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18 (2) All certificates executed by the department or office,
19 other than licenses of agents, property insurance appraisal
20 umpires, ~~or~~ adjusters, or similar licenses or permits, shall
21 bear its respective seal.

22 Section 3. Paragraphs (b) and (c) of subsection (4) of
23 section 624.311, Florida Statutes, are amended to read:

24 624.311 Records; reproductions; destruction.—

25 (4) To facilitate the efficient use of floor space and
26 filing equipment in its offices, the department, commission, and
27 office may each destroy the following records and documents
28 pursuant to chapter 257:

29 (b) Agent, adjuster, property insurance appraisal umpire, and
30 similar license files, including license files of the Division
31 of State Fire Marshal, over 2 years old; except that the
32 department or office shall preserve by reproduction or otherwise
33 a copy of the original records upon the basis of which each such
34 licensee qualified for her or his initial license, except a
35 competency examination, and of any disciplinary proceeding
36 affecting the licensee;

37 (c) All agent, adjuster, property insurance appraisal
38 umpire, and similar license files and records, including
39 original license qualification records and records of
40 disciplinary proceedings 5 years after a licensee has ceased to
41 be qualified for a license;

42 Section 4. Subsection (1) of section 624.317, Florida
43 Statutes, is amended to read:

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44 624.317 Investigation of agents, adjusters, property
45 insurance appraisal umpires, administrators, service companies,
46 and others.—If it has reason to believe that any person has
47 violated or is violating any provision of this code, or upon the
48 written complaint signed by any interested person indicating
49 that any such violation may exist: (1) The department shall
50 conduct such investigation as it deems necessary of the
51 accounts, records, documents, and transactions pertaining to or
52 affecting the insurance affairs of any general agent, surplus
53 lines agent, adjuster, property insurance appraisal umpire,
54 managing general agent, insurance agent, insurance agency,
55 customer representative, service representative, or other person
56 subject to its jurisdiction, subject to the requirements of s.
57 626.601.

58 Section 5. Paragraph (c) of subsection (19) and subsection
59 (28) of section 624.501, Florida Statutes, are amended, and
60 subsection (29) is added to that section, to read:

61 624.501 Filing, license, appointment, and miscellaneous
62 fees.—The department, commission, or office, as appropriate,
63 shall collect in advance, and persons so served shall pay to it
64 in advance, fees, licenses, and miscellaneous charges as
65 follows:

66 (19) Miscellaneous services:

67 (c) For preparing lists of agents, adjusters, property
68 insurance appraisal umpires, and other insurance
69 representatives, and for other miscellaneous services, such

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70 reasonable charge as may be fixed by the office or department.
71 (28) Late filing of appointment renewals for agents, adjusters,
72 property insurance appraisal umpires, and other insurance
73 representatives, each appointment
74 \$20.00

75 (29) Property insurance appraisal umpires:

76 (a) Property insurance appraisal umpire's appointment and
77 biennial renewal or continuation thereof, each
78 appointment.....\$60.00

79 (b) Fee to cover the actual cost of a credit report when
80 such report must be secured by department.

81 Section 6. Paragraph (e) of subsection (1) of section
82 624.523, Florida Statutes, is amended to read:

83 624.523 Insurance Regulatory Trust Fund.—

84 (1) There is created in the State Treasury a trust fund
85 designated "Insurance Regulatory Trust Fund" to which shall be
86 credited all payments received on account of the following
87 items:

88 (e) All payments received on account of items provided for
89 under respective provisions of s. 624.501, as follows:

90 1. Subsection (1) (certificate of authority of insurer).

91 2. Subsection (2) (charter documents of insurer).

92 3. Subsection (3) (annual license tax of insurer). 4.

93 Subsection (4) (annual statement of insurer).

94 5. Subsection (5) (application fee for insurance
95 representatives).

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96 6. The "appointment fee" portion of any appointment
97 provided for under paragraphs (6) (a) and (b) (insurance
98 representatives, property, marine, casualty and surety
99 insurance, and agents).

100 7. Paragraph (6) (c) (nonresident agents).

101 8. Paragraph (6) (d) (service representatives).

102 9. The "appointment fee" portion of any appointment
103 provided for under paragraph (7) (a) (life insurance agents,
104 original appointment, and renewal or continuation of
105 appointment).

106 10. Paragraph (7) (b) (nonresident agent license).

107 11. The "appointment fee" portion of any appointment
108 provided for under paragraph (8) (a) (health insurance agents,
109 agent's appointment, and renewal or continuation fee).

110 12. Paragraph (8) (b) (nonresident agent appointment).

111 13. The "appointment fee" portion of any appointment
112 provided for under subsections (9) and (10) (limited licenses
113 and fraternal benefit society agents).

114 14. Subsection (11) (surplus lines agent).

115 15. Subsection (12) (adjusters' appointment).

116 16. Subsection (13) (examination fee).

117 17. Subsection (14) (temporary license and appointment as
118 agent or adjuster).

119 18. Subsection (15) (reissuance, reinstatement, etc.).

120 19. Subsection (16) (additional license continuation
121 fees).

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122 20. Subsection (17) (filing application for permit to form
123 insurer).

124 21. Subsection (18) (license fee of rating organization).

125 22. Subsection (19) (miscellaneous services).

126 23. Subsection (20) (insurance agencies).

127 24. Subsection (29) (property insurance appraisal umpires'
128 appointment).

129 Section 7. Subsections (15), (16), (17), (18), and (19) of
130 section 626.015, Florida Statutes, are renumbered as subsections
131 (16), (17), (18), (19), and (20), respectively, and new
132 subsection (15) is added to that section, to read:

133 626.015 Definitions.—As used in this part:

134 (15) "Property insurance appraisal umpire" or "umpire"
135 means a property insurance appraisal umpire as defined in s.
136 626.9964.

137 Section 8. Subsection (1) of section 626.016, Florida
138 Statutes, is amended to read:

139 626.016 Powers and duties of department, commission, and
140 office.—

141 (1) The powers and duties of the Chief Financial Officer
142 and the department specified in this part apply only with
143 respect to insurance agents, insurance agencies, managing
144 general agents, insurance adjusters, umpires, reinsurance
145 intermediaries, viatical settlement brokers, customer
146 representatives, service representatives, and agencies.

