

SB 438 by **Bennett**; (Similar to CS/H 0275) Consumer Finance Charges

SB 676 by **Smith**; (Identical to H 0307) Workers' Compensation Certificate-of-exemption Process

SB 938 by **Richter**; (Identical to H 0725) Insurance Agents and Adjusters

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

BANKING AND INSURANCE
Senator Richter, Chair
Senator Smith, Vice Chair

MEETING DATE: Monday, January 9, 2012
TIME: 3:15 —5:15 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Richter, Chair; Senator Smith, Vice Chair; Senators Alexander, Bennett, Fasano, Gaetz, Hays, Margolis, Negron, Oelrich, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 438 Bennett (Similar CS/H 275)	Consumer Finance Charges; Increasing the proportionate loan amounts that are subject to descending maximum rates of interest; increasing the maximum delinquency charge that may be imposed for each loan payment in default for not less than a specified time; revising the maximum amount that a lender may impose as a service charge on a borrower who gives the lender a bad check in full or partial payment of a loan, etc. BI 01/09/2012 Favorable CM BC	Favorable Yeas 8 Nays 0
2	SB 676 Smith (Identical H 307)	Workers' Compensation Certificate-of-exemption Process; Revising requirements relating to election of exemption from coverage to include applicability to members of limited liability companies; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption, etc. BI 01/09/2012 Favorable CM BC	Favorable Yeas 9 Nays 0
3	SB 938 Richter (Identical H 725, Compare H 643, H 4147, S 1404, S 1694)	Insurance Agents and Adjusters; Deleting a requirement that an insurer pay an agent tax for each county in which an agent represents the insurer and has a place of business; revising the definitions of "adjuster" and "home state"; revising provisions relating to who may bind insurance coverage; revising provisions relating to continuing education requirements; providing that persons on active military duty may seek a waiver; revising provisions relating to the purpose of the general lines and personal lines license and certain requirements related to general lines and personal lines agents; requiring persons transacting mortgage guaranty insurance to be licensed and appointed as a credit insurance agent, etc. BI 01/09/2012 Fav/CS BC	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Banking and Insurance

Monday, January 9, 2012, 3:15 —5:15 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other related materials		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Banking and Insurance Committee

BILL: SB 438

INTRODUCER: Senator Bennett

SUBJECT: Consumer Finance Charges

DATE: January 9, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matiyow	Burgess	BI	Favorable
2.			CM	
3.			BC	
4.				
5.				
6.				

I. Summary:

Chapter 516, F.S., the Florida Consumer Finance Act (Act), defines “consumer finance loan” as a loan of money, credit, goods, or provision of a line of credit, in an amount or to a value of \$25,000 or less at an interest rate greater than 18 percent per annum. The allowable interest rates on consumer finance loans are tiered and limited based on the principal amount that falls within each tier of the loan. As the principal amount increases, the allowable interest rate decreases, as follows:

- \$1 - \$2,000 principal, up to 30 percent allowable interest;
- \$2,001 - \$3,000 principal, up to 24 percent allowable interest;
- \$3,001 - \$25,000 principal, up to 18 percent allowable interest.

The bill increases by \$1,000 the principal amount that would be subject to the maximum amount of interest that is allowed to be charged within each tier. The bill increases from \$10 to \$15, the maximum amount that can be charged to a borrower for making a payment that is in default for at least 10 days.

The bill conforms to the fees that can be charged for worthless checks to the amounts permissible under s. 68.065, F.S.

This bill substantially amends the following sections of the Florida Statutes: 516.031 and 516.19.

II. Present Situation:

Under ch. 516, F.S., the Florida Consumer Finance Act (Act), the Office of Financial Regulation (OFR) licenses entities that issue consumer finance loans.¹ The license fees under the Act are \$625 for the initial application, plus a \$200 investigation fee, and \$625 for a renewal. A license is valid for not more than two (2) years. Under the requirements a licensee must maintain evidence of liquid assets of at least \$25,000. The OFR is authorized to examine and investigate any licensee, and take disciplinary actions against licensees violating the Act. At present the Office of Financial Regulation licenses approximately 301 consumer finance lenders in Florida.²

Under the Act, interest rates on consumer finance loans are tiered and limited based on the principal amount subject to each tier of the loan.

- For principal amounts up to \$2,000, maximum interest rate of 30 percent per annum;
- For principal amounts between \$2,001 and \$3000, maximum interest rate of 24 percent per annum;
- For principal amounts between \$3,001 and \$25,000, maximum interest rate of 18 percent per annum.³

The principal amounts upon which interest rates are computed were last addressed by the Legislature in 1997.⁴

Additionally, the Act allows a lender to charge a delinquency fee of up to \$10 for each payment that is in default for at least 10 days. Under the Act the delinquency fee must first be agreed upon in writing by both parties.⁵ The delinquency fee was last addressed by the Legislature in 2000.⁶

Under the Act, lenders are also permitted to impose a bad check charge of no more than \$20, or the actual fee charged to the lender by a depository institution for the return of the unpaid or dishonored instrument.⁷ The last time the bad check fee was addressed by the Legislature was in 1994.⁸

III. Effect of Proposed Changes:

The bill increases by \$1,000 the principal amount that would be subject to the maximum amount of interest that is allowed to be charged for each tier.

¹ Section 516.01(2) defines “consumer finance loan” as a loan of money, credit, goods, or provision of a line of credit, in an amount or to a value of \$25,000 or less at an interest rate greater than 18 percent per annum.

² Office of Financial Regulation Analysis of HB 275 dated November 7, 2011, on file.

³ Section 516.031(1), F.S.

⁴ Section 1, ch. 97-181, L.O.F.

⁵ Section 516.031(3)(a)9., F.S.

⁶ Section 1, ch. 2000-127, L.O.F.

⁷ Section 516.031(3)(b), F.S.

⁸ s. 1, ch. 94-108, L.O.F.

Proposed Change	Current Law
\$1 - \$3,000 at up to 30 percent interest	\$1 - \$2,000 at up to 30 percent interest
\$3,001 - \$4,000 at up to 24 percent interest	\$2,001 - \$3,000 at up to 24 percent interest
\$4,001 - \$25,000 at up to 18 percent interest	\$3,001 - \$25,000 at up to 18 percent interest

Under the proposed change, consumers who borrow could be subject to an additional 6 percent of annual interest on up to \$1,000 on monies borrowed above \$2,000 and another 6 percent of annual interest on up to \$1,000 on monies borrowed above \$3,000.

The bill increases from \$10 to \$15, the maximum amount that can be charged for a payment in default for at least 10 days, and keeps the requirement that both parties must first agree in writing to the delinquency fee.

The bill increases the maximum permissible bad check charge and places it on a sliding scale consistent with existing maximum worthless check service charges applicable in civil actions⁹ and in the state attorney bad check diversion program.¹⁰ The new bad check charge will be: \$25, if the face value does not exceed \$50; \$30, if the face value exceeds \$50 but does not exceed \$300; \$40, if the face value exceeds \$300; or, 5 percent of the face amount of the check, whichever is greater.

The bill takes effect July 1, 2012.

Other Potential Implications:

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁹ s. 68.065(2), F.S.

¹⁰ s. 832.08(5), F.S.

B. Private Sector Impact:

Consumers who borrow could be subject to an additional 6 percent of annual interest on up to \$1,000 on monies borrowed above \$2,000 and another 6 percent of annual interest on up to \$1,000 on monies borrowed above \$3,000.

Borrowers who default on a payment could be subject to an additional \$5 in charges for each defaulted payment.

Borrowers who issue worthless checks as payment to a lender could be subject to additional fees consistent with existing maximum worthless check service charges: \$25, if the face value does not exceed \$50; \$30, if the face value exceeds \$50 but does not exceed \$300; \$40, if the face value exceeds \$300; or, 5 percent of the face amount of the check, whichever is greater.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bennett

21-00422A-12

2012438__

1 A bill to be entitled
 2 An act relating to consumer finance charges; amending
 3 s. 516.031, F.S.; increasing the proportionate loan
 4 amounts that are subject to descending maximum rates
 5 of interest; increasing the maximum delinquency charge
 6 that may be imposed for each loan payment in default
 7 for not less than a specified time; revising the
 8 maximum amount that a lender may impose as a service
 9 charge on a borrower who gives the lender a bad check
 10 in full or partial payment of a loan; reenacting and
 11 amending s. 516.19, F.S., relating to penalties, for
 12 the purpose of incorporating the amendment made to s.
 13 516.031, F.S., in a reference thereto; providing
 14 penalties; providing an effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Subsections (1) and (3) of section 516.031,
 19 Florida Statutes, are amended to read:
 20 516.031 Finance charge; maximum rates.—
 21 (1) INTEREST RATES.—Every licensee may lend any sum of
 22 money not exceeding \$25,000. A licensee may not take a security
 23 interest secured by land on any loan less than \$1,000. The
 24 licensee may charge, contract for, and receive thereon interest
 25 charges as provided and authorized by this section. The maximum
 26 interest rate shall be 30 percent per annum, computed on the
 27 first \$3,000 ~~\$2,000~~ of the principal amount as computed from
 28 time to time; 24 percent per annum on that part of the principal
 29 amount as computed from time to time exceeding \$3,000 ~~\$2,000~~ and

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

21-00422A-12

2012438__

30 not exceeding \$4,000 ~~\$3,000~~; and 18 percent per annum on that
 31 part of the principal amount as computed from time to time
 32 exceeding \$4,000 ~~\$3,000~~ and not exceeding \$25,000. The original
 33 principal amount as used in this section shall be the same
 34 amount as the amount financed as defined by the federal Truth in
 35 Lending Act and Regulation Z of the Board of Governors of the
 36 Federal Reserve System. In determining compliance with the
 37 statutory maximum interest and finance charges set forth herein,
 38 the computations utilized shall be simple interest and not add-
 39 on interest or any other computations. When two or more interest
 40 rates are to be applied to the principal amount of a loan, the
 41 licensee may charge, contract for, and receive interest at that
 42 single annual percentage rate which if applied according to the
 43 actuarial method to each of the scheduled periodic balances of
 44 principal would produce at maturity the same total amount of
 45 interest as would result from the application of the two or more
 46 rates otherwise permitted, based upon the assumption that all
 47 payments are made as agreed.
 48 (3) OTHER CHARGES.—
 49 (a) In addition to the interest, delinquency, and insurance
 50 charges herein provided for, no further or other charges or
 51 amount whatsoever for any examination, service, commission, or
 52 other thing or otherwise shall be directly or indirectly
 53 charged, contracted for, or received as a condition to the grant
 54 of a loan, except:
 55 1. An amount not to exceed \$25 to reimburse a portion of
 56 the costs for investigating the character and credit of the
 57 person applying for the loan;
 58 2. An annual fee of \$25 on the anniversary date of each

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 line-of-credit account;

60 3. Charges paid for brokerage fee on a loan or line of

61 credit of more than \$10,000, title insurance, and the appraisal

62 of real property offered as security when paid to a third party

63 and supported by an actual expenditure;

64 4. Intangible personal property tax on the loan note or

65 obligation when secured by a lien on real property;

66 5. The documentary excise tax and lawful fees, if any,

67 actually and necessarily paid out by the licensee to any public

68 officer for filing, recording, or releasing in any public office

69 any instrument securing the loan, which fees may be collected

70 when the loan is made or at any time thereafter;

71 6. The premium payable for any insurance in lieu of

72 perfecting any security interest otherwise required by the

73 licensee in connection with the loan, if the premium does not

74 exceed the fees which would otherwise be payable, which premium

75 may be collected when the loan is made or at any time

76 thereafter;

77 7. Actual and reasonable attorney's fees and court costs as

78 determined by the court in which suit is filed;

79 8. Actual and commercially reasonable expenses of

80 repossession, storing, repairing and placing in condition for

81 sale, and selling of any property pledged as security; or

82 9. A delinquency charge not to exceed \$15 ~~\$10~~ for each

83 payment in default for a period of not less than 10 days, if the

84 charge is agreed upon, in writing, between the parties before

85 imposing the charge.

