

By the Committees on Appropriations; and Banking and Insurance;
and Senator Bean

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1 A bill to be entitled
2 An act relating to insurance claims; amending s.
3 626.601, F.S.; adding mediators and neutral evaluators
4 to the list of individuals or entities that the
5 Department of Financial Services or the Office of
6 Insurance Regulation may investigate for alleged
7 improper conduct; amending s. 627.3518, F.S.;
8 conforming a cross-reference; amending s. 627.409,
9 F.S.; providing that a claim for residential property
10 insurance cannot be denied based on certain credit
11 information; amending s. 627.4133, F.S.; providing
12 that a policy or contract be cancelled based on
13 certain credit information; amending s. 627.7015,
14 F.S.; revising the rule requirements relating to the
15 property insurance mediation program administered by
16 the department; creating s. 627.70151, F.S.; providing
17 grounds for challenging an umpire's impartiality in
18 estimating the amount of a property loss; amending s.
19 627.706, F.S.; redefining the term "neutral
20 evaluator"; amending s. 627.7074, F.S.; specifying
21 grounds for denying, suspending, or revoking approval
22 of a neutral evaluator; creating s. 627.7142, F.S.;
23 establishing a Claims Bill of Rights for residential
24 property insurance policyholders; providing that such
25 bill of rights does not provide a cause of action;
26 creating s. 627.715, F.S.; defining terms; providing
27 requirements for emergency mitigation repair
28 agreements; requiring an emergency mitigation
29 contractor to be appropriately certified or to possess

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30 a contracting license; amending s. 627.745, F.S.;

31 revising qualifications for mediators of personal

32 injury claims; providing grounds for denying,

33 suspending, or revoking the application or approval of

34 a mediator; providing an effective date.

35

36 Be It Enacted by the Legislature of the State of Florida:

37

38 Section 1. Section 626.601, Florida Statutes, is amended to

39 read:

40 626.601 Improper conduct; investigation inquiry;

41 ~~fingerprinting~~.-

42 (1) The department or office may, upon its own motion or

43 upon a written complaint signed by an ~~any~~ interested person and

44 filed with the department or office, inquire into the ~~any~~

45 alleged improper conduct of an approved, certified, or ~~any~~

46 licensed insurance agency, agent, adjuster, service

47 representative, managing general agent, customer representative,

48 title insurance agent, title insurance agency, mediator, neutral

49 evaluator, continuing education course provider, instructor,

50 school official, or monitor group under this code. The

51 department or office may thereafter initiate an investigation of

52 ~~any~~ such individual or entity licensee if it has reasonable

53 cause to believe that the individual or entity licensee has

54 violated any provision of the insurance code. During the course

55 of its investigation, the department or office shall contact the

56 individual or entity licensee being investigated unless it

57 determines that contacting such individual or entity ~~person~~

58 could jeopardize the successful completion of the investigation

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59 or cause injury to the public.

60 (2) In the investigation by the department or office of the
61 alleged misconduct, the individual or entity licensee shall, if
62 ~~whenever so~~ required by the department or office, open the
63 individual's or entity's ~~cause his or her~~ books and records ~~to~~
64 ~~be open~~ for inspection ~~for the purpose of such inquiries.~~

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

69 (4) The expense for ~~any~~ hearings or investigations
70 conducted pursuant to ~~under~~ this section ~~law~~, as well as the
71 fees and mileage of witnesses, may be paid out of the
72 appropriate fund.

73 (5) ~~If the department or office,~~ after investigation, the
74 department or office has reason to believe that an individual ~~a~~
75 ~~licensee~~ may have been found guilty of or pleaded guilty or nolo
76 contendere to a felony or a crime related to the business of
77 insurance in this or any other state or jurisdiction, the
78 department or office may require the individual licensee to file
79 with the department or office a complete set of his or her
80 fingerprints, ~~which shall be~~ accompanied by the fingerprint
81 processing fee specified ~~set forth~~ in s. 624.501. The
82 fingerprints must ~~shall~~ be taken by an authorized law
83 enforcement agency or other department-approved entity.

84 (6) The complaint and ~~any~~ information obtained pursuant to
85 the investigation by the department or office are confidential
86 and ~~are exempt from the provisions of~~ s. 119.07, unless the
87 department or office files a formal administrative complaint,

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88 emergency order, or consent order against the individual or
89 entity licensee. ~~Nothing in~~ This subsection does not shall be
90 ~~construed to~~ prevent the department or office from disclosing
91 the complaint or such information as it deems necessary to
92 conduct the investigation, to update the complainant as to the
93 status and outcome of the complaint, or to share such
94 information with a any law enforcement agency or other
95 regulatory body.