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147 Section 9. Subsection (1) of section 626.022, Florida
148 Statutes, is amended to read:

149 626.022 Scope of part.—

150 (1) This part applies as to insurance agents, service
151 representatives, adjusters, umpires, and insurance agencies; as
152 to any and all kinds of insurance; and as to stock insurers,
153 mutual insurers, reciprocal insurers, and all other types of
154 insurers, except that:

155 (a) It does not apply as to reinsurance, except that ss.
156 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.
157 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-
158 626.591, and ss. 626.601-626.711 shall apply as to reinsurance
159 intermediaries as defined in s. 626.7492.

160 (b) The applicability of this chapter as to fraternal
161 benefit societies shall be as provided in chapter 632.

162 (c) It does not apply to a bail bond agent, as defined in
163 s. 648.25, except as provided in chapter 648 or chapter 903.

164 (d) This part does not apply to a certified public
165 accountant licensed under chapter 473 who is acting within the
166 scope of the practice of public accounting, as defined in s.
167 473.302, provided that the activities of the certified public
168 accountant are limited to advising a client of the necessity of
169 obtaining insurance, the amount of insurance needed, or the line
170 of coverage needed, and provided that the certified public
171 accountant does not directly or indirectly receive or share in
172 any commission or referral fee.

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173 Section 10. Subsections (6), (7), (8), and (9) of section
174 626.112, Florida Statutes, are renumbered as subsections (8),
175 (9), (10), and (11), respectively, subsection (1) is amended,
176 and a new subsection (6) and subsection (7) are added to that
177 section, to read:

178 626.112 License and appointment required; agents, customer
179 representatives, adjusters, umpires, insurance agencies, service
180 representatives, managing general agents.—

181 (1)(a) No person may be, act as, or advertise or hold
182 himself or herself out to be an insurance agent, insurance
183 adjuster, or customer representative unless he or she is
184 currently licensed by the department and appointed by an
185 appropriate appointing entity or person.

186 (b) Except as provided in subsection (7) ~~(6)~~ or in
187 applicable department rules, and in addition to other conduct
188 described in this chapter with respect to particular types of
189 agents, a license as an insurance agent, service representative,
190 customer representative, or limited customer representative is
191 required in order to engage in the solicitation of insurance.
192 For purposes of this requirement, as applicable to any of the
193 license types described in this section, the solicitation of
194 insurance is the attempt to persuade any person to purchase an
195 insurance product by:

196 1. Describing the benefits or terms of insurance coverage,
197 including premiums or rates of return;

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198 2. Distributing an invitation to contract to prospective
199 purchasers;

200 3. Making general or specific recommendations as to
201 insurance products;

202 4. Completing orders or applications for insurance
203 products;

204 5. Comparing insurance products, advising as to insurance
205 matters, or interpreting policies or coverages; or

206 6. Offering or attempting to negotiate on behalf of
207 another person a viatical settlement contract as defined in s.
208 626.9911.

209
210 However, an employee leasing company licensed pursuant to
211 chapter 468 which is seeking to enter into a contract with an
212 employer that identifies products and services offered to
213 employees may deliver proposals for the purchase of employee
214 leasing services to prospective clients of the employee leasing
215 company setting forth the terms and conditions of doing
216 business; classify employees as permitted by s. 468.529; collect
217 information from prospective clients and other sources as
218 necessary to perform due diligence on the prospective client and
219 to prepare a proposal for services; provide and receive
220 enrollment forms, plans, and other documents; and discuss or
221 explain in general terms the conditions, limitations, options,
222 or exclusions of insurance benefit plans available to the client
223 or employees of the employee leasing company were the client to

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224 contract with the employee leasing company. Any advertising
225 materials or other documents describing specific insurance
226 coverages must identify and be from a licensed insurer or its
227 licensed agent or a licensed and appointed agent employed by the
228 employee leasing company. The employee leasing company may not
229 advise or inform the prospective business client or individual
230 employees of specific coverage provisions, exclusions, or
231 limitations of particular plans. As to clients for which the
232 employee leasing company is providing services pursuant to s.
233 468.525(4), the employee leasing company may engage in
234 activities permitted by ss. 626.7315, 626.7845, and 626.8305,
235 subject to the restrictions specified in those sections. If a
236 prospective client requests more specific information concerning
237 the insurance provided by the employee leasing company, the
238 employee leasing company must refer the prospective business
239 client to the insurer or its licensed agent or to a licensed and
240 appointed agent employed by the employee leasing company.

241 (6) No person shall be, act as, or represent or hold
242 himself or herself out to be a property insurance appraisal
243 umpire unless he or she holds a currently effective license and
244 appointment as a property insurance appraisal umpire.

245 (7) No person shall be, act as, or represent or hold
246 himself or herself out to be a property insurance appraiser who
247 is eligible to represent an insured on a personal residential or
248 commercial residential property insurance claim unless he or she

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249 holds a currently effective license as an adjuster or is exempt
250 from licensure as an adjuster pursuant to s. 626.860.

251 Section 11. Subsections (1) and (4) of section 626.171,
252 Florida Statutes, are amended to read:

253 626.171 Application for license as an agent, customer
254 representative, adjuster, umpire, service representative,
255 managing general agent, or reinsurance intermediary.-

256 (1) The department may not issue a license as agent,
257 customer representative, adjuster, umpire, service
258 representative, managing general agent, or reinsurance
259 intermediary to any person except upon written application filed
260 with the department, meeting the qualifications for the license
261 applied for as determined by the department, and payment in
262 advance of all applicable fees. The application must be made
263 under the oath of the applicant and be signed by the applicant.
264 An applicant may permit a third party to complete, submit, and
265 sign an application on the applicant's behalf, but is
266 responsible for ensuring that the information on the application
267 is true and correct and is accountable for any misstatements or
268 misrepresentations. The department shall accept the uniform
269 application for nonresident agent licensing. The
270 department may adopt revised versions of the uniform application
271 by rule.