86

87 Any charges, including interest, in excess of the combined total

21-00422A-12 2012438__

88 of all charges authorized and permitted by this chapter

89 constitute a violation of chapter 687 governing interest and

90 usury, and the penalties of that chapter apply. In the event of

91 a bona fide error, the licensee shall refund or credit the

92 borrower with the amount of the overcharge immediately but

93 within 20 days from the discovery of such error.

94 (b) Notwithstanding the provisions of paragraph (a), any

95 lender of money who receives a check, draft, negotiable order of

96 withdrawal, or like instrument drawn on a bank or other

97 depository institution, which instrument is given by a borrower

98 as full or partial repayment of a loan, may, if such instrument

99 is not paid or is dishonored by such institution, make and

100 collect from the borrower a bad check charge of not greater than

101 the maximum worthless check service charge permissible under s.

102 68.065 ~~more than the greater of \$20 or an amount equal to the~~

103 ~~actual charge made to the lender by the depository institution~~

104 ~~for the return of the unpaid or dishonored instrument.~~

105 Section 2. For the purpose of incorporating the amendment

106 made by this act to section 516.031, Florida Statutes, in a

107 reference thereto, section 516.19, Florida Statutes, is

108 reenacted and amended to read:

109 516.19 Penalties.—Any person who violates any of the

110 provisions of s. 516.02, s. 516.031, s. 516.05(3), s. 516.05(6),

111 or s. 516.07(1)(e) ~~commits is guilty of~~ a misdemeanor of the

112 first degree, punishable as provided in s. 775.082 or s.

113 775.083.

114 Section 3. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12
Meeting Date

Topic Consumer Finance

Bill Number SB 438
(if applicable)

Name Alice Vickers

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 623 Beard St.
Street

Phone 850 556-3121

Tallahassee FL 32303
City State Zip

E-mail alice@fcan.org

Speaking: For Against Information

Representing Florida Consumer Action Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 9, 2012
Meeting Date

Topic Consumer Finance Changes

Bill Number SB 438
(if applicable)

Name Dorene Barker

Amendment Barcode _____
(if applicable)

Job Title Legislative Director

Address 2425 Tonya Drive
Street
Jal FL 32303
City State Zip

Phone 850-385-7900

E-mail dorene@floridalegal.org

Speaking: For Against Information

Waive in Opposition

Representing Florida Legal Services, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12

Meeting Date

Topic Consumer Finance

Bill Number 438
(if applicable)

Name James Harold Thompson

Amendment Barcode _____
(if applicable)

Job Title _____

Address 123 S. Calhoun
Street

Phone 850-425-5468

Tallahassee FL 32302
City State Zip

E-mail JThompson@ausky.com

Speaking: For Against Information

Representing Florida Financial Services Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12
Meeting Date

Topic WORKERS' CONDENSATION EXEMPTIONS

Bill Number SB 676
(if applicable)

Name CAM FENTRESS

Amendment Barcode _____
(if applicable)

Job Title LEGISLATIVE COUNSEL

Address 1400 VILLAGE SQUARE # 3-243

Phone 850-222-2772

TALL FL 32312
City State Zip

E-mail AFENTRESS@ACL.COM

Speaking: For Against Information

Representing FLA. ROOFING, SHEET METAL AND AIR CONDITIONING CONTRACTORS ASSN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Banking and Insurance Committee

BILL: SB 676

INTRODUCER: Senator Smith

SUBJECT: Workers' Compensation Certificate-of-Exemption Process

DATE: January 9, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rubio	Burgess	BI	Favorable
2.	_____	_____	CM	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Chapter 440, F.S., establishes workers' compensation coverage requirements for Florida employers. Corporate officers are included in the definition of an employee for workers' compensation purposes.¹ Sole proprietors or partners may elect to be considered employees.² However under s. 440.05, F.S., any officer of a corporation or a member of a construction industry limited liability company (LCC) may elect to be exempt from consideration as an employee and not eligible for workers' compensation benefits. Under current law members of non-construction LLCs are considered employees and may not elect for exemption.

Senate Bill 676 changes the definition of an "employee" by requiring members of non-construction LLC's to elect to be considered an employee for workers' compensation purposes. Otherwise, if no election is made the LLC members will not be considered an employee and will be exempt from workers' compensation coverage requirements. The bill also revises the requirements for submitting a Notice of Election of Exemption. The Department of Financial Services duties relating to the expiration of construction industry and non-construction industry certificates of exemption are changed by this bill.

This bill substantially amends sections 440.02 and 440.05 of the Florida Statutes.

¹ Section 440.02(15)(b), F.S.

² Section 440.02(15)(c)(1), F.S.

II. Present Situation:

Under chapter 440, F.S., employers within Florida are required to maintain workers' compensation coverage for employees. For workers' compensation purposes the term "employee" is defined to include corporate officers. A corporate officer is any person who fills a position provided for in the articles of incorporation filed with the Division of Corporations of the Department of State.³ Under 440.05 F.S., any officer of a corporation may elect to be exempt (opt-out) from consideration as an employee for premium calculation purposes and forego eligibility for workers' compensation benefits. For corporations engaged in the construction industry, no more than three officers may elect for exemption and each officer is required to own at least 10 percent of the corporation or LLC.⁴

Sole proprietors or partners not engaged in the construction industry may be included in the definition of "employee" for workers' compensation by filing notice of election (opt-in) as provided in s. 440.05, F.S. Therefore, if no notice is made, the sole proprietor or partner shall not be considered an employee and not eligible for workers' compensation benefits.

Under current law members of non-construction LLCs are considered employees and may not elect for an exemption from coverage. The Florida Limited Liability Companies Act defines a LLC member as "any person who has been admitted to a limited liability company as a member in accordance with this chapter and has an economic interest in a limited liability company which may, but need not, be represented by a capital account or, in the case of a foreign limited liability company, has been admitted to a limited liability company as a member in accordance with the laws of the state or foreign country or other foreign jurisdiction under which the foreign limited liability company is organized."⁵

Workers' Compensation Certificate-of-Exemption Process

In order for an officer of a corporation to elect for exemption a written DWC Form 250 "Notice of Election to be Exempt" (Notice) must be notarized under oath and filed with the Department of Financial Services Division of Workers' Compensation (Department).⁶ To claim an exemption the following information must be included in the notice: federal tax identification number, social security number, copy of relevant documentation as to employment status filed with the Internal Revenue Service, copy of relevant occupational license in the primary jurisdiction of the business, and the registration number of the corporation filed with the Division of Corporations of the Department of State. Officers for corporations or LLCs engaged in the construction industry must also provide a copy of the stock certificate showing the required 10 percent of ownership.⁷

For officers engaged in the construction industry there is a \$50 filing fee for the notice of exemption. Upon receipt of the notice of exemption, the Department has 30 days to determine if the officer is eligible for exemption. If the requirements are met, the Department will issue a

³ Section 440.02(9), F.S.

⁴ Section 440.02(15)(b)(2), F.S.

⁵ Section 608.402(21), F.S.

⁶ Section 440.05(3), F.S.

⁷ Section 440.05(3), F.S.

Certificate of Election to be Exempt. During fiscal year 2010-2011, the Department issued 73,741 exemptions.⁸ Construction industry exemptions are valid for 2 years unless revoked by the applicant or the Department. Non-construction industry exemptions are valid until revoked by the applicant or the Department. The Department shall revoke the exemption if at any time the officer named no longer meets the requirements.⁹

III. Effect of Proposed Changes:

The bill will allow a member of a non-construction LLC that devotes full time to the LLC to elect to be included in the definition of employee for the purposes of workers' compensation. If no election is made, the member would not be considered an employee for premium calculation purposes and would not be eligible for workers' compensation benefits.

This bill requires non-construction LLC members to elect (opt-in) to be considered employees in order to be eligible for workers' compensation benefits. However, construction LLCs will still be required to elect for exemption (opt-out) for consideration as an employee. Under this bill there is no limit to the number of non-construction LLC members that can choose to not be considered an employee. However, only three construction LLC members can choose to be exempt from consideration as an employee for workers compensation purposes.

This bill revises the required documentation and method for submitting Notices of Elections to be Exempt. The bill requires electronic submission of notices and eliminates the notary requirement. This will allow for electronic edits to reduce submission errors or incomplete applications and the need for resubmission of information.

The applicant's date of birth, driver's license number or Florida identification card number are added to the list of information that must be included in the notice for election of exemption. This will enable the Department to check the name of the applicant and driver's license number with the Florida Department of Highway Safety and Motor Vehicles' database to verify the identity of the applicant. Social security numbers, copy of relevant documentation as to employment status filed with the Internal Revenue Service, and copy of relevant occupational license in the primary jurisdiction of the business are removed from the list of required information to be submitted when filing notices. For officers of a corporation or LLC engaged in the construction industry the bill retains the requirement of submitting evidence showing the officer's ownership of 10 percent. However a copy of the stock certificate is deleted from the required document list for notices. These changes would make it easier for applicants to complete and submit notices for exemptions.

The bill standardizes the expiration of certificates of election to be exempt for officers of construction and non-construction companies. Any certificate issued on or after January 1, 2013 will be valid for 2 years after the effective date on the certificate. Therefore, every 2 years construction and non-construction industry officers will have to re-apply for exemption. Under the bill, the certificates continue to be revocable by the officer or the Department if the officer no longer meets the requirements or the information contained in the notice becomes invalid. This

⁸ Department of Financial Services Staff Review, November 16, 2011.