96 Section 2. Subsection (9) of section 627.3518, Florida
97 Statutes, is amended to read:

98 627.3518 Citizens Property Insurance Corporation
99 policyholder eligibility clearinghouse program.—The purpose of
100 this section is to provide a framework for the corporation to
101 implement a clearinghouse program by January 1, 2014.

102 (9) The 45-day notice of nonrenewal requirement set forth
103 in s. 627.4133(2)(b)5.b. ~~s. 627.4133(2)(b)4.b.~~ applies when a
104 policy is nonrenewed by the corporation because the risk has
105 received an offer of coverage pursuant to this section which
106 renders the risk ineligible for coverage by the corporation.

107 Section 3. Section 627.409, Florida Statutes, is amended to
108 read:

109 627.409 Representations in applications; warranties.—

110 (1) Any statement or description made by or on behalf of an
111 insured or annuitant in an application for an insurance policy
112 or annuity contract, or in negotiations for a policy or
113 contract, is a representation and ~~is~~ not a warranty. Except as
114 provided in subsection (3), a misrepresentation, omission,
115 concealment of fact, or incorrect statement may prevent recovery
116 under the contract or policy only if any of the following apply:

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117 (a) The misrepresentation, omission, concealment, or
118 statement is fraudulent or is material ~~either~~ to the acceptance
119 of the risk or to the hazard assumed by the insurer.

120 (b) If the true facts had been known to the insurer
121 pursuant to a policy requirement or other requirement, the
122 insurer in good faith would not have issued the policy or
123 contract, would not have issued it at the same premium rate,
124 would not have issued a policy or contract in as large an
125 amount, or would not have provided coverage with respect to the
126 hazard resulting in the loss.

127 (2) A breach or violation by the insured of a ~~any~~ warranty,
128 condition, or provision of a ~~any~~ wet marine or transportation
129 insurance policy, contract of insurance, endorsement, or
130 application ~~therefor~~ does not void the policy or contract, or
131 constitute a defense to a loss thereon, unless such breach or
132 violation increased the hazard by any means within the control
133 of the insured.

134 (3) For residential property insurance, if a policy or
135 contract has been in effect for more than 90 days, a claim filed
136 by the insured cannot be denied based on credit information
137 available in public record.

138 Section 4. Paragraph (b) of subsection (2) of section
139 627.4133, Florida Statutes, is amended to read:

140 627.4133 Notice of cancellation, nonrenewal, or renewal
141 premium.—

142 (2) With respect to any personal lines or commercial
143 residential property insurance policy, including, but not
144 limited to, any homeowner's, mobile home owner's, farmowner's,
145 condominium association, condominium unit owner's, apartment

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146 building, or other policy covering a residential structure or
147 its contents:

148 (b) The insurer shall give the first-named insured written
149 notice of nonrenewal, cancellation, or termination at least 100
150 days before the effective date of the nonrenewal, cancellation,
151 or termination. However, the insurer shall give at least 100
152 days' written notice, or written notice by June 1, whichever is
153 earlier, for any nonrenewal, cancellation, or termination that
154 would be effective between June 1 and November 30. The notice
155 must include the reason ~~or reasons~~ for the nonrenewal,
156 cancellation, or termination, except that:

157 1. The insurer shall give the first-named insured written
158 notice of nonrenewal, cancellation, or termination at least 120
159 days before ~~prior to~~ the effective date of the nonrenewal,
160 cancellation, or termination for a first-named insured whose
161 residential structure has been insured by that insurer or an
162 affiliated insurer for at least 5 years before ~~a 5-year period~~
163 ~~immediately prior to~~ the date of the written notice.