272 (4) An applicant for a license as an agent, customer
273 representative, adjuster, umpire, service representative,
274 managing general agent, or reinsurance intermediary must submit

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275 a set of the individual applicant's fingerprints, or, if the
276 applicant is not an individual, a set of the fingerprints of the
277 sole proprietor, majority owner, partners, officers, and
278 directors, to the department and must pay the fingerprint
279 processing fee set forth in s. 624.501. Fingerprints shall be
280 used to investigate the applicant's qualifications pursuant to
281 s. 626.201. The fingerprints shall be taken by a law enforcement
282 agency, designated examination center, or other department-
283 approved entity. The department shall require all designated
284 examination centers to have fingerprinting equipment and to take
285 fingerprints from any applicant or prospective applicant who
286 pays the applicable fee. The department may not approve an
287 application for licensure as an agent, customer service
288 representative, adjuster, umpire, service representative,
289 managing general agent, or reinsurance intermediary if
290 fingerprints have not been submitted.

291 Section 12. Subsection (9) of section 626.207, Florida
292 Statutes, is amended to read:

293 626.207 Disqualification of applicants and licensees;
294 penalties against licensees; rulemaking authority.-

295 (9) Section 112.011 does not apply to any applicants for
296 licensure under the Florida Insurance Code, including, but not
297 limited to, agents, agencies, adjusters, adjusting firms,
298 umpires, customer representatives, or managing general agents.

299 Section 13. Subsections (1) and (2) of section 626.2815,
300 Florida Statutes, are amended to read:

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301 626.2815 Continuing education requirements.—

302 (1) The purpose of this section is to establish
303 requirements and standards for continuing education courses for
304 individuals licensed to solicit, sell, or adjust insurance or to
305 serve as an umpire in the state.

306 (2) Except as otherwise provided in this section, this
307 section applies to individuals licensed to transact ~~engage in~~
308 ~~the sale of insurance or adjust adjustment of~~ insurance claims
309 in this state for all lines of insurance for which an
310 examination is required for licensing and to individuals
311 licensed to serve as an umpire ~~each insurer, employer, or~~
312 ~~appointing entity, including, but not limited to, those created~~
313 ~~or existing pursuant to s. 627.351.~~ This section does not apply
314 to an individual who holds a license for the sale of any line of
315 insurance for which an examination is not required by the laws
316 of this state or who holds a limited license as a crop or hail
317 and multiple-peril crop insurance agent. Licensees who are
318 unable to comply with the continuing education requirements due
319 to active duty in the military may submit a written request for
320 a waiver to the department.

321 Section 14. Subsections (1), (3), (5), and (6) of section
322 626.451, Florida Statutes, are amended to read:

323 626.451 Appointment of agent or other representative.—

324 (1) Each appointing entity or person designated by the
325 department to administer the appointment process appointing an
326 agent, adjuster, umpire, service representative, customer

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327 representative, or managing general agent in this state shall
328 file the appointment with the department or office and, at the
329 same time, pay the applicable appointment fee and taxes. Every
330 appointment shall be subject to the prior issuance of the
331 appropriate agent's, adjuster's, umpire's, service
332 representative's, customer representative's, or managing general
333 agent's license.

334 (3) By authorizing the effectuation of the appointment of
335 an agent, adjuster, umpire, service representative, customer
336 representative, or managing general agent the appointing entity
337 is thereby certifying to the department that it is willing to be
338 bound by the acts of the agent, adjuster, umpire, service
339 representative, customer representative, or managing general
340 agent, within the scope of the licensee's employment or
341 appointment.

342 (5) Any law enforcement agency or state attorney's office
343 that is aware that an agent, adjuster, umpire, service
344 representative, customer representative, or managing general
345 agent has pleaded guilty or nolo contendere to or has been found
346 guilty of a felony shall notify the department or office of such
347 fact.

348 (6) Upon the filing of an information or indictment
349 against an agent, adjuster, umpire, service representative,
350 customer representative, or managing general agent, the state
351 attorney shall immediately furnish the department or office a
352 certified copy of the information or indictment.

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353 Section 15. Section 626.461, Florida Statutes, is amended
354 to read:

355 626.461 Continuation of appointment of agent or other
356 representative.—Subject to renewal or continuation by the
357 appointing entity, the appointment of the agent, adjuster,
358 umpire, service representative, customer representative, or
359 managing general agent shall continue in effect until the
360 person's license is revoked or otherwise terminated, unless
361 written notice of earlier termination of the appointment is
362 filed with the department or person designated by the department
363 to administer the appointment process by either the appointing
364 entity or the appointee.

365 Section 16. Subsection (3) of section 626.521, Florida
366 Statutes, is amended to read:

367 626.521 Character, credit reports.—

368 (3) As to an applicant for an adjuster's, umpire's, or
369 reinsurance intermediary's license who is to be self-employed,
370 the department may secure, at the cost of the applicant, a full
371 detailed credit and character report made by an established and
372 reputable independent reporting service relative to the
373 applicant.

374 Section 17. Subsections (1) of section 626.541, Florida
375 Statutes, are amended to read:

376 626.541 Firm, corporate, and business names; officers;
377 associates; notice of changes.—

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378 (1) Any licensed agent, ~~or~~ adjuster, or umpire doing
379 business under a firm or corporate name or under any business
380 name other than his or her own individual name shall, within 30
381 days after initially transacting ~~the initial transaction of~~
382 insurance or engaging in insurance activities under such
383 business name, file with the department, on forms adopted and
384 furnished by the department, a written statement of the firm,
385 corporate, or business name being so used, the address of any
386 office or offices or places of business making use of such name,
387 and the name and social security number of each officer and
388 director of the corporation and of each individual associated in
389 such firm or corporation as to the insurance transactions
390 thereof or in the use of such business name.

