Amendment No. 2

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Committee/Subcommittee hearing bill: Commerce Committee
Representative Clemons offered the following:

Amendment (with title amendment)

Remove lines 708-932 and insert:

Section 22. Paragraph (b) of subsection (3) of section 626.207, Florida Statutes, is amended to read:

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

(3) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to a crime not included in subsection (2), regardless of adjudication, is subject to:

(b) A 7-year disqualifying period for all felonies to which neither the permanent bar in subsection (2) nor the 15-year disqualifying period in paragraph (a) applies.

Notwithstanding subsection (4), an applicant who served at least
half of the disqualifying period may reapply for a license if, during that time, the applicant has not been found guilty of or has not pleaded guilty or nolo contendere to a crime. The department may issue the applicant a license on a probationary basis for the remainder of the disqualifying period. The applicant's probationary period ends at the end of the disqualifying period.

Section 23. Subsection (1) of section 626.471, Florida Statutes, is amended to read:

626.471 Termination of appointment.—

(1) Subject to an appointee's contract rights, an appointing entity may terminate its appointment of any appointee at any time. Except when termination is upon a ground that which would subject the appointee to suspension or revocation of his or her license and appointment under s. 626.611 or s. 626.621, and except as provided by contract between the appointing entity and the appointee, the appointing entity shall give at least 60 days' advance written notice of its intention to terminate such appointment to the appointee, either by delivery thereof to the appointee in person, by mailing it, postage prepaid, or by e-mail. If delivery is by mail or e-mail, the notice must be addressed to the appointee at his or her last mailing or e-mail address of record with the appointing entity. Notice is deemed to have been given when deposited in a
United States Postal Service mail depository or when the e-mail is sent, as applicable.

Section 24. Section 626.536, Florida Statutes, is amended to read:

626.536 Reporting of administrative actions.—Within 30 days after the final disposition of an administrative action taken against a licensee or insurance agency by a governmental agency or other regulatory agency in this or any other state or jurisdiction relating to the business of insurance, the sale of securities, or activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty, the licensee or insurance agency must submit a copy of the order, consent to order, or other relevant legal documents to the department. The department may adopt rules to administer this section.

Section 25. Subsection (7) is added to section 626.6215, Florida Statutes, to read:

626.6215 Grounds for discretionary refusal, suspension, or revocation of insurance agency license.—The department may, in its discretion, deny, suspend, revoke, or refuse to continue the license of any insurance agency if it finds, as to any insurance agency or as to any majority owner, partner, manager, director, officer, or other person who manages or controls such insurance agency, that any one or more of the following applicable grounds exist:
(7) A denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

Section 26. Section 626.729, Florida Statutes, is amended to read:

626.729 "Industrial fire insurance" defined.—As used in this code, the term "industrial fire insurance" means:

(1) Insurance against loss by fire of either buildings and other structures or contents, which may include extended coverage;

(2) Windstorm insurance;

(3) Basic limits owners, landlords, or tenants liability insurance with single limits of $25,000;

(4) Comprehensive personal liability insurance with a single limit of $25,000; or

(5) Burglary insurance, under which the premiums are collected quarterly or more often and the face amount of the insurance provided by the policy on one risk is not more than $50,000, including the contents of such buildings and other structures, and the insurer issuing such policy is operating under a system of collecting a debit by its agents. A temporary license for an industrial fire or burglary agent issued pursuant
to s. 626.175 shall be solely for the purpose of collecting
premiums and servicing in-force policies, and such licensee
shall not directly or indirectly solicit, negotiate, or effect
contracts of insurance.

Section 27. Subsection (9) of section 626.8437, Florida
Statutes, is amended to read:

626.8437 Grounds for denial, suspension, revocation, or
refusal to renew license or appointment.—The department shall
deny, suspend, revoke, or refuse to renew or continue the
license or appointment of any title insurance agent or agency,
and it shall suspend or revoke the eligibility to hold a license
or appointment of such person, if it finds that as to the
applicant, licensee, appointee, or any principal thereof, any
one or more of the following grounds exist:

(9) Willful failure to comply with, or willful violation
of, any proper order or rule of the department or willful
violation of any provision of the Florida Insurance Code this
act.

Section 28. Subsection (2) of section 626.844, Florida
Statutes, is amended to read:

626.844 Grounds for discretionary refusal, suspension, or
revocation of license or appointment.—The department may, in its
discretion, deny, suspend, revoke, or refuse to renew or
continue the license or appointment of any title insurance agent
or agency, and it may suspend or revoke the eligibility to hold

a license or appointment of any such title insurance agent or
agency if it finds that as to the applicant or licensee or
appointee, or any principal thereof, any one or more of the
following grounds exist under circumstances for which such
denial, suspension, revocation, or refusal is not mandatory
under s. 626.8437:

(2) Violation of any provision of the Florida Insurance
Code in the course of dealing under the license or
appointment.

Section 29. Paragraph (e) of subsection (1) and paragraphs
(b) and (c) of subsection (2) of section 626.8732, Florida
Statutes, are amended to read:

626.8732 Nonresident public adjuster's qualifications,
bond.—

(1) The department shall, upon application therefor, issue
a license to an applicant for a nonresident public adjuster's
license upon determining that the applicant has paid the
applicable license fees required under s. 624.501 and:

(e) Has been licensed and employed as a public adjuster in
the applicant's state of residence on a continual basis for the
past 6 months year, or, if the applicant's state of residence
does not issue licenses to individuals who act as public
adjusters, the applicant has been licensed and employed as a
resident insurance company adjuster, a public adjuster, or an
independent adjuster in his or her state of residence or any other state on a continual basis for the past 6 months year.