164 2. If cancellation is for nonpayment of premium, at least
165 10 days' written notice of cancellation accompanied by the
166 reason therefor must be given. As used in this subparagraph, the
167 term "nonpayment of premium" means failure of the named insured
168 to discharge when due her or his obligations for paying the
169 premium ~~in connection with the payment of premiums~~ on a policy
170 or an ~~any~~ installment of such premium, whether the premium is
171 payable directly to the insurer or its agent or indirectly under
172 a ~~any~~ premium finance plan or extension of credit, or failure to
173 maintain membership in an organization if such membership is a
174 condition precedent to insurance coverage. The term also means

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175 the failure of a financial institution to honor an insurance
176 applicant's check after delivery to a licensed agent for payment
177 of a premium, ~~and~~ even if the agent has previously delivered or
178 transferred the premium to the insurer. If a dishonored check
179 represents the initial premium payment, the contract and all
180 contractual obligations are void ab initio unless the nonpayment
181 is cured within the earlier of 5 days after actual notice by
182 certified mail is received by the applicant or 15 days after
183 notice is sent to the applicant by certified mail or registered
184 mail. ~~and~~ If the contract is void, any premium received by the
185 insurer from a third party must be refunded to that party in
186 full.

187 3. If ~~such~~ cancellation or termination occurs during the
188 first 90 days the insurance is in force and the insurance is
189 canceled or terminated for reasons other than nonpayment of
190 premium, at least 20 days' written notice of cancellation or
191 termination accompanied by the reason therefor must be given
192 unless there has been a material misstatement or
193 misrepresentation or a failure to comply with the underwriting
194 requirements established by the insurer.

195 4. After a policy or contract has been in effect for more
196 than 90 days, the insurer may not cancel or terminate the policy
197 or contract based on credit information available in public
198 records.

199 ~~5.4.~~ The requirement for providing written notice by June 1
200 of any nonrenewal that would be effective between June 1 and
201 November 30 does not apply to the following situations, but the
202 insurer remains subject to the requirement to provide such
203 notice at least 100 days before the effective date of

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204 nonrenewal:

205 a. A policy that is nonrenewed due to a revision in the
206 coverage for sinkhole losses and catastrophic ground cover
207 collapse pursuant to s. 627.706.

208 b. A policy that is nonrenewed by Citizens Property
209 Insurance Corporation, pursuant to s. 627.351(6), for a policy
210 that has been assumed by an authorized insurer offering
211 replacement coverage to the policyholder is exempt from the
212 notice requirements of paragraph (a) and this paragraph. In such
213 cases, the corporation must give the named insured written
214 notice of nonrenewal at least 45 days before the effective date
215 of the nonrenewal.

216

217 After the policy has been in effect for 90 days, the policy may
218 not be canceled by the insurer unless there has been a material
219 misstatement, a nonpayment of premium, a failure to comply with
220 underwriting requirements established by the insurer within 90
221 days after the date of effectuation of coverage, ~~or~~ a
222 substantial change in the risk covered by the policy, or ~~if~~ the
223 cancellation is for all insureds under such policies for a given
224 class of insureds. This paragraph does not apply to individually
225 rated risks that have ~~having~~ a policy term of less than 90 days.

226 ~~6.5.~~ Notwithstanding any other provision of law, an insurer
227 may cancel or nonrenew a property insurance policy after at
228 least 45 days' notice if the office finds that the early
229 cancellation of some or all of the insurer's policies is
230 necessary to protect the best interests of the public or
231 policyholders and the office approves the insurer's plan for
232 early cancellation or nonrenewal of some or all of its policies.

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233 The office may base such finding upon the financial condition of
 234 the insurer, lack of adequate reinsurance coverage for hurricane
 235 risk, or other relevant factors. The office may condition its
 236 finding on the consent of the insurer to be placed under
 237 administrative supervision pursuant to s. 624.81 or to the
 238 appointment of a receiver under chapter 631.

239 ~~7.6.~~ A policy covering both a home and a motor vehicle may
 240 be nonrenewed for any reason applicable to ~~either~~ the property
 241 or motor vehicle insurance after providing 90 days' notice.

242 Section 5. Paragraph (b) of subsection (4) of section
 243 627.7015, Florida Statutes, is amended to read:

244 627.7015 Alternative procedure for resolution of disputed
 245 property insurance claims.—

246 (4) The department shall adopt by rule a property insurance
 247 mediation program to be administered by the department or its
 248 designee. The department may also adopt special rules which are
 249 applicable in cases of an emergency within the state. The rules
 250 shall be modeled after practices and procedures set forth in
 251 mediation rules of procedure adopted by the Supreme Court. The
 252 rules shall provide for:

253 (b) Qualifications, denial of application, suspension,
 254 revocation, and other penalties for ~~of~~ mediators as provided in
 255 s. 627.745 and ~~in~~ the Florida Rules for ~~of~~ Certified and Court-
 256 Appointed Court Appointed Mediators, and ~~for such other~~
 257 ~~individuals as are qualified by education, training, or~~
 258 ~~experience as the department determines to be appropriate.~~