391 Section 18. Subsection (1) of section 626.601, Florida
392 Statutes, is amended to read:

393 626.601 Improper conduct; inquiry; fingerprinting.—

394 (1) The department or office may, upon its own motion or
395 upon a written complaint signed by any interested person and
396 filed with the department or office, inquire into any alleged
397 improper conduct of any licensed, approved, or certified
398 licensee, insurance agency, agent, adjuster, umpire, service
399 representative, managing general agent, customer representative,
400 title insurance agent, title insurance agency, mediator, neutral
401 evaluator, navigator, continuing education course provider,
402 instructor, school official, or monitor group under this code.
403 The department or office may thereafter initiate an

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404 investigation of any such individual or entity if it has
405 reasonable cause to believe that the individual or entity has
406 violated any provision of the insurance code. During the course
407 of its investigation, the department or office shall contact the
408 individual or entity being investigated unless it determines
409 that contacting such individual or entity could jeopardize the
410 successful completion of the investigation or cause injury to
411 the public.

412 Section 19. Subsection (1) of section 626.611, Florida
413 Statutes, is amended to read:

414 626.611 Grounds for compulsory refusal, suspension, or
415 revocation of agent's, title agency's, adjuster's, umpire's,
416 customer representative's, service representative's, or managing
417 general agent's license or appointment.—

418 (1) The department shall deny an application for, suspend,
419 revoke, or refuse to renew or continue the license or
420 appointment of any applicant, agent, title agency, adjuster,
421 umpire, customer representative, service representative, or
422 managing general agent, and it shall suspend or revoke the
423 eligibility to hold a license or appointment of any such person,
424 if it finds that as to the applicant, licensee, or appointee any
425 one or more of the following applicable grounds exist:

426 (a) Lack of one or more of the qualifications for the
427 license or appointment as specified in this code.

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428 (b) Material misstatement, misrepresentation, or fraud in
429 obtaining the license or appointment or in attempting to obtain
430 the license or appointment.

431 (c) Failure to pass to the satisfaction of the department
432 any examination required under this code.

433 (d) If the license or appointment is willfully used, or to
434 be used, to circumvent any of the requirements or prohibitions
435 of this code.

436 (e) Willful misrepresentation of any insurance policy or
437 annuity contract or willful deception with regard to any such
438 policy or contract, done either in person or by any form of
439 dissemination of information or advertising.

440 (f) If, as an adjuster, or agent licensed and appointed to
441 adjust claims under this code, he or she has materially
442 misrepresented to an insured or other interested party the terms
443 and coverage of an insurance contract with intent and for the
444 purpose of effecting settlement of claim for loss or damage or
445 benefit under such contract on less favorable terms than those
446 provided in and contemplated by the contract.

447 (g) Demonstrated lack of fitness or trustworthiness to
448 engage in the business of insurance.

449 (h) Demonstrated lack of reasonably adequate knowledge and
450 technical competence to engage in the transactions authorized by
451 the license or appointment.

452 (i) Fraudulent or dishonest practices in the conduct of
453 business under the license or appointment.

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454 (j) Misappropriation, conversion, or unlawful withholding
455 of moneys belonging to insurers or insureds or beneficiaries or
456 to others and received in conduct of business under the license
457 or appointment.

458 (k) Unlawfully rebating, attempting to unlawfully rebate,
459 or unlawfully dividing or offering to divide his or her
460 commission with another.

461 (l) Having obtained or attempted to obtain, or having used
462 or using, a license or appointment as agent or customer
463 representative for the purpose of soliciting or handling
464 "controlled business" as defined in s. 626.730 with respect to
465 general lines agents, s. 626.784 with respect to life agents,
466 and s. 626.830 with respect to health agents.

467 (m) Willful failure to comply with, or willful violation
468 of, any proper order or rule of the department or willful
469 violation of any provision of this code.

470 (n) Having been found guilty of or having pleaded guilty
471 or nolo contendere to a felony or a crime punishable by
472 imprisonment of 1 year or more under the law of the United
473 States of America or of any state thereof or under the law of
474 any other country which involves moral turpitude, without regard
475 to whether a judgment of conviction has been entered by the
476 court having jurisdiction of such cases.

477 (o) Fraudulent or dishonest practice in submitting or
478 aiding or abetting any person in the submission of an
479 application for workers' compensation coverage under chapter 440

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480 containing false or misleading information as to employee
481 payroll or classification for the purpose of avoiding or
482 reducing the amount of premium due for such coverage.

483 (p) Sale of an unregistered security that was required to
484 be registered, pursuant to chapter 517.

485 (q) In transactions related to viatical settlement
486 contracts as defined in s. 626.9911:

487 1. Commission of a fraudulent or dishonest act.

488 2. No longer meeting the requirements for initial
489 licensure.

490 3. Having received a fee, commission, or other valuable
491 consideration for his or her services with respect to viatical
492 settlements that involved unlicensed viatical settlement
493 providers or persons who offered or attempted to negotiate on
494 behalf of another person a viatical settlement contract as
495 defined in s. 626.9911 and who were not licensed life agents.

496 4. Dealing in bad faith with viators.

497 Section 20. Section 626.621, Florida Statutes, is amended
498 to read:

499 626.621 Grounds for discretionary refusal, suspension, or
500 revocation of agent's, adjuster's, umpire's, customer
501 representative's, service representative's, or managing general
502 agent's license or appointment.—The department may, in its
503 discretion, deny an application for, suspend, revoke, or refuse
504 to renew or continue the license or appointment of any
505 applicant, agent, adjuster, umpire, customer representative,

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506 service representative, or managing general agent, and it may
507 suspend or revoke the eligibility to hold a license or
508 appointment of any such person, if it finds that as to the
509 applicant, licensee, or appointee any one or more of the
510 following applicable grounds exist under circumstances for which
511 such denial, suspension, revocation, or refusal is not mandatory
512 under s. 626.611:

513 (1) Any cause for which issuance of the license or
514 appointment could have been refused had it then existed and been
515 known to the department.

516 (2) Violation of any provision of this code or of any
517 other law applicable to the business of insurance in the course
518 of dealing under the license or appointment.

519 (3) Violation of any lawful order or rule of the
520 department, commission, or office.

521 (4) Failure or refusal, upon demand, to pay over to any
522 insurer he or she represents or has represented any money coming
523 into his or her hands belonging to the insurer.

