

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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

3

4 **Amendment (with title amendment)**

5 Remove lines 708-932 and insert:

6 Section 22. Paragraph (b) of subsection (3) of section  
 7 626.207, Florida Statutes, is amended to read:

8 626.207 Disqualification of applicants and licensees;  
 9 penalties against licensees; rulemaking authority.-

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

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

16 Notwithstanding subsection (4), an applicant who served at least

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17 half of the disqualifying period may reapply for a license if,  
18 during that time, the applicant has not been found guilty of or  
19 has not pleaded guilty or nolo contendere to a crime. The  
20 department may issue the applicant a license on a probationary  
21 basis for the remainder of the disqualifying period. The  
22 applicant's probationary period ends at the end of the  
23 disqualifying period.

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

26 626.471 Termination of appointment.—

27 (1) Subject to an appointee's contract rights, an appointing  
28 entity may terminate its appointment of any appointee at any  
29 time. Except when termination is upon a ground that ~~which~~ would  
30 subject the appointee to suspension or revocation of his or her  
31 license and appointment under s. 626.611 or s. 626.621, and  
32 except as provided by contract between the appointing entity and  
33 the appointee, the appointing entity shall give at least 60  
34 days' advance written notice of its intention to terminate such  
35 appointment to the appointee, ~~either~~ by delivery thereof to the  
36 appointee in person, ~~or~~ by mailing it, postage prepaid, or by e-  
37 mail. If delivery is by mail or e-mail, the notice must be  
38 addressed to the appointee at his or her last mailing or e-mail  
39 address of record with the appointing entity. Notice ~~is~~ ~~so~~  
40 mailed shall be deemed to have been given when deposited in a

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41 United States Postal Service mail depository or when the e-mail  
42 is sent, as applicable.

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

45 626.536 Reporting of administrative actions.—Within 30  
46 days after the final disposition of an administrative action  
47 taken against a licensee ~~or insurance agency~~ by a governmental  
48 agency or other regulatory agency in this or any other state or  
49 jurisdiction relating to the business of insurance, the sale of  
50 securities, or activity involving fraud, dishonesty,  
51 trustworthiness, or breach of a fiduciary duty, the licensee ~~or~~  
52 ~~insurance agency~~ must submit a copy of the order, consent to  
53 order, or other relevant legal documents to the department. The  
54 department may adopt rules to administer this section.

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

57 626.6215 Grounds for discretionary refusal, suspension, or  
58 revocation of insurance agency license.—The department may, in  
59 its discretion, deny, suspend, revoke, or refuse to continue the  
60 license of any insurance agency if it finds, as to any insurance  
61 agency or as to any majority owner, partner, manager, director,  
62 officer, or other person who manages or controls such insurance  
63 agency, that any one or more of the following applicable grounds  
64 exist:

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65        (7) A denial, suspension, or revocation of, or any other  
66 adverse administrative action against, a license to practice or  
67 conduct any regulated profession, business, or vocation by this  
68 state, any other state, any nation, any possession or district  
69 of the United States, any court, or any lawful agency thereof.

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

72        626.729 "Industrial fire insurance" defined.—As used in  
73 ~~For the purposes of this code, the term~~ "industrial fire  
74 insurance" means: is

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

78        (2) Windstorm insurance;

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

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

83        (5) Burglary insurance, under which the premiums are  
84 collected quarterly or more often and the face amount of the  
85 insurance provided by the policy on one risk is not more than  
86 \$50,000, including the contents of such buildings and other  
87 structures, ~~and the insurer issuing such policy is operating~~  
88 ~~under a system of collecting a debit by its agents. A temporary~~  
89 ~~license for an industrial fire or burglary agent issued pursuant~~

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90 | ~~to s. 626.175 shall be solely for the purpose of collecting~~  
91 | ~~premiums and servicing in force policies, and such licensee~~  
92 | ~~shall not directly or indirectly solicit, negotiate, or effect~~  
93 | ~~contracts of insurance.~~

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

96 | 626.8437 Grounds for denial, suspension, revocation, or  
97 | refusal to renew license or appointment.—The department shall  
98 | deny, suspend, revoke, or refuse to renew or continue the  
99 | license or appointment of any title insurance agent or agency,  
100 | and it shall suspend or revoke the eligibility to hold a license  
101 | or appointment of such person, if it finds that as to the  
102 | applicant, licensee, appointee, or any principal thereof, any  
103 | one or more of the following grounds exist:

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

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

110 | 626.844 Grounds for discretionary refusal, suspension, or  
111 | revocation of license or appointment.—The department may, in its  
112 | discretion, deny, suspend, revoke, or refuse to renew or  
113 | continue the license or appointment of any title insurance agent  
114 | or agency, and it may suspend or revoke the eligibility to hold

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

121 (2) Violation of any provision of the Florida Insurance  
122 Code ~~this act~~ in the course of dealing under the license or  
123 appointment.

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

127 626.8732 Nonresident public adjuster's qualifications,  
128 bond.—

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

133 (e) Has been licensed and employed as a public adjuster in  
134 the applicant's state of residence on a continual basis for the  
135 past 6 months ~~year~~, or, if the applicant's state of residence  
136 does not issue licenses to individuals who act as public  
137 adjusters, the applicant has been licensed and employed as a  
138 resident insurance company adjuster, a public adjuster, or an

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139 independent adjuster in his or her state of residence or any  
140 other state on a continual basis for the past 6 months ~~year~~.