⁹ Section 440.05(13), F.S.

bill requires the Department to send notice 60 days before the expiration date of the certificates of exemption to the address on the certificate or to the e-mail address on file with the Department.

Other Potential Implications:

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under current law, members of construction LLCs are able to avoid the expense of workers' compensation coverage. Allowing members of non-construction LLCs the choice on whether to elect to be included in the definition of employee for the purposes of workers' compensation will allow these LLCs to avoid the expense of workers' compensation coverage as well.

The regulatory steps and cost of submitting notices is reduced for employers with the elimination of the notary requirement. The Department of Financial Services will continue to provide walk-in assistance in all district offices and will provide computers in its District offices for exemption applicants who may not have access to a computer.

C. Government Sector Impact:

The Department indicates allowing non-construction LLC's to elect to be considered employees would result in less governmental regulation of similarly situated LLCs and eliminate the time and resources the Department spends on administrative challenges to denials of non-construction certificates of exemption.

According to the Department, requiring an electronic application process for notices of election for exemption would eliminate the need for eight positions who review and process exemptions. This is a 23 percent reduction of exemption processing staff and a

savings of \$287,816 in salaries and \$14,000 in benefits for a total of \$301,816 for the FY 2012-2013 budget.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁰ Department of Financial Services Staff Review, November 16, 2011.

By Senator Smith

29-00485A-12

2012676__

A bill to be entitled

An act relating to the workers' compensation certificate-of-exemption process; amending s. 440.02, F.S.; redefining the term "employee" for purposes of workers' compensation; amending s. 440.05, F.S.; revising requirements relating to election of exemption from coverage to include applicability to members of limited liability companies; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption; providing effective dates.

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

Section 1. Paragraphs (b) and (c) of subsection (15) of section 440.02, Florida Statutes, are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing ~~written~~ notice of the election with the

Page 1 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29-00485A-12

2012676__

department as provided in s. 440.05.

2. As to officers of a corporation who are engaged in the construction industry, no more than three officers of a corporation or of any group of affiliated corporations may elect to be exempt from this chapter by filing ~~written~~ notice of the election with the department as provided in s. 440.05. Officers must be shareholders, each owning at least 10 percent of the stock of such corporation and listed as an officer of such corporation with the Division of Corporations of the Department of State, in order to elect exemptions under this chapter. For purposes of this subparagraph, the term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes, but is not limited to, the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business is affiliated with the other.

3. An officer of a corporation who elects to be exempt from this chapter by filing a ~~written~~ notice of the election with the department as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 shares of stock of the corporation which the officer owns.

60 (c) "Employee" includes:

61 1. A sole proprietor, a member of a limited liability
62 company, or a partner who is not engaged in the construction
63 industry, devotes full time to the proprietorship, limited
64 liability company, or partnership, and elects to be included in
65 the definition of employee by filing notice thereof as provided
66 in s. 440.05.

67 2. All persons who are being paid by a construction
68 contractor as a subcontractor, unless the subcontractor has
69 validly elected an exemption as permitted by this chapter, or
70 has otherwise secured the payment of compensation coverage as a
71 subcontractor, consistent with s. 440.10, for work performed by
72 or as a subcontractor.

73 3. An independent contractor working or performing services
74 in the construction industry.

75 4. A sole proprietor who engages in the construction
76 industry and a partner or partnership that is engaged in the
77 construction industry.

78 Section 2. Subsections (2), (3), and (6) of section 440.05,
79 Florida Statutes, are amended to read:

80 440.05 Election of exemption; revocation of election;
81 notice; certification.—

82 (2) Each sole proprietor, member of a limited liability
83 company, or partner who elects to be included in the definition
84 of "employee" or who, after such election, revokes that election
85 must mail to the department in Tallahassee notice to such
86 effect, in accordance with a form to be prescribed by the
87 department.

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88 (3) Each officer of a corporation who is engaged in the
89 construction industry and who elects an exemption from this
90 chapter or who, after electing such exemption, revokes that
91 exemption, must submit ~~mail~~ a ~~written~~ notice to such effect to
92 the department on a form prescribed by the department. ~~The~~
93 ~~notice of election to be exempt from the provisions of this~~
94 ~~chapter must be notarized and under oath.~~ The notice of election
95 to be exempt which is electronically submitted to the department
96 by the officer of a corporation who is allowed to claim an
97 exemption as provided by this chapter must list the name,
98 federal tax identification number, date of birth, Florida
99 driver's license number or Florida identification card number
100 ~~social security number~~, all certified or registered licenses
101 issued pursuant to chapter 489 held by the person seeking the
102 exemption, ~~a copy of relevant documentation as to employment~~
103 ~~status filed with the Internal Revenue Service as specified by~~
104 ~~the department, a copy of the relevant occupational license in~~
105 ~~the primary jurisdiction of the business, and the registration~~
106 number of the corporation filed with the Division of
107 Corporations of the Department of State, and the percentage of
108 ownership ~~along with a copy of the stock certificate~~ evidencing
109 the required ownership under this chapter. The notice of
110 election to be exempt must identify each corporation that
111 employs the person electing the exemption and must list the
112 social security number or federal tax identification number of
113 each such employer and the additional documentation required by
114 this section. In addition, the notice of election to be exempt
115 must provide that the officer electing an exemption is not
116 entitled to benefits under this chapter, must provide that the

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 117 election does not exceed exemption limits for officers provided
 118 in s. 440.02, and must certify that any employees of the
 119 corporation whose officer elects an exemption are covered by
 120 workers' compensation insurance. Upon receipt of the notice of
 121 the election to be exempt, receipt of all application fees, and
 122 a determination by the department that the notice meets the
 123 requirements of this subsection, the department shall issue a
 124 certification of the election to the officer, unless the
 125 department determines that the information contained in the
 126 notice is invalid. The department shall revoke a certificate of
 127 election to be exempt from coverage upon a determination by the
 128 department that the person does not meet the requirements for
 129 exemption or that the information contained in the notice of
 130 election to be exempt is invalid. The certificate of election
 131 must list the name of the corporation listed in the request for
 132 exemption. A new certificate of election must be obtained each
 133 time the person is employed by a new or different corporation
 134 that is not listed on the certificate of election. A copy of the
 135 certificate of election must be sent to each workers'
 136 compensation carrier identified in the request for exemption.
 137 Upon filing a notice of revocation of election, an officer who
 138 is a subcontractor or an officer of a corporate subcontractor
 139 must notify her or his contractor. Upon revocation of a
 140 certificate of election of exemption by the department, the
 141 department shall notify the workers' compensation carriers
 142 identified in the request for exemption.

143 (6) A construction industry certificate of election to be
 144 exempt which is issued in accordance with this section shall be
 145 valid for 2 years after the effective date stated thereon. Both

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 146 the effective date and the expiration date must be listed on the
 147 face of the certificate by the department. The construction
 148 industry certificate must expire at midnight, 2 years from its
 149 issue date, as noted on the face of the exemption certificate. A
 150 construction industry certificate of election to be exempt may
 151 be revoked before its expiration by the officer for whom it was
 152 issued or by the department for the reasons stated in this
 153 section. At least 60 days before ~~prior to~~ the expiration date of
 154 a construction industry certificate of exemption ~~issued after~~
 155 ~~December 1, 1998~~, the department shall send notice of the
 156 expiration date ~~and an application for renewal~~ to the
 157 certificateholder at the address on the certificate or to the e-
 158 mail address on file with the department.

159 Section 3. Effective January 1, 2013, subsection (6) of
 160 section 440.05, Florida Statutes, as amended by this act, is
 161 amended to read:

162 440.05 Election of exemption; revocation of election;
 163 notice; certification.-

164 (6) A ~~construction industry~~ certificate of election to be
 165 exempt which is issued on or after January 1, 2013, in
 166 accordance with this section shall be valid for 2 years after
 167 the effective date stated thereon. Both the effective date and
 168 the expiration date must be listed on the face of the
 169 certificate by the department. The ~~construction industry~~
 170 certificate must expire at midnight, 2 years from its issue
 171 date, as noted on the face of the exemption certificate. A
 172 ~~construction industry~~ certificate of election to be exempt may
 173 be revoked before its expiration by the officer for whom it was
 174 issued or by the department for the reasons stated in this

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175 section. At least 60 days before the expiration date of a
176 ~~construction industry~~ certificate of exemption, the department
177 shall send notice of the expiration date to the
178 certificateholder at the address on the certificate or to the e-
179 mail address on file with the department.

180 Section 4. Except as otherwise expressly provided in this
181 act, this act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12
Meeting Date

Topic Workers' Compensation Exemption

Bill Number 676
(if applicable)

Name Andrew Sabolic

Amendment Barcode _____
(if applicable)

Job Title Asst. Director, Div. of Workers' Comp

Address 200 East Gaines St.

Phone 413-1600

Tallahassee FL 32399
City State Zip

E-mail andrew.sabolic@myfloridacfo.com

Speaking: For Against Information

Representing Division of Workers' Compensation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12
Meeting Date

Topic WC Certificate of Exemption

Bill Number SB 676
(if applicable)

Name JIM BRAINERD

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 2814 Rabbit Hill Rd
Street
Tallahassee FL 32308
City State Zip

Phone (850) 500 6716

E-mail BRAINERDLAW@Cmccast.net

Speaking: For Against Information

Representing Florida Assoc. of Insurance Agents

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12
Meeting Date

Topic WORKERS' COMPENSATION EXEMPTIONS

Bill Number SB 676
(if applicable)

Name CAM FENTRESS

Amendment Barcode _____
(if applicable)

Job Title LEGISLATIVE COUNSEL

Address 1400 VILLAGE SQUARE # 3-243

Phone 850-222-2772

TALL FL 32312
City State Zip

E-mail AFENTRESS@AOL.COM

Speaking: For Against Information

Representing FLA. ROOFING, SHEET METAL AND AIR CONDITIONING CONTRACTORS ASSN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Banking and Insurance Committee

BILL: CS/SB 938

INTRODUCER: Banking and Insurance Committee and Senator Richter

SUBJECT: Insurance Agents and Adjusters

DATE: January 9, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Knudson	Burgess	BI	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

Senate Bill 938 substantially revises the Licensing Procedures Law for insurance agents, adjusters, and limited lines licensees.

The bill creates the new licensure classification of all-lines adjuster to replace the current licensure classifications of independent adjuster and company employee adjuster. The classifications of independent adjuster and all-lines adjuster are converted to appointment types for licensed all-lines adjusters. New licensure classifications for non-resident all-lines adjusters and temporary independent all-lines adjusters are also created.