524 (5) Violation of the provision against twisting, as
525 defined in s. 626.9541(1)(1).

526 (6) In the conduct of business under the license or
527 appointment, engaging in unfair methods of competition or in
528 unfair or deceptive acts or practices, as prohibited under part
529 IX of this chapter, or having otherwise shown himself or herself
530 to be a source of injury or loss to the public.

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531 (7) Willful overinsurance of any property or health
532 insurance risk.

533 (8) Having been found guilty of or having pleaded guilty
534 or nolo contendere to a felony or a crime punishable by
535 imprisonment of 1 year or more under the law of the United
536 States of America or of any state thereof or under the law of
537 any other country, without regard to whether a judgment of
538 conviction has been entered by the court having jurisdiction of
539 such cases.

540 (9) If a life agent, violation of the code of ethics.

541 (10) Cheating on an examination required for licensure or
542 violating test center or examination procedures published
543 orally, in writing, or electronically at the test site by
544 authorized representatives of the examination program
545 administrator. Communication of test center and examination
546 procedures must be clearly established and documented.

547 (11) Failure to inform the department in writing within 30
548 days after pleading guilty or nolo contendere to, or being
549 convicted or found guilty of, any felony or a crime punishable
550 by imprisonment of 1 year or more under the law of the United
551 States or of any state thereof, or under the law of any other
552 country without regard to whether a judgment of conviction has
553 been entered by the court having jurisdiction of the case.

554 (12) Knowingly aiding, assisting, procuring, advising, or
555 abetting any person in the violation of or to violate a

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556 provision of the insurance code or any order or rule of the
557 department, commission, or office.

558 (13) Has been the subject of or has had a license, permit,
559 appointment, registration, or other authority to conduct
560 business subject to any decision, finding, injunction,
561 suspension, prohibition, revocation, denial, judgment, final
562 agency action, or administrative order by any court of competent
563 jurisdiction, administrative law proceeding, state agency,
564 federal agency, national securities, commodities, or option
565 exchange, or national securities, commodities, or option
566 association involving a violation of any federal or state
567 securities or commodities law or any rule or regulation adopted
568 thereunder, or a violation of any rule or regulation of any
569 national securities, commodities, or options exchange or
570 national securities, commodities, or options association.

571 (14) Failure to comply with any civil, criminal, or
572 administrative action taken by the child support enforcement
573 program under Title IV-D of the Social Security Act, 42 U.S.C.
574 ss. 651 et seq., to determine paternity or to establish, modify,
575 enforce, or collect support.

576 (15) Directly or indirectly accepting any compensation,
577 inducement, or reward from an inspector for the referral of the
578 owner of the inspected property to the inspector or inspection
579 company. This prohibition applies to an inspection intended for
580 submission to an insurer in order to obtain property insurance
581 coverage or establish the applicable property insurance premium.

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582 Section 21. Subsection (4) of section 626.641, Florida
583 Statutes, is amended to read:

584 626.641 Duration of suspension or revocation.—

585 (4) During the period of suspension or revocation of a
586 license or appointment, and until the license is reinstated or,
587 if revoked, a new license issued, the former licensee or
588 appointee may not engage in or attempt or profess to engage in
589 any transaction or business for which a license or appointment
590 is required under this code or directly or indirectly own,
591 control, or be employed in any manner by an agent, agency,
592 adjuster, ~~or~~ adjusting firm, or umpire.

593 Section 22. Subsection (2) of section 626.7845, Florida
594 Statutes, is amended to read:

595 626.7845 Prohibition against unlicensed transaction of
596 life insurance.—

597 (2) Except as provided in s. 626.112(8) ~~626.112(6)~~, with
598 respect to any line of authority specified in s. 626.015(10), no
599 individual shall, unless licensed as a life agent:

600 (a) Solicit insurance or annuities or procure
601 applications;

602 (b) In this state, engage or hold himself or herself out
603 as engaging in the business of analyzing or abstracting
604 insurance policies or of counseling or advising or giving
605 opinions to persons relative to insurance or insurance contracts
606 other than:

607 1. As a consulting actuary advising an insurer; or

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608 2. As to the counseling and advising of labor unions,
609 associations, trustees, employers, or other business entities,
610 the subsidiaries and affiliates of each, relative to their
611 interests and those of their members or employees under
612 insurance benefit plans; or

613 (c) In this state, from this state, or with a resident of
614 this state, offer or attempt to negotiate on behalf of another
615 person a viatical settlement contract as defined in s. 626.9911.

616 Section 23. Section 626.8305, Florida Statutes, is amended
617 to read:

618 626.8305 Prohibition against the unlicensed transaction of
619 health insurance.—Except as provided in s. 626.112(8)
620 ~~626.112(6)~~, with respect to any line of authority specified in
621 s. 626.015(6), no individual shall, unless licensed as a health
622 agent:

623 (1) Solicit insurance or procure applications; or

624 (2) In this state, engage or hold himself or herself out
625 as engaging in the business of analyzing or abstracting
626 insurance policies or of counseling or advising or giving
627 opinions to persons relative to insurance contracts other than:

628 (a) As a consulting actuary advising insurers; or (b) As
629 to the counseling and advising of labor unions, associations,
630 trustees, employers, or other business entities, the
631 subsidiaries and affiliates of each, relative to their interests
632 and those of their members or employees under insurance benefit
633 plans.

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634 Section 24. Paragraph (a) of subsection (2) of section
635 626.8411, Florida Statutes, is amended to read:

636 626.8411 Application of Florida Insurance Code provisions
637 to title insurance agents or agencies.—

638 (2) The following provisions of part I do not apply to
639 title insurance agents or title insurance agencies:

640 (a) Section 626.112(9) ~~626.112(7)~~, relating to licensing
641 of insurance agencies.

642 Section 25. Subsection (4) of section 626.8443, Florida
643 Statutes, is amended to read:

644 626.8443 Duration of suspension or revocation.—

645 (4) During the period of suspension or after revocation of
646 the license and appointment, the former licensee shall not
647 engage in or attempt to profess to engage in any transaction or
648 business for which a license or appointment is required under
649 this code or directly or indirectly own, control, or be employed
650 in any manner by any insurance agent or agency, ~~or~~ adjuster, ~~or~~
651 adjusting firm, umpire.