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

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

156 (c) If the applicant's state of residence does not require  
157 licensure as a public adjuster and the applicant has been  
158 licensed as a resident insurance adjuster in his or her state of  
159 residence or any other state, a certificate or letter of  
160 authorization from the licensing authority stating that the  
161 applicant holds or has held a license to act as such an  
162 insurance adjuster and has held the license continuously for the  
163 past 6 months ~~year~~. The certificate or letter of authorization

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164 must be signed by the insurance commissioner or his or her  
165 deputy or the appropriate licensing official and must disclose  
166 whether or not the adjuster has ever had any license or  
167 eligibility to hold any license declined, denied, suspended,  
168 revoked, or placed on probation or whether an administrative  
169 fine or penalty has been levied against the adjuster and, if so,  
170 the reason for the action.

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

173 633.216 Inspection of buildings and equipment; orders;  
174 firesafety inspection training requirements; certification;  
175 disciplinary action.—The State Fire Marshal and her or his  
176 agents or persons authorized to enforce laws and rules of the  
177 State Fire Marshal shall, at any reasonable hour, when the State  
178 Fire Marshal has reasonable cause to believe that a violation of  
179 this chapter or s. 509.215, or a rule adopted thereunder, or a  
180 minimum firesafety code adopted by the State Fire Marshal or a  
181 local authority, may exist, inspect any and all buildings and  
182 structures which are subject to the requirements of this chapter  
183 or s. 509.215 and rules adopted thereunder. The authority to  
184 inspect shall extend to all equipment, vehicles, and chemicals  
185 which are located on or within the premises of any such building  
186 or structure.

187 (1) Each county, municipality, and special district that  
188 has firesafety enforcement responsibilities shall employ or



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189 contract with a firesafety inspector. Except as provided in s.  
190 633.312(2), ~~and (3), and (4),~~ the firesafety inspector must  
191 conduct all firesafety inspections that are required by law. The  
192 governing body of a county, municipality, or special district  
193 that has firesafety enforcement responsibilities may provide a  
194 schedule of fees to pay only the costs of inspections conducted  
195 pursuant to this subsection and related administrative expenses.  
196 Two or more counties, municipalities, or special districts that  
197 have firesafety enforcement responsibilities may jointly employ  
198 or contract with a firesafety inspector.

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

201 627.7015 Alternative procedure for resolution of disputed  
202 property insurance claims.—

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

212 (b) At the conclusion of the mediation, the mediator shall  
213 provide a written report of the results of mediation, including

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214 any settlement amount, to the insurer, the policyholder, and the  
215 policyholder's representative if the policyholder is represented  
216 at the mediation.

217 Section 32. Subsection (1) of section 648.49, Florida  
218 Statutes, is amended to read:

219 648.49 Duration of suspension or revocation.—

220 (1) The department shall, in its order suspending a  
221 license or appointment or in its order suspending the  
222 eligibility of a person to hold or apply for a license or  
223 appointment, specify the period during which the suspension is  
224 to be in effect, but such period may not exceed 2 years. The  
225 license, ~~or~~ appointment, or and eligibility to hold or apply for  
226 a license or appointment remains ~~shall remain~~ suspended during  
227 the period so specified, subject, however, to any rescission or  
228 modification of the order by the department, or modification or  
229 reversal thereof by the court, before the ~~prior to~~ expiration of  
230 the suspension period. A license or appointment that ~~which~~ has  
231 been suspended may not be reinstated, nor shall the eligibility  
232 to hold such license or appointment be reinstated, except upon  
233 the filing and approval of an application ~~request~~ for such  
234 reinstatement, but the department may not approve an application  
235 for ~~grant~~ such reinstatement if it finds that the circumstances  
236 for which the license or appointment was suspended still exist  
237 or are likely to recur. In each case involving suspension, the  
238 department has the discretion to require the former licensee to

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239 | successfully complete a basic certification course in the  
240 | criminal justice system, consisting of not less than 80 hours  
241 | approved by the department.

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

246 |       717.124 Unclaimed property claims.—

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

258 | -----

259 |                   **T I T L E   A M E N D M E N T**

260 |       Remove lines 53-71 and insert:  
261 | beginning on a specified date; amending s. 626.207, F.S.;  
262 | allowing disqualified persons meeting specified requirements to  
263 | apply for relicensure; amending s. 626.471, F.S.; revising the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1393 (2019)

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264 method of delivery of certain notice; amending s. 626.536, F.S.;  
265 deleting provisions relating to reporting administrative actions  
266 taken against an insurance agency; amending s. 626.6215, F.S.;  
267 providing additional grounds for which the department may take  
268 specified action against the license of an insurance agency;  
269 amending s. 626.729, F.S.; redefining the term "industrial fire  
270 insurance"; amending ss. 626.8437 and 626.844, F.S.; specifying  
271 grounds for certain administrative actions against licenses or  
272 appointments of specified insurance agents or agencies; amending  
273 s. 626.8732, F.S.; revising the requirements for nonresident  
274 public adjuster's licenses; amending s. 633.216, F.S.;  
275 conforming a cross-reference; amending s. 627.7015, F.S.;  
276 requiring mediators to report mediation settlements and  
277 settlement amounts to all parties at the close of mediation;  
278 amending s. 648.49, F.S.; requiring the