Effective October 1, 2014, the bill substantially revises the continuing education requirements for licensees. Each licensee will be required to complete a 7-hour update course every 2 years. Topics covered in the course must include insurance law updates, ethics, disciplinary trends and case studies, insurance industry trends, premium discounts, suitability of products and services, and other topics the DFS determines are relevant to the licensee. The remainder of the continuing education requirement may be satisfied by taking approved elected courses.

The bill also consolidates and revises a number of limited insurance licenses:

- Repeals the licenses for resident and non-resident Motor Vehicle Physical Damage & Mechanical Breakdown Insurance (existing licensees may maintain such licenses);
- Creates a new Credit Insurance licensure category, which will subsume the limited licenses for credit life and disability, credit property, mortgage guaranty, and credit disability.
- Creates a new non-resident credit insurance category to replace the non-resident credit life and disability and the non-resident mortgage guaranty insurance licenses.
- Creates a new license for portable electronics insurance that covers only loss, theft, mechanical failure, malfunction, or damage for portable electronics. The new license classification replaces the limited license for communications equipment.

The bill repeals the \$200 annual administrative surcharge that title insurance agencies pay to the Department of Financial Services. Also repealed is the annual \$3 additional county tax that applied to the business locations of resident insurance agents that are outside the agent's home county.

The bill also does the following:

- Expands the classifications of agents who can solicit and bind coverage from licensed general lines agents to all licensed agents. This will permit life agents, health agents, title agents, and other types of licensed agents to solicit and bind coverage.
- Allows third parties to complete the application for licensure.
- Prohibits applicants from taking a licensure exam more than 5 times in a 12 month period.
- Authorizes granting a waiver from the continuing education requirements to active duty military that cannot comply with those requirements and submit a written request for waiver.
- Eliminates the Continuing Education Advisory Board designed to advise the DFS on the classification of continuing education courses.
- Allows all-lines adjusters to transfer their licenses from other states to Florida.
- Requires all licensees to report to the department any final agency action in Florida or other jurisdictions relating to insurance, securities, fraud, or breach of fiduciary duty.
- Authorizes the department to refuse, suspend, or revoke a license or appointment for failure to comply with civil, criminal or administrative action taken by the child support enforcement program.
- Repeals the application of s. 626.175, F.S., (temporary agent licensure) to title insurance agents but applies s. 626.749, F.S., (place of business in residence) and s. 626.172, F.S. (agent in full-time charge) to such agents or agencies.
- Repeals the security deposit or bind requirement for title insurance agencies.
- Removes the requirement that the Clerk of Court furnish to the DFS and OIR notice of a bail bond forfeiture judgment and expands from 35 to 60 days the time before which the clerk must inform the OIR and county sheriff of the failure to pay a bail bond forfeiture judgment.

This bill substantially amends the following sections of the Florida Statutes: 624.501, 624.505, 626.015, 626.0428, 626.171, 626.191, 626.221, 626.231, 626.241, 626.251, 626.281, 626.2815, 626.292, 626.311, 626.321, 626.342, 626.381, 626.536, 626.551, 626.621, 626.641, 626.651, 626.730, 626.732, 626.8411, 626.8418, 626.855, 626.856, 626.8584, 626.863, 626.864, 626.865, 626.866, 626.869, 626.8697, 626.872, 626.8734, 626.8736, 626.874, 626.875, 626.876, 626.927, 626.933, 626.935, 627.952, 635.051, 648.38, 648.385, and 903.27

The bill creates the following sections of the Florida Statutes: 626.8548.

The bill repeals the following sections of the Florida Statutes: 626.858, 626.867, 626.873, and 626.928.

II. Present Situation:

Licensure of Insurance Representatives and Operations

The Licensing Procedures Law (Chapter 626, F.S.) requires the licensure of various insurance field representatives such as insurance agencies, insurance agents, adjusters, managing general agents, customer representatives, and service agents. No person may act as or hold himself or herself out to be an insurance agent, insurance adjuster, customer representative, service representative or managing general agent unless that person is currently licensed by the Department of Financial Services (DFS) and has been appointed by an appropriate appointing entity or person. An appointment occurs when an insurer or employer gives a licensee authority to transact insurance or adjust claims on behalf of the insurer or employer.¹

To obtain licensure, agents, adjusters, customer representatives, service representatives, managing general agents, and reinsurance intermediaries must apply for licensure with the department and provide identifying information (name, age, social security number; etc); proof of completing required pre-licensing courses; information regarding any license refusals, suspensions, or revocations; and fingerprints.² Licensure as an agent, customer representative, or adjuster also requires passing an examination approved by the department that is designed to test the applicant's ability, competence and knowledge of the kinds of insurance and transactions the prospective licensee will handle.³ The department is required to deny, suspend, revoke or refuse to renew licenses as required in statute, but is also provided discretion to fine the licensee in addition to or instead of taking such action of the license.⁴

The general lines agent or customer representative license authorizes the licensee to transact all property, marine, casualty, and surety lines (except bail bonds).⁵ A general lines agent licensee also covers health insurance if such insurance is included in the agent's appointment by an insurer as to which the licensee is also appointed as an agent for property and casualty insurance. Licensed agents are required to comply with various consumer protection provisions in the Licensing Procedures Law including meeting the qualifications for licensure, compliance with continuing education requirements, and submission of fingerprints.⁶

¹ Section 626.015(3), F.S.

² Section 626.171, F.S.

³ See Section 626.221, F.S., s. 626.231, F.S., and s. 626.241, F.S.

⁴ See Section 626.611, F.S., through s. 626.681, F.S.

⁵ Section 626.311, F.S.

⁶ See Section 626.025, F.S.

Continuing Education Requirements

Licensees who sell or solicit the sale of insurance are subject to continuing education requirements.⁷ Licensees must generally complete 24 hours of continuing education courses every 2 years, of which 3 hours must be related to ethics and 1 hour must be related to property insurance hurricane mitigation discounts. Persons with greater levels of experience are subject to lower continuing education requirements. For instance, a person who has been licensed for at least 6 years is only required to complete 20 hours of continuing education. Similarly, holders of more limited licenses such as for a customer representative, title agent, or other specified limited licensees are only required to complete 10 hours of continuing education requirements every 2 years.⁸

Limited Licensees

Limited licenses are available that authorize the agent to transact a limited class of business. There are 10 general categories of limited license:⁹

- Motor vehicle physical damage and mechanical breakdown insurance;
- Industrial fire or burglary insurance;
- Travel insurance;
- Motor vehicle rental insurance;
- Credit life or disability insurance;
- Credit insurance;
- Credit property insurance;
- Crop hail and multiple-peril crop insurance;
- In transit and storage personal property insurance;
- Communications equipment insurance and service warranties.¹⁰

If an entity, rather than an individual, applies for limited licensure, the entity must obtain a license for each office, branch office, or place of business.

Appointments

In addition to licensure, the Licensing Procedures Law requires agents, adjusters, service representatives, customer representatives, and managing general agents to be appointed by an appointing entity or person. Each appointment must be filed with the DFS and certifies that the licensed appointee is qualified to engage in the insurance business and that the appointing entity or person is willing to be bound by the acts of the appointee.¹¹ An appointment continues until suspended, revoked, or terminated, but is subject to renewal during the appointee's birth month

⁷ Section 626.2815, F.S.

⁸ See s. 626.2815(3)(e), F.S.

⁹ Section 626.321, F.S.

¹⁰ See s. 626.321(1)(i), F.S. There are three types of communications equipment insurance: communications equipment property insurance, communications equipment inland marine insurance, and communications equipment service warranty agreement sales.

¹¹ Section 626.451, F.S.

(if a natural person) or license date (if an entity) every 24 months thereafter and the payment of a renewal appointment fee.¹²

Title Insurance Administrative Surcharge

Each title insurer and title insurance agency is subject to an annual administrative surcharge.¹³ Each title insurer must pay to the Office of Insurance Regulation (OIR) an administrative surcharge of \$200.00, for each licensed title insurance agency and retail office of the insurer in existence on January 1 of each calendar year. Similarly, each licensed title insurance agency must pay the Department of Financial Services an administrative surcharge of \$200 annually.

III. Effect of Proposed Changes:

Section 1. Amends s. 624.501, F.S., eliminating the \$200 annual administrative surcharge paid by each licensed title insurance agency to the Department of Financial Services.

Section 2. Amends s. 627.505(1), F.S., revising the \$3 county tax paid by each insurer for each agent. The tax will only be applied once for each agent's place of business. Under current law, the tax is applied multiple times if the agent maintains places of business in multiple counties.

Section 3. Amends s. 626.015, F.S., revising the definition of "adjuster" to include "all lines adjuster," a new classification created in the bill. The new definition deletes the classifications of independent adjuster and company employee adjuster, which are subsumed within the new all-lines adjuster classification. The definition of "home state" is also amended to include adjusters, which will authorize the DFS to obtain from adjusters the state where the adjuster maintains a principal place of business.

Section 4. Amends s. 626.0428, F.S., expanding the classifications of agents who can solicit and bind coverage from licensed general lines agents to all licensed agents. This will permit life agents, health agents, title agents, and other types of licensed agents to solicit and bind coverage.

Section 5. Amends s. 626.171, F.S., regarding the licensure process for agents, customer representatives, adjusters, service representatives, managing general agents, and reinsurance intermediaries in the following ways:

- Allows third parties to complete the application for licensure. The applicant remains responsible for ensuring the accuracy of the information on the application.
- Alters the application for licensure to require the applicant to state the method being used to meet pre-licensing educational and experience requirements, rather than requiring proof of completing such requirements. Representatives from the DFS assert the change is designed to allow applicants to apply for licensure before completing the pre-licensure requirements rather than having to wait until completing those requirements.
- Deletes the department's authority to accept revisions of the uniform application for nonresident agent licensing by rule.

¹² Section 626.381, F.S.

¹³ Section 624.501(5), F.S.

Section 6. Technically amends s. 626.191, F.S.

Section 7. Amends s. 626.221(2), F.S., to incorporate the new licensure classifications created by the bill into the exemptions from the requirement of passing a licensing examination.

- The exemption for limited licensure applicants will include travel insurance, motor vehicle rental insurance, credit insurance, in-transit and storage personal property insurance, and portable electronics.
- The exemption for applicants suspended in the past 4 years will apply to “adjusters,” rather than just company employee and independent adjusters. The change will include public adjusters, which may not be intended.
- The exemption for adjusters who were appointed in the past 48 months will apply to all-lines adjusters.
- The exemption for adjusters who have obtained specified accreditations will apply to resident and nonresident all-lines adjusters.