259 Section 6. Section 627.70151, Florida Statutes, is created
 260 to read:

261 627.70151 Appraisal; conflicts of interest.—An insurer that

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262 offers residential coverage as defined in s. 627.4025, or a
263 policyholder that uses an appraisal clause in a property
264 insurance contract to establish a process for using an impartial
265 umpire to estimate or evaluate the amount of loss, may challenge
266 an umpire's impartiality and disqualify the proposed umpire only
267 if:

268 (1) A familial relationship within the third degree exists
269 between the umpire and a party or a representative of a party;

270 (2) The umpire has previously represented a party or a
271 representative of a party in a professional capacity in the same
272 or a substantially related matter;

273 (3) The umpire has represented another person in a
274 professional capacity on the same or a substantially related
275 matter that includes the claim or the same property, and the
276 other person's interests are materially adverse to the interests
277 of a party; or

278 (4) The umpire has worked as an employer or employee of a
279 party within the preceding 5 years.

280 Section 7. Paragraph (c) of subsection (2) of section
281 627.706, Florida Statutes, is amended to read:

282 627.706 Sinkhole insurance; catastrophic ground cover
283 collapse; definitions.-

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

287 (c) "Neutral evaluator" means a professional engineer or a
288 professional geologist who has completed a course of study in
289 alternative dispute resolution designed or approved by the
290 department for use in the neutral evaluation process, ~~and~~ who is

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291 determined by the department to be fair and impartial, and who
292 is not otherwise ineligible for certification under s. 627.7074.

293 Section 8. Subsections (7) and (18) of section 627.7074,
294 Florida Statutes, are amended to read:

295 627.7074 Alternative procedure for resolution of disputed
296 sinkhole insurance claims.—

297 (7) Upon receipt of a request for neutral evaluation, the
298 department shall provide the parties a list of certified neutral
299 evaluators. The department shall allow the parties to submit
300 requests to disqualify evaluators on the list for cause.

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

303 1. A familial relationship within the third degree exists
304 between the neutral evaluator and either party or a
305 representative of either party ~~within the third degree~~.

306 2. The proposed neutral evaluator has, in a professional
307 capacity, previously represented either party or a
308 representative of either party, in the same or a substantially
309 related matter.

310 3. The proposed neutral evaluator has, in a professional
311 capacity, represented another person in the same or a
312 substantially related matter and that person's interests are
313 materially adverse to the interests of the parties. The term
314 "substantially related matter" means participation by the
315 neutral evaluator on the same claim, property, or adjacent
316 property.

317 4. The proposed neutral evaluator has, within the preceding
318 5 years, worked as an employer or employee of any party to the
319 case.

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320 (b) The department shall deny an application for, or
321 suspend or revoke its approval of, a neutral evaluator if the
322 department finds that any of the following grounds exist:

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

325 2. Material misstatement, misrepresentation, or fraud in
326 obtaining or attempting to obtain approval or certification.

327 3. Demonstrated lack of fitness or trustworthiness to act
328 as a neutral evaluator.

329 4. Fraudulent or dishonest practices in the conduct of an
330 evaluation or in the conduct of financial services business.

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

334 ~~(c)~~ ~~(b)~~ The parties shall appoint a neutral evaluator from
335 the department list and promptly inform the department. If the
336 parties cannot agree to a neutral evaluator within 14 business
337 days, the department shall appoint a neutral evaluator from the
338 list of certified neutral evaluators. The department shall allow
339 each party to disqualify two neutral evaluators without cause.
340 Upon selection or appointment, the department shall promptly
341 refer the request to the neutral evaluator.

342 ~~(d)~~ ~~(e)~~ Within 14 business days after the referral, the
343 neutral evaluator shall notify the policyholder and the insurer
344 of the date, time, and place of the neutral evaluation
345 conference. The conference may be held by telephone, if feasible
346 and desirable. The neutral evaluator shall make reasonable
347 efforts to hold the conference within 90 days after the receipt
348 of the request by the department. Failure of the neutral

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349 evaluator to hold the conference within 90 days does not
350 invalidate either party's right to neutral evaluation or to a
351 neutral evaluation conference held outside this timeframe.

352 (18) The department shall adopt rules of procedure for the
353 neutral evaluation process and for certifying, denying
354 certification, suspending certification, and revoking the
355 certification of a neutral evaluator.

