

Pennington  
Moore  
Wilkinson  
Bell &  
Dunbar P.A.  
ATTORNEYS AT LAW



# INSURANCE RULE UPDATES

**FLORIDA ADMINISTRATIVE  
WEEKLY**

*Volume 37, Number 49, December 9, 2011*

## Notice of Development of Rulemaking

### DEPARTMENT OF FINANCIAL SERVICES Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:

[69B-211.041](#): Definitions

[69B-211.042](#): Effect of Law Enforcement Records on Applications for Licensure

PURPOSE AND EFFECT: In the 2011 Legislative Session, Section 626.207, F.S., was amended to change the way that the criminal history of an applicant affects an application for insurance agent licensure. This rule amendment conforms the Department's rule to the revised statute. In Rule 69B-211.041, F.A.C., several definitions are deleted because they are no longer needed based on the rewrite to Rule 69B-211.042, F.A.C. Other definitions are revised to provide simplicity and clarity. Rule 69B-211.042, F.A.C., is amended to delete language that is inconsistent with Section 626.207, F.S. as amended. Subsection (1) establishes the process for submission of documentation related to the applicant's law enforcement record. Subsection (2) addresses the effect of failure to fully disclose a Law Enforcement Record. Subsection (3) establishes disqualification periods based on the nature of the crime in a record. Subsection (4) provides increased disqualification periods where an applicant has a record of multiple crimes. Subsection (5) identifies mitigating factors used to reduce disqualifying periods. Subsection (6) identifies aggravating factors used to increase disqualification periods. Subsection (7) prohibits collateral attack of criminal proceedings. Subsection (8) provides that the pendency of a criminal appeal does not affect the consideration of a criminal record for licensure. Subsection (9) provides that the Department will not grant a license to a person in a pre-trial intervention program. Subsection (10) addresses the effect of sealing or expunging of criminal records. Subsection (11) addresses the effect of a pardon. Subsection (12) clarifies the effect of varying terminology found in the law enforcement record documentation. Subsection (13) prohibits licensure of applicants imprisoned, under arrest, in custody, under supervision, or serving a sentence. Subsection (14) provides that passage of a disqualification period does not create an entitlement to a license. Subsection (15) addresses how foreign law enforcement records affect a licensure application. The existing crime classification system is being removed to conform to revisions to Section 626.207, F.S.

SUBJECT AREA TO BE ADDRESSED: The effect of law enforcement records on insurance agent licensure.

RULEMAKING AUTHORITY: [624.308](#), [626.207 FS](#).

LAW IMPLEMENTED: [112.011](#), [624.307\(1\)](#), [626.161](#), [626.171](#), [626.201](#), [626.207](#), [626.211](#), [626.291](#), [626.601](#), [626.611\(7\)](#), (14), [626.621\(8\)](#), [626.631](#), [626.641 FS](#).

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, January 10, 2012, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly Brown, (850)413-5460 or [Kimberly.Brown@myfloridacfo.com](mailto:Kimberly.Brown@myfloridacfo.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kimberly Brown, Assistant Chief, Bureau of Agent & Agency Licensing, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 419B, Larson Building, Tallahassee, FL 32399-0320, (850)413-5460 or Kimberly.Brown@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

---

Notice of Meeting/Workshop Hearing

[OTHER AGENCIES AND ORGANIZATIONS](#)

[Citizens Property Insurance Corporation](#)

The Citizens Property Insurance announces a public meeting to which all persons are invited.

DATE AND TIME: December 13, 2011, 4:00 p.m. (EDT)

PLACE: The Peabody Hotel, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Investment Committee Meeting.

A copy of the agenda may be obtained by contacting: Citizens Property Insurance Corporation announces a Finance and Investment Committee Meeting to begin at 4:00 pm (EDT) on Tuesday, December 13, 2011 being held at the Peabody Hotel, 9801 International Drive, Orlando, FL. Item of discussion include, Overview of Investment Portfolio.

For additional information, please call: Jill Stafford at 1(800)807-7647 or visit our website: [www.citizensfla.com](http://www.citizensfla.com).

Jill Stafford at 1(800)807-7647.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jill Stafford at 1(800)807-7647. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

---

Notice of Meeting/Workshop Hearing

[OTHER AGENCIES AND ORGANIZATIONS](#)

[Citizens Property Insurance Corporation](#)

The Audit Committee of the Citizens Property Insurance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday December 13, 2011, 5:15 p.m.

PLACE: The Peabody Hotel, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: but not limited to: the 2012 Audit Plan.

A copy of the agenda may be obtained by contacting: Betty Veal at (904)407-0440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5

days before the workshop/meeting by contacting: Betty Veal at (904)407-0440. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Betty Veal at (904)407-0440.

---