(2) The applicant shall furnish the following with his or her application:

(b) If currently licensed as a resident public adjuster in the applicant's state of residence, a certificate or letter of authorization from the licensing authority of the applicant's state of residence, stating that the applicant holds a current or comparable license to act as a public adjuster and has held the license continuously for the past 6 months year. The certificate or letter of authorization must be signed by the insurance commissioner or his or her deputy or the appropriate licensing official and must disclose whether the adjuster has ever had any license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action.

(c) If the applicant's state of residence does not require licensure as a public adjuster and the applicant has been licensed as a resident insurance adjuster in his or her state of residence or any other state, a certificate or letter of authorization from the licensing authority stating that the applicant holds or has held a license to act as such an insurance adjuster and has held the license continuously for the past 6 months year. The certificate or letter of authorization
must be signed by the insurance commissioner or his or her
deputy or the appropriate licensing official and must disclose
whether or not the adjuster has ever had any license or
eligibility to hold any license declined, denied, suspended,
revoked, or placed on probation or whether an administrative
fine or penalty has been levied against the adjuster and, if so,
the reason for the action.

Section 30. Subsection (1) of section 633.216, Florida
Statutes, is amended to read:

633.216 Inspection of buildings and equipment; orders;
firesafety inspection training requirements; certification;
disciplinary action.—The State Fire Marshal and her or his
agents or persons authorized to enforce laws and rules of the
State Fire Marshal shall, at any reasonable hour, when the State
Fire Marshal has reasonable cause to believe that a violation of
this chapter or s. 509.215, or a rule adopted thereunder, or a
minimum firesafety code adopted by the State Fire Marshal or a
local authority, may exist, inspect any and all buildings and
structures which are subject to the requirements of this chapter
or s. 509.215 and rules adopted thereunder. The authority to
inspect shall extend to all equipment, vehicles, and chemicals
which are located on or within the premises of any such building
or structure.

(1) Each county, municipality, and special district that
has firesafety enforcement responsibilities shall employ or
contract with a firesafety inspector. Except as provided in s. 633.312(2), (3), and (4), the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

Section 31. Subsection (6) of section 627.7015, Florida Statutes, is amended to read:

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

(6) (a) Mediation is nonbinding; however, if a written settlement is reached, the policyholder has 3 business days within which the policyholder may rescind the settlement unless the policyholder has cashed or deposited any check or draft disbursed to the policyholder for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it is binding and acts as a release of all specific claims that were presented in that mediation conference.

(b) At the conclusion of the mediation, the mediator shall provide a written report of the results of mediation, including
Section 32.  Subsection (1) of section 648.49, Florida Statutes, is amended to read:

648.49  Duration of suspension or revocation.—

(1)  The department shall, in its order suspending a license or appointment or in its order suspending the eligibility of a person to hold or apply for a license or appointment, specify the period during which the suspension is to be in effect, but such period may not exceed 2 years. The license, or appointment, or and eligibility to hold or apply for a license or appointment remains shall remain suspended during the period so specified, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, before the prior to expiration of the suspension period. A license or appointment that which has been suspended may not be reinstated, nor shall the eligibility to hold such license or appointment be reinstated, except upon the filing and approval of an application request for such reinstatement, but the department may not approve an application for grant such reinstatement if it finds that the circumstances for which the license or appointment was suspended still exist or are likely to recur. In each case involving suspension, the department has the discretion to require the former licensee to...
successfully complete a basic certification course in the criminal justice system, consisting of not less than 80 hours approved by the department.

Section 33. Subsection (8) of section 717.124, Florida Statutes, is renumbered as subsection (11), and a new subsection (8) and subsections (9) and (10) are added to that section, to read:

717.124 Unclaimed property claims.—

(8) Notwithstanding any other provision of this chapter, the department may develop and implement an identification verification and disbursement process by which an account valued at $2,000 or less, after being received by the department and added to the unclaimed property database, may be disbursed to an apparent owner after the department has verified that the apparent owner is living and that the apparent owner's current address is correct. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement. The department shall adopt rules to implement this

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T I T L E  A M E N D M E N T

Remove lines 53-71 and insert:

beginning on a specified date; amending s. 626.207, F.S.; allowing disqualified persons meeting specified requirements to apply for relicensure; amending s. 626.471, F.S.; revising the
method of delivery of certain notice; amending s. 626.536, F.S.;
deleting provisions relating to reporting administrative actions
taken against an insurance agency; amending s. 626.6215, F.S.;
providing additional grounds for which the department may take
specified action against the license of an insurance agency;
amending s. 626.729, F.S.; redefining the term "industrial fire
insurance"; amending ss. 626.8437 and 626.844, F.S.; specifying
grounds for certain administrative actions against licenses or
appointments of specified insurance agents or agencies; amending
s. 626.8732, F.S.; revising the requirements for nonresident
public adjuster's licenses; amending s. 633.216, F.S.;
conforming a cross-reference; amending s. 627.7015, F.S.;
requiring mediators to report mediation settlements and
settlement amounts to all parties at the close of mediation;
amending s. 648.49, F.S.; requiring the