Section 8. Amends s. 626.231(2), F.S., to specify that applicants for licensure must provide their dates of birth and to specify that applicants who take a licensure examination before applying for licensure may apply to take the licensure examination via websites of vendors who administer the exam.

Section 9. Amends s. 626.241, F.S., which provides the requirements for the topics to be included within an examination to obtain licensure as an all-lines adjuster. The bill removes authorization for specific examinations focusing on automobile physical damage insurance, property and casualty insurance, workers’ compensation insurance, or health insurance. Instead, all examinations will cover adjusting in all-lines of insurance, other life insurance and annuities.

Section 10. Amends s. 626.521(1), F.S., to authorize notice of the time and place of a licensure exam to be e-mailed to the applicant, rather than sent via regular mail.

Section 11. Amends s. 626.281, F.S., to prohibit applicants from taking a licensure examination more than 5 times in a 12 month period.

Section 12. Amends s. 626.2815, F.S., and applies to adjusters the continuing education requirements for agents. This section of the bill makes the following changes to those requirements:

- Authorizes granting a waiver from the continuing education requirements to active duty military that cannot comply with those requirements and submit a written request for waiver.
- Requires entities providing continuing education courses to report to the DFS all licensees who successfully completed the course within 15 days, rather than 30 days, and deletes a \$1 fee that accompanied the list of attendees.
- Authorizes the department to immediately terminate agents or adjusters who have not met continuing education requirements. Current law only permits the nonrenewal of agent licenses.
- Eliminates the Continuing Education Advisory Board designed to advise the DFS on the classification of continuing education courses.

Section 13. Effective October 1, 2014, amends s. 626.2815, F.S., by substantially revising the continuing education requirements for licensees. Each licensee will be required to complete a 7-hour update course every 2 years. The course must be approved by the department and be specific to the license held by the licensee. Topics covered in the course must include insurance law updates, ethics, disciplinary trends and case studies, insurance industry trends, premium discounts, suitability of products and services, and other topics the DFS determines are relevant to the licensee. Licensees with multiple insurance licenses need only complete the 7 hour course for one of the licenses held.

Licensees are authorized to satisfy the remainder of their continuing education requirements by taking approved elective courses. Elective courses for public adjusters must be specifically designed for public adjusters and approved by the DFS. Licensees must meet the statutory requirements every 2 years. The total hour requirements for various categories of licensure are:

- Generally, licensees must complete 24 hours of courses, 17 of which may be electives.
- Licensees who have held a license for 6 or more years must complete 20 hours of courses, 13 of which may be electives.
- Licensees who have held a license for 25 years or more and are designated as a Chartered Life Underwriter (CLU), Chartered Property & Casualty Underwriter (CPCU), or Bachelor of Science in risk management or insurance must complete 10 hours of courses, 3 of which may be electives.
- Customer representative, limited customer representative, title agent, and industrial fire insurance or burglary insurance agents who do not hold a license as a life or health agent must complete 10 hours, 3 of which may be electives. This requirement will no longer apply to motor vehicle physical damage and mechanical breakdown insurance agents, or crop or hail and multiple peril crop insurance agents.
- Bail bond agents must complete 14 hours of courses, 7 of which may be electives.
- Eliminates the requirements that an individual holding a license to solicit or sell life or health insurance and a license to solicit or sell property, casualty, surety, or surplus lines insurance must complete courses in life and health insurance for one-half of the total hours required and courses in property, casualty, surety, or surplus lines insurance for the other half of the total hours required.

Section 14. Amends s. 626.292, F.S., to allow all-lines adjusters to transfer their licenses from other states to Florida. Current law permits agents to do so, but not adjusters. All lines adjusters are exempted from the requirement to complete prelicensing education requirements unless completing prelicensing education was a prerequisite for licensure in the state the adjuster is transferring from.

Section 15. Amends s. 626.311, F.S., regarding the scope of license to include the licensure classifications created by the bill.

Section 16. Amends s. 626.321, F.S., by revising the following limited licenses:

Motor vehicle physical damage and mechanical breakdown insurance – Limited licenses will not be issued effective October 1, 2012. Current holders of the license and appointment may renew them. However, if the limited license is terminated, suspended, or revoked, it may not be reinstated.

Credit insurance – The credit insurance limited license is expanded to include credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection (GAP) coverage, and other forms of insurance offered in connection with an extension of credit which is limited to extinguishing all or part of the credit obligation. Effective October 1, 2012, the various types of licenses will be converted to a credit insurance license.

Crop hail and multiple-peril crop insurance – Amends the definition of such insurance to comply with the National Association of Insurance Commissioners' Producer Licensing Model Act.

Portable electronics insurance – Creates a new license for property insurance or inland marine insurance that covers only loss, theft, mechanical failure, malfunction, or damage for portable electronics. The new license classification replaces the limited license for communications equipment. The portable electronics insurance limited license may be issued to (1) employees or authorized representatives of a licensed general lines agent or (2) the lead business location of a retail vendor that sells portable electronics insurance and has a contractual relationship with a general lines agent. Licensees are exempted from having to submit fingerprints to the department, which is otherwise required as a condition of obtaining licensure from the department. Definitions of "portable electronics" and "portable electronics transaction" are also created.

Licensees may bill and collect the premium for the purchase of portable electronics insurance if (1) the insurance is included with the purchase or lease of portable electronics or related services and that fact is disclosed to the purchaser, (2) premiums are incidental to other fees being collected and remitted to the insurer or supervising entity within 60 days of receipt, and (3) all funds are held in trust by the licensee as a fiduciary for the benefit for the insurer.

The bill eliminates the requirement that employees, agents, and authorized representatives selling such insurance be licensed. Instead, employees or authorized representatives will be authorized to sell such insurance if all of the following conditions are met:

- The insurance is offered or sold at a licensed location or a branch location of the licensee appointed by the licensed lead business location or its appointing insurers;
- The insurer issuing the insurance directly supervises the sale of insurance or appoints a general lines agent to supervise the sale of such insurance; and
- Written material providing required information to customers are made available at each location where such insurance is sold. The written material must notify the reader that portable electronics insurance may duplicate coverage, need not be purchased, summarize the terms of the insurance, identify the insurer and supervising entity, summarize the claim filing process, and state that coverage may be cancelled at any time and receive a refund of unearned premium.

Unlicensed sellers of portable electronics insurance cannot receive commissions on the sale of coverage, but may include compensation for selling such insurance as part of a compensation plan that provides supplemental compensation for selling noninsurance products in addition to a regular salary or hourly wages. The terms for terminating or modifying the policy are those

contained in the policy. Notice required by the policy or by law may be made by electronic means if the insurer or licensee maintains proof that the notice or correspondence was sent.

A “branch location” is defined as any physical location in Florida at which a licensee offers its products or services for sale. Branch locations may obtain a single appointment from the lead business location licensee and pay an appointment fee prescribed in s. 624.501, F.S. In order for the branch location to obtain such an appointment, the lead business location must have a single appointment from each insurer or warranty association represented and its appointment must apply to the lead business location and all branch locations. Branch location appointments must be initially renewed on the first anniversary of licensure of the lead business location that occurs more than 24 months after the initial appointment and every 24 months thereafter. The renewal fee for branch location appointments is \$30 per appointment.

Section 17. Technically amends s. 626.342, F.S., regarding the prohibition against providing supplies to unlicensed agents.

Section 18. Amends s. 626.381, F.S., revising the date on which the appointment of an entity appointee is renewed to the month the original appointment was issued.

Section 19. Amends s. 626.536, F.S., expanding the requirement to report to the department any final agency action in Florida or other jurisdictions relating to insurance, securities, fraud, or breach of fiduciary duty. All licensees (agents and adjusters) will be required to submit the report, instead of only agents under current law. The bill also states that reporting must be provided for final action by an “other regulatory agency” in addition to a “governmental agency” as required under current law. The bill continues to apply the section to insurance agencies.

Section 20. Amends s. 626.551, F.S., reducing from 60 days to 30 days the time that licensees have to notify the department of a change of name or address. The bill also authorizes the department to discipline insurance agencies as well as agents and adjusters, and grants rulemaking authority to the department to enforce the section.

Section 21. Amends s. 626.621, F.S., authorizing the department to refuse, suspend, or revoke the license or appointment of applicants, agents, adjusters, customer representatives, service representatives, or managing general agents for failure to comply with civil, criminal or administrative action taken by the child support enforcement program. Under the child support program, the Florida Department of Revenue may petition a court to file an order with the Division of Agent and Agency Services to deny or suspend an agents license under s. 61.13015, F.S.

Section 22. Amends s. 626.641(4), F.S., to clarify that a former licensee or appointee whose license has been suspended or revoked may not engage in transactions requiring a license until the license has been reinstated or a new license has been issued.

Section 23. Amends s. 626.651(1), F.S., allowing the department to deny, suspend, or revoke a license of any licensee or applicant, thus applying the section to adjusters and other licensees. Current law limits the application of this section to insurance agents and customer representatives.

Section 24. Amends s. 626.730(4), F.S., regarding the purpose of licenses to refer to the new limited licensure category of credit insurance created by the bill.

Section 25. Amends s. 626.732, F.S., exempting limited license lines from the knowledge, experience, and educational requirements for licensure as a general lines agent. The section also places the requirements for licensure as a personal lines agent into a separate subsection to provide further clarity.

Section 26. Amends s. 626.8411, F.S., containing statutory provisions that apply to title insurance agents or agencies. The bill repeals the application of s. 626.175, F.S., (temporary agent licensure) to title insurance agents but applies s. 626.749, F.S., (place of business in residence) and s. 626.172, F.S. (agent in full-time charge) to such agents or agencies.

Section 27. Amends s. 626.8418, F.S., to repeal the security deposit or bond requirement for title insurance agencies. Under current law each title insurance agency must deposit with the department securities or a security bond with a value of at least \$35,000. The security deposit proceeds are for the benefit of insurers damaged by a violation by the title insurance agency of its contract with the appointing insurer.

Section 28. Creates s. 626.8548, F.S., defining an “all-lines adjuster” as a person who, on behalf of insurers, ascertains and determines the amount of any claim, loss, or damage payable under an insurance contract or tries to settle claims, losses or damage. The all-lines adjuster may be self-employed, employed by an insurer or its wholly owned subsidiary, or an independent adjusting firm or other independent adjuster. Section 34 of the bill eliminates the license types of independent adjuster and company employee adjuster; replacing them with the all-lines adjuster license.

Section 29. Amends s. 626.855, F.S., converting “independent adjusters” from a separate license type to a form of appointment. An independent adjuster is defined as a licensed all-lines adjuster that is appointed and employed by an independent adjusting firm or other independent adjuster.