652 Section 26. Subsection (11) of section 626.854, F.S., is
653 amended to read:

654 626.854 "Public adjuster" defined; prohibitions.

655 The Legislature finds that it is necessary for the protection of
656 the public to regulate public insurance adjusters and to prevent
657 the unauthorized practice of law.

658 (11) (a) If a public adjuster enters into a contract with
659 an insured or claimant to reopen a claim or file a supplemental

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660 claim that seeks additional payments for a claim that has been
661 previously paid in part or in full or settled by the insurer,
662 the public adjuster may not charge, agree to, or accept from any
663 source compensation, payment, commission, fee, or any other
664 thing of value based on a previous settlement or previous claim
665 payments by the insurer for the same cause of loss. The charge,
666 compensation, payment, commission, fee, or any other thing of
667 value must be based only on the claim payments or settlement
668 obtained through the work of the public adjuster after entering
669 into the contract with the insured or claimant. Compensation for
670 the reopened or supplemental claim may not exceed 20 percent of
671 the reopened or supplemental claim payment. In no event shall
672 the contracts described in this paragraph exceed the limitations
673 in paragraph (b).

674 (b) A public adjuster may not charge, agree to, or accept
675 from any source compensation, payment, commission, fee, or any
676 other thing of value in excess of:

677 1. Ten percent of the amount of insurance claim payments
678 made by the insurer for claims based on events that are the
679 subject of a declaration of a state of emergency by the
680 Governor. This provision applies to claims made during the year
681 after the declaration of emergency. After that year, the
682 limitations in subparagraph 2. apply.

683 2. Twenty percent of the amount of insurance claim
684 payments made by the insurer for claims that are not based on

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685 events that are the subject of a declaration of a state of
686 emergency by the Governor.

687 (c) Any maneuver, shift, or device through which the
688 limits on compensation set forth in this subsection are exceeded
689 is a violation of this chapter punishable as provided under s.
690 626.8698.

691 (d) If a public adjuster enters into a contract with an
692 insured or a claimant to perform an appraisal, as defined in s.
693 626.9964, the public adjuster may not charge, agree to, or
694 accept from any source compensation, payment, commission, fee,
695 or any other thing of value in excess of the limitations set
696 forth in paragraph (b) for the appraisal services or, if also
697 servicing as adjuster on the claim, adjuster services and
698 appraisal services combined.

699 Section 26. Section 626.8791 is created to read:

700 626.8791 Contracts for appraisal services; required
701 notice.— Any contract between an adjuster and an insured or
702 claimant to perform an appraisal must contain the following
703 language in at least 14 point, bold and all capital letters
704 type: "THERE IS NO LEGAL REQUIREMENT THAT AN APPRAISER CHARGE A
705 CLIENT A SET FEE OR A PERCENTAGE OF MONEY RECOVERED IN A CASE.
706 YOU, THE CLIENT, HAVE THE RIGHT TO TALK WITH YOUR APPRAISER
707 ABOUT THE PROPOSED FEE AND TO BARGAIN ABOUT THE RATE OR
708 PERCENTAGE AS IN ANY OTHER CONTRACT. IF YOU DO NOT REACH AN
709 AGREEMENT WITH ONE APPRAISER YOU MAY TALK WITH OTHER
710 APPRAISERS."

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711 Section 27. Part XIV of chapter 626, Florida Statutes,
712 consisting of sections 626.9961 through 626.9968, is created to
713 read:

714 PART XIV

715 PROPERTY INSURANCE APPRAISAL UMPIRES

716 626.9961 Short title.—This part may be referred to as the
717 "Property Insurance Appraisal Umpire Law."

718 626.9962 Legislative purpose.—The Legislature finds it
719 necessary to regulate persons that hold themselves out to the
720 public as qualified to provide services as property insurance
721 appraisal umpires in order to protect the public safety and
722 welfare and to avoid economic injury to the residents of this
723 state.

724 (2) This part applies only to property insurance appraisal
725 umpires as defined in this part.

726 626.9963 Part supplements licensing law.—This part is
727 supplementary to part I, the "Licensing Procedures Law."

728 626.9964 Definitions.—As used in this part, the term:

729 (1) "Appraisal" means a process of alternative dispute
730 resolution used in a personal residential or commercial
731 residential property insurance claim.

732 (2) "Competent" means sufficiently qualified and capable
733 of performing an appraisal.

734 (3) "Department" means the Department of Financial
735 Services.

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736 (4) "Property insurance appraisal umpire" or "umpire"
737 means a person selected by the appraisers representing the
738 insurer and the insured, or, if the appraisers cannot agree, by
739 the court, who is charged with resolving issues that the
740 appraisers are unable to agree upon during the course of an
741 appraisal.

742 (5) "Property insurance appraiser" or "appraiser" means
743 the person selected by an insurer or insured to perform an
744 appraisal.

745 626.9965 Qualification for license as an umpire.-

746 (1) The department shall issue a license as an umpire to a
747 person who meets the requirements of subsection (2) and is one
748 of the following:

749 (a) A retired county, circuit, or appellate judge.

750 (b) Licensed as an engineer pursuant to chapter 471 or is
751 a retired professional engineer as defined in s. 471.005.

752 (c) Licensed as a general contractor, building contractor,
753 or residential contractor pursuant to part I of chapter 489.

754 (d) Licensed or registered as an architect to engage in
755 the practice of architecture pursuant to part I of chapter 481.

756 (e) A member of The Florida Bar.

757 (f) Licensed as an adjuster pursuant to part VI of chapter
758 626, which license includes the property and casualty lines of
759 insurance. An adjuster must have been licensed for at least 5
760 years as an adjuster before he or she may be licensed as an
761 umpire.