356 Section 9. Section 627.7142, Florida Statutes, is created
357 to read:

358 627.7142 Homeowner Claims Bill of Rights.—An insurer
359 issuing a personal lines residential property insurance policy
360 in this state must provide a Claims Bill of Rights to a
361 policyholder within 14 calendar days after receiving an initial
362 communication with respect to a claim, unless the claim follows
363 an event that is the subject of a declaration of a state of
364 emergency by the Governor. The purpose of the bill of rights is
365 to summarize, in simple, nontechnical terms, existing state law
366 regarding the rights of a personal lines residential property
367 insurance policyholder who files a claim of loss. The Claims
368 Bill of Rights is specific to the claims process and does not
369 represent all of a policyholder's rights under Florida law
370 regarding the insurance policy. The Claims Bill of Rights does
371 not create a civil cause of action by an individual
372 policyholder, or a class of policyholders, against an insurer or
373 insurers and does not enlarge, modify, or contravene statutory
374 requirements, including, but not limited to, ss. 626.854,
375 626.9541, 627.70131, 627.7015, and 627.7074. The Claims Bill of
376 Rights does not prohibit an insurer from exercising its right to
377 repair damaged property in compliance with the terms of an

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378 applicable policy or ss. 627.7011(5)(e) and 627.702(7). The
379 Claims Bill of Rights shall state:

381 HOMEOWNER CLAIMS

382 BILL OF RIGHTS

383 This Bill of Rights is specific to the claims process
384 and does not represent all of your rights under
385 Florida law regarding your policy. There are also
386 exceptions to the stated timelines when conditions are
387 beyond your insurance company's control. This document
388 does not create a civil cause of action by an
389 individual policyholder, or a class of policyholders,
390 against an insurer or insurers and does not prohibit
391 an insurer from exercising its right to repair damaged
392 property in compliance with the terms of an applicable
393 policy.

394
395 YOU HAVE THE RIGHT TO:

396 1. Receive from your insurance company an
397 acknowledgment of your reported claim within 14 days
398 after the time you communicated the claim.

399 2. Upon written request, receive from your
400 insurance company within 30 days after you have
401 completed a proof-of-loss statement to your insurance
402 company, confirmation that your claim is covered in
403 full, partially covered, or denied, or receive a
404 written statement that your claim is being
405 investigated.

406 3. Within 90 days, receive full settlement

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407 payment for your claim or payment of the undisputed
408 portion of your claim, or your insurance company's
409 denial of your claim.

410 4. Free mediation of your disputed claim by the
411 Division of Consumer Services, under most
412 circumstances and subject to certain restrictions.

413 5. Neutral evaluation of your disputed claim, if
414 your claim is for damage caused by a sinkhole and is
415 covered by your policy.

416 6. Contact the Florida Department of Financial
417 Services Division of Consumer Services' toll-free
418 helpline for assistance with any insurance claim or
419 questions pertaining to the handling of your claim.
420 You can reach the Helpline by phone at...toll free
421 phone number..., or you can seek assistance online at
422 the Florida Department of Financial Services Division
423 of Consumer Services' website at...website address....

424
425 YOU ARE ADVISED TO:

426 1. Contact your insurance company before entering
427 into any contract for repairs to confirm any managed
428 repair policy provisions or optional preferred
429 vendors.

430 2. Make and document emergency repairs that are
431 necessary to prevent further damage. Keep the damaged
432 property, if feasible, keep all receipts, and take
433 photographs of damage before and after any repairs.

434 3. Carefully read any contract that requires you
435 to pay out-of-pocket expenses or a fee that is based

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436 on a percentage of the insurance proceeds that you
437 will receive for repairing or replacing your property.

438 4. Confirm that the contractor you choose is
439 licensed to do business in Florida. You can verify a
440 contractor's license and check to see if there are any
441 complaints against him or her by calling the Florida
442 Department of Business and Professional Regulation.
443 You should also ask the contractor for references from
444 previous work.

445 5. Require all contractors to provide proof of
446 insurance before beginning repairs.

447 6. Take precautions if the damage requires you to
448 leave your home, including securing your property and
449 turning off your gas, water, and electricity, and
450 contacting your insurance company and provide a phone
451 number where you can be reached.

452

453 Section 10. Section 627.715, Florida Statutes, is created
454 to read:

455 627.715 Emergency mitigation services; agreements.—

456 (1) As used in this section, the term "emergency mitigation
457 services" means the delivery of goods or services that are
458 needed to mitigate damage caused by fire, water, or catastrophic
459 events when delay may exacerbate the damage to the covered
460 property. Services include the removal of contents, removal of
461 water or other contaminants, cleaning, sanitizing, incidental
462 demolition, or other treatment, including preventive activities.