Section 30. Amends s. 626.856, F.S., converting “company employee adjusters” from a separate license type to a form of appointment. A company employee adjuster is defined as a licensed all-lines adjuster that is appointed and employed on an insurer’s staff of adjuster or a wholly owned subsidiary of the insurer.

Section 31. Repeals s. 626.867, F.S., which defines a “nonresident company employee adjuster.”

Section 32. Amends s. 626.8584, F.S., defining “nonresident all-lines adjuster” as a person who (1) is not a Florida resident, (2) is an adjuster licensed in his or her state of residence for all lines of insurance except for life and annuities, or, if a resident of a state that does not license such adjusters, meets the qualifications for a non-resident all-lines adjuster in s. 626.8734, F.S., and (3) is licensed as an all-lines adjuster and self-appointed or appointed and employed by an independent adjusting firm or other independent adjuster, by an admitted insurer or its wholly owned subsidiary, or by other insurers under common control or ownership of an admitted insurer.

Section 33. Amends s. 626.863, F.S., making conforming changes to the new licensure and appointment adjuster classifications created by the bill.

Section 34. Amends s. 626.864, F.S., creating the “all-lines adjuster” licensure and deleting the licenses for independent adjusters and company employee adjusters. All-lines adjusters cannot be concurrently licensed as a public adjuster and are prohibited from accepting appointments as an independent adjuster and company employee adjuster concurrently.

Section 35. Amends s. 626.865, F.S., containing the requirements for licensure as a public adjuster by requiring the applicant to be a licensed public adjuster apprentice pursuant to s. 626.8651, F.S.

Section 36. Amends s. 626.866, F.S., which will now contain the qualifications for licensure as an all-lines adjuster rather than an independent adjuster, which is no longer a license type under the bill. The qualifications are the same as those under current law for independent adjusters, except that all lines adjuster may be exempt from the examination requirements pursuant to s. 626.221, F.S.

Section 37. Repeals s. 626.867, F.S., which contains the qualifications for licensure as a company employee adjuster license. The section is being repealed because that licensure type is being replaced by the all-lines adjuster license.

Section 38. Amends s. 626.869, F.S., to specify that all-lines adjusters may adjust all lines of insurance except life and annuities. As of October 1, 2012, no new limited licenses for motor vehicle physical damage and mechanical breakdown, property and casualty, workers’ compensation, or health insurance will be issued, though existing license holders will be able to renew such appointments. All-lines adjusters and public adjusters must complete the continuing education requirements contained in s. 626.2815, F.S., thus adjusters will be subject to the same continuing education requirements as agents. The separate continuing education requirements for adjusters contained in this section are repealed.

Section 39. Amends s. 626.8697, F.S., to provide that the DFS may refuse, suspend, or revoke an adjusting firm license for violation of a department rule. Current law only authorizes such action for the violation of an OIR or Financial Services Commission rule.

Section 40. Amends s. 626.872, F.S., revising the requirements for issuance of a temporary adjuster’s license to conform to the new all-lines adjuster license. The application for a temporary all-lines adjuster license will no longer need to be accompanied by a certificate of employment and a report on the applicant’s moral character and integrity completed by the employer.

Section 41. Repeals s. 626.873, F.S., containing the qualifications for licensure as a nonresident company employee adjuster, a license type that will no longer exist. Instead, such adjusters will be classified as nonresident all-lines adjusters, whose requirements are contained in s. 626.8734, F.S.

Section 42. Amends s. 626.8734, F.S., to provide qualifications for licensure as a nonresident all-lines adjuster. Qualifications are the same as those for a nonresident independent adjuster under current law with the following revisions:

- Pass a written Florida all-lines adjuster exam or is licensed as a nonresident all-lines adjuster or an all-lines adjuster in the applicant's home state (if that state has a reciprocal licensure agreement with Florida);
- Be licensed as an all-lines adjuster;
- Be self-appointed or employed and appointed by an independent adjusting firm or other independent adjuster, is an employee of an admitted Florida insurer or other insurers under common control and ownership of such insurer;
- Be appointed as an independent adjuster or company employee adjuster;
- Waives the requirement to provide a certificate or letter from the insurance commissioner of applicant's home state verifying an existing all-lines adjuster license or other specified licensure (if an all-lines adjuster license is unavailable in that state) if the applicant's licensure status can be verified through the NAIC Producer Database;
- Nonresident independent adjuster appointees need only submit once an affidavit certifying the licensee understands the insurance laws and rules of Florida and the provisions of contracts to be negotiated. Current law requires an annual affidavit.

Section 43. Amends s. 626.8736, F.S., revising the service of process requirements for nonresident public adjusters to reflect the new licensure for all-lines adjusters and apply the requirements to such adjusters appointed as independent adjusters.

Section 44. Amends s. 626.874, F.S., regarding catastrophe or emergency adjuster to reflect the new licensure for all-lines resident adjusters.

Section 45. Amends s. 626.875, F.S., regarding records maintained by independent adjusters to reflect that an independent adjuster is now a type of appointment for all-lines adjusters rather than a separate license type.

Section 46. Amends s. 626.876, F.S., which prohibits all-lines adjusters appointed as an independent adjuster from being simultaneously employed by multiple adjusters or independent adjuster firms or corporations.

Section 47. Amends s. 626.927, F.S., to conform to the repeal of s. 626.928, F.S. The exemption from examination for persons holding a surplus lines agent's license as of January 1, 1959, is also repealed.

Section 48. Repeals s. 626.928, F.S., which currently requires surplus lines agents to file with the department a \$50,000 surety bond in favor of the department.

Section 49. Amends s. 626.933, F.S., providing a conforming change to the repeal of the surety bond requirement in s. 626.928, F.S.

Section 50. Amends s. 626.935, F.S., providing a conforming change to the repeal of the surety bond requirement in s. 626.928, F.S.

Section 51. Amends s. 627.952, F.S., to maintain the requirement that risk retention and purchasing group agents maintain a \$50,000 surety bond with the department. The amended language is necessary due to the repeal of s. 626.928, F.S.

Section 52. Amends s. 635.051, F.S., repealing the mortgage guaranty insurance agent license and instead requiring persons transacting mortgage guaranty insurance to obtain credit insurance licensure. Effective October 1, 2012, all existing mortgage guaranty agent licenses will be converted to credit insurance agent licenses.

Section 53. Amends s. 648.38, F.S., to allow the department to notify applicants for bail bond agent licensure by e-mail the time and place of the licensure examination.

Section 54. Amends s. 648.385, F.S., deleting the continuing education requirements for bail bond agents because such requirements will be contained in s. 626.2815, F.S.

Section 55. Amends s. 903.27, F.S., to remove the requirement that the Clerk of Court furnish to the DFS and OIR notice of a bail bond forfeiture judgment. The bill also expands from 35 to 60 days the time before which the clerk must inform the OIR and county sheriff of the failure to pay a bail bond forfeiture judgment, removes the requirement that the clerk notify the DFS, and requires the clerk to provide two certified copies of the transcript of the docket of the judgment. Current law does not specify that the copies of the judgment must be certified and include a transcript of the docket of the judgment.

Section 56. The bill is effective October 1, 2012, except as otherwise provided.

Other Potential Implications:

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Title insurance agencies will no longer be subject to the administrative surcharge in s. 624.501, F.S. The DFS estimates that this will result in approximately \$300,000 to \$400,000 savings for such entities statewide.

C. Government Sector Impact:

The Bill Analysis & Fiscal Impact Statement provided by the Department of Financial Services estimates that repealing the requirement for title insurance agencies to pay the administrative surcharge will reduce the revenue deposited in the Insurance Regulatory Trust Fund by approximately \$300,000 to \$400,000. In 2011, the surcharge generated approximately \$952,000, of which title insurers paid approximately \$526,800.

The DFS also estimates that combining the credit lines of insurance and mortgage guaranty insurance licenses will result in the loss of approximately \$12,000 annually in license and appointment fees. Elimination of the county tax for additional business locations outside the county of residence will have an insignificant fiscal impact as only \$60 was collected statewide during the 2010 – 2011 fiscal year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance on January 9, 2012

The committee substitute (CS) reinstates two consumer protections that were inadvertently deleted from the bill. It requires the newly created 7 hour mandatory continuing education course for agents to include instruction on premium discounts for consumers and reinstates the requirement that life insurance agents take a 3 hour course on the suitability of annuity and life insurance contracts. The CS increases applicants taking the agent licensure exam 5 chances to pass the exam, instead of 3 under the bill originally filed. The strike all also corrects a number of technical deficiencies and internal inconsistencies.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/09/2012	.	
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	.	
	.	

The Committee on Banking and Insurance (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (27) of section 624.501, Florida Statutes, is amended to read:

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

(27) Title insurance agents:



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13 (e) Title insurer and title insurance agency administrative
14 surcharge:

15 ~~1.~~ On or before January 30 of each calendar year, each
16 title insurer shall pay an administrative surcharge of \$200.00
17 to the office for each licensed title insurance agency appointed
18 by the title insurer and for each retail office of the insurer
19 on January 1 of that calendar year ~~an administrative surcharge~~
20 ~~of \$200.00.~~

21 ~~2. On or before January 30 of each calendar year, each~~
22 ~~licensed title insurance agency shall remit to the department an~~
23 ~~administrative surcharge of \$200.00. The administrative~~
24 ~~surcharge may be used solely to defray the costs to the~~
25 ~~department and office for gathering and evaluating in their~~
26 ~~examination or audit of title insurance agencies and retail~~
27 ~~offices of title insurers and to gather title insurance data~~
28 from title insurance agencies and insurers for statistical
29 purposes, which shall ~~to~~ be furnished to and used by the office
30 in its regulation of title insurance.

31 Section 2. Subsection (1) of section 624.505, Florida
32 Statutes, is amended to read:

33 624.505 County tax; determination; ~~additional offices;~~
34 nonresident agents.—

35 (1) The county tax imposed ~~provided for~~ under s. 624.501
36 for as to an agent shall be paid by each insurer for each agent
37 only for the county where the agent resides, or if the such
38 agent's place of business is not located in the a county where
39 the agent resides ~~other than that of her or his residence, then~~
40 for the county in which the agent's ~~wherein is located such~~
41 place of business is located. ~~If an agent maintains an office or~~



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42 ~~place of business in more than one county, the tax shall be paid~~
43 ~~for her or him by each such insurer for each county wherein the~~
44 ~~agent represents such insurer and has a place of business. If~~
45 ~~When under this subsection an insurer is paying the required to~~
46 ~~pay county tax for an agent for a county ~~or counties~~ other than~~
47 ~~the agent's county of residence, the insurer must ~~shall~~~~
48 ~~designate the county ~~or counties~~ for which the taxes are paid.~~

49 Section 3. Subsections (1) and (7) of section 626.015,
50 Florida Statutes, are amended to read:

51 626.015 Definitions.—As used in this part:

52 (1) "Adjuster" means a public adjuster as defined in s.
53 626.854, a public adjuster apprentice as defined in s. 626.8541,
54 or an all-lines adjuster as defined in s. 626.8548 ~~independent~~
55 ~~adjuster as defined in s. 626.855, or company employee adjuster~~
56 ~~as defined in s. 626.856.~~

57 (7) "Home state" means the District of Columbia and any
58 state or territory of the United States in which an ~~insurance~~
59 agent or adjuster maintains his or her principal place of
60 residence or principal place of business and is licensed to act
61 as an insurance agent or adjuster.