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762 (2) An applicant may be licensed to practice in this state
763 as an umpire if the applicant:

764 (a) Is a natural person at least 18 years of age;

765 (b) Is a United States citizen or legal alien who
766 possesses work authorization from the United States Bureau of
767 Citizenship and Immigration;

768 (c) Is of good moral character;

769 (d) Has paid the applicable fees specified in s. 624.501;

770 and

771 (e) Has, prior to the date of the application for
772 licensure, satisfactorily completed education courses approved
773 by the department covering:

774 1. Insurance claims estimating; and

775 2. Insurance law, ethics for insurance professionals,
776 disciplinary trends, and case studies.

777 (3) The department may not reject an application solely
778 because the applicant is or is not a member of a given appraisal
779 organization.

780 626.9966 Grounds for refusal, suspension, or revocation of
781 an umpire license or appointment.—The department may deny an
782 application for license or appointment under this part; suspend,
783 revoke, or refuse to renew or continue a license or appointment
784 of an umpire; or suspend or revoke eligibility for licensure or
785 appointment as an umpire if the department finds that one or
786 more of the following applicable grounds exist:

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787 (1) Violating a duty imposed upon him or her by law or by
788 the terms of the umpire agreement; aiding, assisting, or
789 conspiring with any other person engaged in any such misconduct
790 and in furtherance thereof; or forming the intent, design, or
791 scheme to engage in such misconduct and committing an overt act
792 in furtherance of such intent, design, or scheme. An umpire
793 commits a violation of this part regardless of whether the
794 victim or intended victim of the misconduct has sustained any
795 damage or loss; the damage or loss has been settled and paid
796 after the discovery of misconduct; or the victim or intended
797 victim is an insurer or customer or a person in a confidential
798 relationship with the umpire or is an identified member of the
799 general public.

800 (2) Having a registration, license, or certification to
801 practice or conduct any regulated profession, business, or
802 vocation revoked, suspended, or encumbered; or having an
803 application for such registration, licensure, or certification
804 to practice or conduct any regulated profession, business, or
805 vocation denied, by this or any other state, any nation, or any
806 possession or district of the United States.

807 (3) Making or filing a report or record, written or oral,
808 which the umpire knows to be false; willfully failing to file a
809 report or record required by state or federal law; willfully
810 impeding or obstructing such filing; or inducing another person
811 to impede or obstruct such filing.

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812 (4) Agreeing to serve as an umpire if service is
813 contingent upon the umpire reporting a predetermined amount,
814 analysis, or opinion.

815 (5) Agreeing to serve as an umpire, if the fee to be paid
816 for his or her services is contingent upon the opinion,
817 conclusion, or valuation he or she reaches.

818 (6) Failure of an umpire, without good cause, to
819 communicate within 10 business days of a request for
820 communication from an appraiser.

821 (7) Violation of any ethical standard for umpires
822 specified in s. 626.9967.

823 626.9967 Ethical standards for umpires.—

824 (1) CONFIDENTIALITY.—

825 (a) Unless disclosure is otherwise required by law, an
826 umpire shall maintain confidentiality of all information
827 revealed during an appraisal.

828 (b) An umpire shall maintain confidentiality in the
829 storage and disposal of records and may not disclose any
830 identifying information if materials are used in research,
831 training, or statistical compilations.

832 (2) FEES AND EXPENSES.—

833 (a) The fees charged by an umpire must be reasonable and
834 consistent with the nature of the case.

835 (b) In determining fees, an umpire:

836 1. Must charge on an hourly basis and may bill only for
837 actual time spent on or allocated for the appraisal.

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838 2. May not charge, agree to, or accept as compensation or
839 reimbursement any payment, commission, or fee that is based on a
840 percentage of the value of the claim or that is contingent upon
841 a specified outcome.

842 3. May charge for costs actually incurred, and no other
843 costs.

844 (c) The appraisers may assign the duty to pay the umpire's
845 fee to, and the umpire is entitled to receive payment directly
846 from, the insurer and the insured if the insurer and the insured
847 have acknowledged and accepted the duty and agreed in writing to
848 be responsible for payment.

849 (3) MAINTENANCE OF RECORDS.—An umpire shall maintain
850 records necessary to support charges for services and expenses,
851 and, upon request, shall provide an accounting of all applicable
852 charges to the insurer and insured. An umpire shall retain
853 original or true copies of any contracts engaging his or her
854 services, appraisal reports, and supporting data assembled and
855 formulated by the umpire in preparing appraisal reports for at
856 least 5 years. The umpire shall make the records available to
857 the department for inspection and copying within 7 business days
858 of a request. If an appraisal has been the subject of, or has
859 been admitted as evidence in, a lawsuit, reports and records
860 related to the appraisal must be retained for at least 2 years
861 after the date that the trial ends.

862 (4) ADVERTISING.—An umpire may not engage in marketing
863 practices that contain false or misleading information. An

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864 umpire shall ensure that any advertisement of his or her
865 qualifications, services to be rendered, or the appraisal
866 process are accurate and honest. An umpire may not make claims
867 of achieving specific outcomes or promises implying favoritism
868 for the purpose of obtaining business.

869 (5) INTEGRITY AND IMPARTIALITY.-

870 (a)1. An umpire may not accept an appraisal unless he or
871 she can serve competently, promptly commence the appraisal and,
872 thereafter, devote the time and attention to its completion in
873 the manner expected by all persons involved in the appraisal.

874 2. An umpire shall conduct the appraisal process in a
875 manner that advances the fair and efficient resolution of issues
876 that arise.

877 3. An umpire shall deliberate and decide all issues within
878 the scope of the appraisal, but may not render a decision on any
879 other issues. An umpire shall decide all matters justly,
880 exercising independent judgment. An umpire may not delegate his
881 or her duties to any other person. An umpire who considers the
882 opinion of an independent expert does not violate this
883 paragraph.

884 (b) An umpire may not engage in any business, provide any
885 service, or perform any act that would compromise his or her
886 integrity or impartiality.

887 (6) SKILL AND EXPERIENCE.-An umpire shall decline or
888 withdraw from an appraisal or request appropriate assistance

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889 when the facts and circumstances of the appraisal prove to be
890 beyond his or her skill or experience.