463 (2) For residential property insurance, an agreement
464 entered into by a policyholder for emergency mitigation services

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465 to which insurance proceeds may be applied is valid only if:

466 (a) The agreement is in compliance with any repair
 467 provisions that are contained in the policy;

468 (b) The agreement specifies in writing the estimated scope
 469 and price of the work before the work is performed;

470 (c) Any change from the original estimated scope and price
 471 of the work is preapproved by the policyholder; and

472 (d) The work is performed by an individual or company
 473 possessing a valid certification consistent with the most recent
 474 Standard and Reference Guide for Professional Water Damage
 475 Restoration, as developed by the Institute of Inspection,
 476 Cleaning and Restoration Certification and approved by the
 477 American National Standards Institute, or by a company that
 478 possesses a valid Division I license under chapter 489, which is
 479 providing services within the scope of that license. A company
 480 is considered to be certified for the purposes of this paragraph
 481 if the company representative who possesses a valid
 482 certification personally supervises the emergency mitigation
 483 services performed.

484 Section 11. Present subsections (3) through (5) of section
 485 627.745, Florida Statutes, are amended, and a new subsection (4)
 486 is added to that section, to read:

487 627.745 Mediation of claims.—

488 (3)~~(a)~~ The department shall approve mediators to conduct
 489 mediations pursuant to this section.

490 (a) All mediators must file an application under oath for
 491 approval as a mediator.

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

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494 1. Possess active certification by the Florida Supreme
495 Court as a circuit court mediator. A certified circuit court
496 mediator in a lapsed, suspended, sanctioned, or decertified
497 status is not eligible to participate in the mediation program a
498 ~~masters or doctorate degree in psychology, counseling, business,~~
499 ~~accounting, or economics, be a member of The Florida Bar, be~~
500 ~~licensed as a certified public accountant, or demonstrate that~~
501 ~~the applicant for approval has been actively engaged as a~~
502 ~~qualified mediator for at least 4 years prior to July 1, 1990.~~

503 2. Be an approved department mediator as of July 1, 2014,
504 and have conducted at least one mediation on behalf of the
505 department within the 4 years immediately preceding that the
506 date. the application for approval is filed with the department,
507 ~~have completed a minimum of a 40-hour training program approved~~
508 ~~by the department and successfully passed a final examination~~
509 ~~included in the training program and approved by the department.~~
510 ~~The training program shall include and address all of the~~
511 ~~following:~~

512 a. ~~Mediation theory.~~

513 b. ~~Mediation process and techniques.~~

514 e. ~~Standards of conduct for mediators.~~

515 d. ~~Conflict management and intervention skills.~~

516 e. ~~Insurance nomenclature.~~

517 (4) The department shall deny an application, or suspend or
518 revoke its approval of a mediator, or the certification of a
519 neutral evaluator to serve as a mediator, if the department
520 finds that any of the following grounds exists:

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

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523 (b) Material misstatement, misrepresentation, or fraud in
524 obtaining or attempting to obtain approval or certification.

525 (c) Demonstrated lack of fitness or trustworthiness to act
526 as a mediator or neutral evaluator.

527 (d) Fraudulent or dishonest practices in the conduct of
528 mediation or neutral evaluation or in the conduct of financial
529 services business.

530 (e) Violation of this code, of a lawful order or rule of
531 the department, or of the Florida Rules for Certified and Court-
532 Appointed Mediators, or the aiding, instructing, or encouraging
533 of another to commit such violation.

534 (5)-(4) The department shall ~~must~~ adopt rules to administer
535 this section, including rules of procedure for claims mediation,
536 taking into consideration a system that ~~which~~:

537 (a) Is fair.

538 (b) Promotes settlement.

539 (c) Avoids delay.

540 (d) Is nonadversarial.

541 (e) Uses a framework for modern mediating technique.

542 (f) Controls costs and expenses of mediation.

543 (6)-(5) Disclosures and information divulged in the
544 mediation process are not admissible in any subsequent action or
545 proceeding relating to the claim or to the cause of action
546 giving rise to the claim. A person demanding mediation under
547 this section may not demand or request mediation after a suit ~~is~~
548 ~~filed~~ relating to the same facts already mediated is filed.

549 Section 12. This act shall take effect July 1, 2014.