~~or after~~ revocation  
1042 of the license and until the license is reinstated or a new  
1043 license is issued, the former licensee may not engage in or  
1044 attempt to profess to engage in any transaction or business for  
1045 which a license or appointment is required under this chapter. A  
1046 ~~Any~~ person who violates this subsection commits a felony of the  
1047 third degree, punishable as provided in s. 775.082, s. 775.083,  
1048 or s. 775.084.

1049 Section 34. Except as otherwise expressly provided in this  
1050 act, this act shall take effect July 1, 2014.