891 (7) GIFTS AND SOLICITATION.— An umpire or any individual
892 or entity acting on behalf of an umpire may not solicit, accept,
893 give, or offer to give, directly or indirectly, any gift, favor,
894 loan, or other item of value in excess of \$25 to any individual
895 who participates in the appraisal, for the purpose of
896 solicitation or otherwise attempting to procure future work from
897 any person who participates in the appraisal, or as an
898 inducement to entering into an appraisal with an umpire. This
899 does not prevent an umpire from accepting other appraisals where
900 the appraisers agree to the umpire or the court appoints the
901 umpire.

902 626.9968 Conflicts of interest.—An insurer may challenge
903 an umpire's impartiality and disqualify the proposed umpire only
904 if:

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

907 (2) The umpire has previously represented a party in a
908 professional capacity in the same claim or matter involving the
909 same property;

910 (3) The umpire has represented another person in a
911 professional capacity on the same or a substantially related
912 matter that includes the claim, the same property or an adjacent
913 property, and the other person's interests are materially
914 adverse to the interests of a party; or

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

917 Section 28. Section 627.70151 is repealed.

918 Section 29. For the 2016-2017 fiscal year, the sums of
919 \$24,000 in recurring funds from the Insurance Regulatory Trust
920 Fund and \$73,107 in recurring funds and \$39,230 in nonrecurring
921 funds from the Administrative Trust Fund are appropriated to the
922 Department of Financial Services, and one full-time equivalent
923 position with associated salary rate of 47,291 are authorized,
924 for the purpose of implementing this act.

925 Section 30. This act shall take effect October 1, 2016.
926 and applies to all appraisals requested on or after that date.

927

928 -----

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

930 Remove everything before the enacting clause and insert:
931 An act relating to property insurance appraisers and property
932 insurance appraisal umpires; amending s. 624.04, F.S.; revising
933 the definition of the term "person"; amending s. 624.303, F.S.;
934 exempting certificates issued to property insurance appraisal
935 umpires from the requirement to bear a seal of the Department of
936 Financial Services; amending s. 624.311, F.S.; providing a
937 schedule for destruction of property insurance appraisal umpire
938 licensing files and records; amending s. 624.317, F.S.;

939 authorizing the department to investigate property insurance
940 appraisal umpires for violations of the insurance code; amending

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 79 (2016)

Amendment No. 1

941 s. 624.501, F.S.; authorizing specified licensing fees for
942 property insurance appraisal umpires; amending s. 624.523, F.S.;
943 requiring fees associated with property insurance appraisal
944 umpires' appointments to be deposited into the Insurance
945 Regulatory Trust Fund; amending s. 626.015, F.S.; providing a
946 definition; amending s. 626.016, F.S.; revising the scope of the
947 Chief Financial Officer's powers and duties and the department's
948 enforcement jurisdiction to include umpires; amending s.
949 626.022, F.S.; including umpire licensing in the scope of part I
950 of chapter 626, F.S., relating to licensing procedures; amending
951 s. 626.112, F.S.; requiring licensure as an umpire, or licensing
952 as an adjuster when serving as an appraiser; amending s.
953 626.171, F.S.; requiring applicants for licensure as an umpire
954 to submit fingerprints to the department; requiring disclosure
955 on the application of discipline against a professional license
956 amending s. 626.207, F.S.; excluding applicants for licensure as
957 umpires from application of s. 112.011, F.S., relating to
958 disqualification from license or public employment; amending s.
959 626.2815, F.S.; requiring specified continuing education for
960 licensure as an umpire; amending s. 626.451, F.S.; providing
961 requirements relating to the appointment of an umpire; amending
962 s. 626.461, F.S.; providing that an umpire appointment continues
963 in effect, subject to renewal or earlier written notice of
964 termination, until the person's license is revoked or otherwise
965 terminated; amending s. 626.521, F.S.; authorizing the
966 department to obtain a credit and character report for certain

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 79 (2016)

Amendment No. 1

967 umpire applicants; amending s. 626.541, F.S.; requiring an
968 umpire to provide certain information to the department when
969 doing business under a different business name or when
970 information in the licensure application changes; amending s.
971 626.601, F.S.; authorizing the department to investigate
972 improper conduct of any licensed umpire; amending s. 626.611,
973 F.S.; requiring the department to refuse, suspend, or revoke an
974 umpire's license under certain circumstances; amending s.
975 626.621, F.S.; authorizing the department to refuse, suspend, or
976 revoke an umpire's license under certain circumstances; amending
977 s. 626.641, F.S.; prohibiting an umpire from owning,
978 controlling, or being employed by other licensees during the
979 period the umpire's license is suspended or revoked; amending
980 ss. 626.7845, 626.8305, and 626.8411, F.S.; conforming
981 provisions to changes made by the act; amending s. 626.8443,
982 F.S.; prohibiting a title insurance agent from owning,
983 controlling, or being employed by an umpire during the period
984 the agent's license is suspended or revoked; amending s.
985 626.854, F.S.; providing limitations on fees charged by a public
986 adjuster during an appraisal; creating s. 626.8791, F.S.;
987 establishing required notice in a contract for appraisal
988 services; creating part XIV of chapter 626, F.S., relating to
989 umpires; creating s. 626.9961, F.S.; providing a short title;
990 creating s. 626.9962, F.S.; providing legislative purpose;
991 creating s. 626.9963, F.S.; providing that the part supplements
992 part I of chapter 626, F.S., the "Licensing Procedure Law;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 79 (2016)

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993 creating s. 626.9964, F.S.; providing definitions; creating s.
994 626.9965, F.S.; providing qualifications for license as an
995 umpire; creating s. 626.9966, F.S.; authorizing the department
996 to refuse, suspend, or revoke an umpire's license under certain
997 circumstances; creating s. 626.9967, F.S.; providing ethical
998 standards; creating s. 626.9968, F.S.; providing for
999 disqualification of an umpire under certain circumstances;
1000 repealing s. 627.70151, F.S.; providing for disqualification of
1001 an umpire under certain circumstances; providing an
1002 appropriation and authorizing positions; providing an effective
1003 date.

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