62 Section 4. Subsections (2) and (3) of section 626.0428,
63 Florida Statutes, are amended to read:

64 626.0428 Agency personnel powers, duties, and limitations.—

65 (2) An ~~No~~ employee of an agent or agency may not bind
66 insurance coverage unless licensed and appointed as an ~~a general~~
67 ~~lines~~ agent or customer representative.

68 (3) An ~~No~~ employee of an agent or agency may not initiate
69 contact with any person for the purpose of soliciting insurance
70 unless licensed and appointed as an ~~a general lines~~ agent or



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71 customer representative.

72 Section 5. Subsection (1) and paragraph (b) of subsection
73 (2) of section 626.171, Florida Statutes, are amended to read:

74 626.171 Application for license as an agent, customer
75 representative, adjuster, service representative, managing
76 general agent, or reinsurance intermediary.—

77 (1) The department may ~~shall~~ not issue a license as agent,
78 customer representative, adjuster, service representative,
79 managing general agent, or reinsurance intermediary to any
80 person except upon written application ~~therefor~~ filed with the
81 department ~~it~~, meeting the qualifications for the license
82 applied for as determined by the department ~~qualification~~
83 ~~therefor~~, and payment in advance of all applicable fees. The ~~Any~~
84 ~~such~~ application must ~~shall~~ be made under the oath of the
85 applicant and be signed by the applicant. An applicant may
86 permit a third party to complete, submit, and sign an
87 application on the applicant's behalf, but is responsible for
88 ensuring that the information on the application is true and
89 correct and is accountable for any misstatements or
90 misrepresentations. The department shall accept the uniform
91 application for nonresident agent licensing. The department may
92 adopt revised versions of the uniform application by rule.

93 (2) In the application, the applicant shall set forth:

94 (b) A statement indicating the method the applicant used or
95 is using to meet any required prelicensing education, knowledge,
96 experience, or instructional requirements for the type of
97 license applied for. ~~Proof that he or she has completed or is in~~
98 ~~the process of completing any required prelicensing course.~~

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100 However, the application must contain a statement that an
101 applicant is not required to disclose his or her race or
102 ethnicity, gender, or native language, that he or she will not
103 be penalized for not doing so, and that the department will use
104 this information exclusively for research and statistical
105 purposes and to improve the quality and fairness of the
106 examinations.

107 Section 6. Section 626.191, Florida Statutes, is amended to
108 read:

109 626.191 Repeated applications.—The failure of an applicant
110 to secure a license upon ~~an~~ application does ~~shall~~ not preclude
111 the applicant from applying again. However ~~as many times as~~
112 ~~desired, but~~ the department may ~~shall~~ not consider ~~give~~
113 ~~consideration to~~ or accept any further application by the same
114 applicant individual for a similar license dated or filed within
115 30 days after ~~subsequent to~~ the date the department denied the
116 last application, except as provided under ~~in~~ s. 626.281.

117 Section 7. Subsection (2) of section 626.221, Florida
118 Statutes, is amended to read:

119 626.221 Examination requirement; exemptions.—

120 (2) However, an ~~no such~~ examination is not ~~shall be~~
121 necessary for ~~in~~ any of the following ~~eases~~:

122 (a) An applicant for renewal of appointment as an agent,
123 customer representative, or adjuster, unless the department
124 determines that an examination is necessary to establish the
125 competence or trustworthiness of the ~~such~~ applicant.

126 (b) An applicant for a limited license as agent for travel
127 insurance, motor vehicle rental ~~personal accident insurance,~~
128 ~~baggage and motor vehicle excess liability insurance, credit~~



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129 ~~life or disability~~ insurance, credit insurance, ~~credit property~~
130 ~~insurance,~~ in-transit and storage personal property insurance,
131 or portable electronics ~~communications equipment property~~
132 ~~insurance or communication equipment inland marine insurance~~
133 under s. 626.321.

134 (c) In the discretion of the department, an applicant for
135 reinstatement of license or appointment as an agent, customer
136 representative, ~~company employee adjuster,~~ or all-lines
137 ~~independent~~ adjuster whose license has been suspended within the
138 4 years before ~~prior to~~ the date of application or written
139 request for reinstatement.

140 (d) An applicant who, within the 4 years before ~~prior to~~
141 application for license and appointment as an agent, customer
142 representative, or adjuster, was a full-time salaried employee
143 of the department who ~~and~~ had ~~continuously been such an employee~~
144 ~~with~~ responsible insurance duties for at least ~~not less than~~ 2
145 continuous years and who had been a licensee within the 4 years
146 before ~~prior to~~ employment by the department with the same class
147 of license as that being applied for.

148 (e) An applicant ~~A person~~ who has been licensed as an all-
149 lines adjuster and appointed as an independent adjuster or
150 company employee adjuster ~~as to all property, casualty, and~~
151 ~~surety insurances may be licensed and appointed as a company~~
152 ~~employee adjuster or independent adjuster, as to these kinds of~~
153 ~~insurance, without additional written examination if an~~
154 application for licensure is filed with the department within 48
155 months following the date of cancellation or expiration of the
156 prior appointment.

157 ~~(f) A person who has been licensed as a company employee~~



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158 ~~adjuster or independent adjuster for motor vehicle, property and~~
159 ~~casualty, workers' compensation, and health insurance may be~~
160 ~~licensed as such an adjuster without additional written~~
161 ~~examination if his or her application for licensure is filed~~
162 ~~with the department within 48 months after cancellation or~~
163 ~~expiration of the prior license.~~

164 (f) ~~(g)~~ An applicant for a temporary license, except as
165 otherwise provided in this code.

166 (g) ~~(h)~~ An applicant for a license as a life or health agent
167 license who has received the designation of chartered life
168 underwriter (CLU) from the American College of Life Underwriters
169 and ~~who~~ has been engaged in the insurance business within the
170 past 4 years, except that the applicant ~~such an individual~~ may
171 be examined on pertinent provisions of this code.

172 (h) ~~(i)~~ An applicant for license as a general lines agent,
173 customer representative, or adjuster who has received the
174 designation of chartered property and casualty underwriter
175 (CPCU) from the American Institute for Property and Liability
176 Underwriters and ~~who~~ has been engaged in the insurance business
177 within the past 4 years, except that the applicant ~~such an~~
178 ~~individual~~ may be examined on pertinent provisions of this code.

179 (i) ~~(j)~~ An applicant for license as a customer
180 representative who has earned the designation of Accredited
181 Advisor in Insurance (AAI) from the Insurance Institute of
182 America, the designation of Certified Insurance Counselor (CIC)
183 from the Society of Certified Insurance Service Counselors, the
184 designation of Accredited Customer Service Representative (ACSR)
185 from the Independent Insurance Agents of America, the
186 designation of Certified Professional Service Representative



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187 (CPSR) from the National Foundation for Certified Professional
188 Service Representatives, the designation of Certified Insurance
189 Service Representative (CISR) from the Society of Certified
190 Insurance Service Representatives, or the designation of
191 Certified Insurance Representative (CIR) from the National
192 Association of Christian Catastrophe Insurance Adjusters. Also,
193 an applicant for license as a customer representative who has
194 earned an associate degree or bachelor's degree from an
195 accredited college or university and has completed ~~with~~ at least
196 9 academic hours of property and casualty insurance curriculum,
197 or the equivalent, or has earned the designation of Certified
198 Customer Service Representative (CCSR) from the Florida
199 Association of Insurance Agents, or the designation of
200 Registered Customer Service Representative (RCSR) from a
201 regionally accredited postsecondary institution in this state,
202 or the designation of Professional Customer Service
203 Representative (PCSR) from the Professional Career Institute,
204 whose curriculum has been approved by the department and which
205 ~~whose curriculum~~ includes comprehensive analysis of basic
206 property and casualty lines of insurance and testing at least
207 equal to that of standard department testing for the customer
208 representative license. The department shall adopt rules
209 establishing standards for the approval of curriculum.

210 (j) ~~(k)~~ An applicant for license as a resident or
211 nonresident all-lines ~~an independent or company employee~~
212 adjuster who has the designation of Accredited Claims Adjuster
213 (ACA) from a regionally accredited postsecondary institution in
214 this state, Professional Claims Adjuster (PCA) from the
215 Professional Career Institute, Professional Property Insurance



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216 Adjuster (PPIA) from the HurriClaim Training Academy, Certified
217 Adjuster (CA) from ALL LINES Training, or Certified Claims
218 Adjuster (CCA) from the Association of Property and Casualty
219 Claims Professionals whose curriculum has been approved by the
220 department and which ~~whose curriculum~~ includes comprehensive
221 analysis of basic property and casualty lines of insurance and
222 testing at least equal to that of standard department testing
223 for the all-lines adjuster license. The department shall adopt
224 rules establishing standards for the approval of curriculum.

225 (k) ~~(l)~~ An applicant qualifying for a license transfer under
226 s. 626.292~~7~~ if the applicant:

227 1. Has successfully completed the prelicensing examination
228 requirements in the applicant's previous home state which are
229 substantially equivalent to the examination requirements in this
230 state, as determined by the department;

231 2. Has received the designation of chartered property and
232 casualty underwriter (CPCU) from the American Institute for
233 Property and Liability Underwriters and ~~has~~ been engaged in the
234 insurance business within the past 4 years if applying to
235 transfer a general lines agent license; or

236 3. Has received the designation of chartered life
237 underwriter (CLU) from the American College of Life Underwriters
238 and ~~has~~ been engaged in the insurance business within the past 4
239 years~~7~~ if applying to transfer a life or health agent license.

240 (l) ~~(m)~~ An applicant for a license as a nonresident agent
241 ~~license~~~~7~~ if the applicant:

242 1. Has successfully completed prelicensing examination
243 requirements in the applicant's home state which are
244 substantially equivalent to the examination requirements in this



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245 state, as determined by the department, as a requirement for
246 obtaining a resident license in his or her home state;

247 2. Held a general lines agent license, life agent license,
248 or health agent license before ~~prior to the time~~ a written
249 examination was required;

250 3. Has received the designation of chartered property and
251 casualty underwriter (CPCU) from the American Institute for
252 Property and Liability Underwriters and has been engaged in the
253 insurance business within the past 4 years, if an applicant for
254 a nonresident license as a general lines agent; or

255 4. Has received the designation of chartered life
256 underwriter (CLU) from the American College of Life Underwriters
257 and ~~has~~ been in the insurance business within the past 4 years,
258 if an applicant for a nonresident license as a life agent or
259 health agent.

260 Section 8. Subsection (2) of section 626.231, Florida
261 Statutes, is amended to read:

262 626.231 Eligibility; application for examination.—

263 (2) A person required to take an examination for a license
264 may ~~be permitted to~~ take an examination before ~~prior to~~
265 submitting an application for licensure pursuant to s. 626.171
266 by submitting an application for examination through the
267 department's Internet website or the website of a person
268 designated by the department to administer the examination. The
269 department may require ~~In the application,~~ the applicant to
270 provide the following information as part of the application
271 ~~shall set forth:~~

272 (a) His or her full name, date of birth ~~age~~, social
273 security number, residence address, business address, ~~and~~



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274 mailing address, and e-mail address.

275 (b) The type of license which ~~that~~ the applicant intends to
276 apply for.

277 (c) The name of any required prelicensing course he or she
278 has completed or is in the process of completing.

279 (d) The method by which the applicant intends to qualify
280 for the type of license if other than by completing a
281 prelicensing course.

282 (e) The applicant's gender ~~(male or female).~~

283 (f) The applicant's native language.

284 (g) The highest level of education achieved by the
285 applicant.

286 (h) The applicant's race or ethnicity ~~(African American,
287 white, American Indian, Asian, Hispanic, or other).~~

288
289 However, the application form must contain a statement that an
290 applicant is not required to disclose his or her race or
291 ethnicity, gender, or native language, that he or she will not
292 be penalized for not doing so, and that the department will use
293 this information exclusively for research and statistical
294 purposes and to improve the quality and fairness of the
295 examinations.

296 Section 9. Subsection (6) of section 626.241, Florida
297 Statutes, is amended to read:

298 626.241 Scope of examination.—

299 (6) In order to reflect the differences between adjusting
300 claims for an insurer and adjusting claims for an insured, the
301 department shall create an examination for applicants seeking
302 licensure as a public adjuster and a separate examination for



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303 applicants seeking licensure as an all-lines ~~a company employee~~
304 ~~adjuster or independent~~ adjuster.

305 (a) Examinations ~~given applicants~~ for a license as an all-
306 lines adjuster must ~~shall~~ cover adjusting in all lines of
307 insurance, other than life and annuity; ~~or, in accordance with~~
308 ~~the application for the license, the examination may be limited~~
309 ~~to adjusting in:~~

310 ~~(a) Automobile physical damage insurance;~~

311 ~~(b) Property and casualty insurance;~~

312 ~~(c) Workers' compensation insurance; or~~

313 ~~(d) Health insurance.~~

314 (b) ~~An~~ examination for ~~an~~ worker's compensation
315 insurance or health insurance is not ~~shall be~~ required for
316 public adjusters.

317 Section 10. Subsection (1) of section 626.251, Florida
318 Statutes, is amended to read:

319 626.251 Time and place of examination; notice.—

320 (1) The department, or a person designated by the
321 department, shall provide ~~mail written~~ notice of the time and
322 place of the examination to each applicant for examination and
323 each applicant for license required to take an examination who
324 will be eligible to take the examination as of the examination
325 date. The notice shall be e-mailed ~~so mailed, postage prepaid,~~
326 ~~and addressed~~ to the applicant at the e-mail ~~his or her~~ address
327 shown on the application for license or examination ~~at such~~
328 ~~other address as requested by the applicant in writing filed~~
329 ~~with the department prior to the mailing of the notice.~~ Notice
330 is ~~shall be~~ deemed given when so mailed.

331 Section 11. Section 626.281, Florida Statutes, is amended



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332 to read:

333 626.281 Reexamination.—

334 (1) An ~~Any~~ applicant for license or ~~applicant for~~
335 examination who has ~~either~~:

336 (a) Taken an examination and failed to make a passing
337 grade, or

338 (b) Failed to appear for the examination or to take or
339 complete the examination at the time and place specified in the
340 notice of the department,

341

342 may take additional examinations, after filing with the
343 department or its designee an application for reexamination
344 together with applicable fees. The failure of an applicant to
345 pass an examination, ~~or the failure~~ to appear for the
346 examination, or to take or complete the examination does not
347 preclude the applicant from taking subsequent examinations.

348 (2) Applicants may take an examination for a license type
349 up to five times in a 12-month period.

350 (3) ~~(2)~~ The department may require an ~~any~~ individual whose
351 license as an agent, customer representative, or adjuster has
352 expired or ~~has~~ been suspended to pass an examination before
353 ~~prior to~~ reinstating or relicensing the individual as to any
354 class of license. The examination fee must ~~shall~~ be paid for ~~as~~
355 ~~to~~ each examination.

356 Section 12. Section 626.2815, Florida Statutes, is amended
357 to read:

358 626.2815 Continuing education ~~required; application;~~
359 ~~exceptions; requirements; penalties.~~—

360 (1) The purpose of this section is to establish



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361 requirements and standards for continuing education courses for
362 individuals ~~persons~~ licensed to solicit, ~~or~~ sell, or adjust
363 insurance in the state.

364 (2) Except as otherwise provided in this section, ~~the~~
365 ~~provisions of this section~~ applies ~~apply~~ to individuals ~~persons~~
366 licensed to engage in the sale of insurance or adjustment of
367 insurance claims in this state for all lines of insurance for
368 which an examination is required for licensing and to each
369 insurer, employer, or appointing entity, including, but not
370 limited to, those created or existing pursuant to s. 627.351.
371 ~~The provisions of This section~~ does ~~shall~~ not apply to an ~~any~~
372 individual who holds ~~person holding~~ a license for the sale of
373 any line of insurance for which an examination is not required
374 by the laws of this state or who holds a, ~~nor shall the~~
375 ~~provisions of this section~~ apply to any limited license as a
376 crop or hail and multiple-peril crop insurance agent ~~the~~
377 ~~department may exempt by rule.~~ Licensees who are unable to
378 comply with the continuing education requirements due to active
379 duty in the military may submit a written request to the
380 department for a waiver.

381 (3) ~~(a)~~ Each licensee ~~person~~ subject to ~~the provisions of~~
382 this section must, except as set forth in paragraphs (b), (c),
383 ~~and~~ (d), and (g), complete a minimum of 24 hours of continuing
384 education courses every 2 years in basic or higher-level courses
385 prescribed by this section or in other courses approved by the
386 department.

387 (a) Each licensee ~~person~~ subject to ~~the provisions of this~~
388 ~~section~~ must complete, ~~as part of his or her required number of~~
389 ~~continuing education hours~~, 3 hours of continuing education,



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390 approved by the department, every 2 years on the subject matter
391 of ethics. Each licensed general lines agent and customer
392 representative ~~subject to this section~~ must complete, ~~as part of~~
393 ~~his or her required number of continuing education hours,~~ 1 hour
394 of continuing education, approved by the department, every 2
395 years on the subject matter of premium discounts available on
396 property insurance policies based on various hurricane
397 mitigation options and the means for obtaining the discounts.

398 (b) A licensee ~~person~~ who has been licensed for a ~~period of~~
399 6 or more years must complete 20 hours of continuing education
400 every 2 years in intermediate or advanced-level courses
401 prescribed by this section or in other courses approved by the
402 department.

403 (c) A licensee who has been licensed for 25 years or more
404 and is a CLU or a CPCU or has a Bachelor of Science degree in
405 risk management or insurance with evidence of 18 or more
406 semester hours in upper-level insurance-related courses must
407 complete 10 hours of continuing education courses every 2 years
408 in courses prescribed by this section or in other courses
409 approved by the department.

410 (d) An individual ~~Any person~~ who holds a license as a
411 customer representative, limited customer representative, title
412 agent, motor vehicle physical damage and mechanical breakdown
413 insurance agent, ~~crop or hail and multiple-peril crop insurance~~
414 ~~agent,~~ or ~~as~~ an industrial fire insurance or burglary insurance
415 agent and who is not a licensed life or health ~~insurance~~ agent,
416 must ~~shall be required to~~ complete 10 hours of continuing
417 education courses every 2 years.

418 (e) An individual ~~Any person~~ who holds a license to solicit



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419 or sell life or health insurance and a license to solicit or
420 sell property, casualty, surety, or surplus lines insurance must
421 complete ~~the continuing education requirements by completing~~
422 courses in life or health insurance for one-half of the total
423 hours required and courses in property, casualty, surety, or
424 surplus lines insurance for one-half of the total hours
425 required. However, a licensee who holds an industrial fire or
426 burglary insurance license and who is a licensed life or health
427 agent must ~~shall be required to~~ complete 4 hours of continuing
428 education courses every 2 years related to industrial fire or
429 burglary insurance and the remaining number of hours of
430 continuing education courses ~~required~~ related to life or health
431 insurance.

432 (f) An individual who holds a license to solicit or sell
433 life insurance must complete a minimum of 3 hours in continuing
434 education on suitability in annuity and life insurance
435 transactions. This requirement does not apply to an agent who
436 does not have any active life insurance or annuity contracts. In
437 applying this exemption, the department may require the agent to
438 file a certification attesting that the agent has not sold life
439 insurance or annuities during the continuing education
440 compliance cycle in question and does not have any active life
441 insurance or annuity contracts. A licensee may use the hours
442 obtained under this paragraph to satisfy the requirement for
443 continuing education in ethics under paragraph (a).

444 (g) An individual subject to chapter 648 must complete a
445 minimum of 14 hours of continuing education courses every 2
446 years.

447 (h) Excess hours accumulated during any 2-year compliance



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448 period may be carried forward to the next compliance period.

449 (i) An individual teaching an approved course of
450 instruction or lecturing at an approved seminar and attending
451 the entire course or seminar qualifies for the same number of
452 classroom hours as would be granted to a person taking and
453 successfully completing such course or seminar. Credit is
454 limited to the number of hours actually taught unless a person
455 attends the entire course or seminar. An individual who is an
456 official of or employed by a governmental entity in this state
457 and serves as a professor, instructor, or other position or
458 office, the duties and responsibilities of which are determined
459 by the department to require monitoring and review of insurance
460 laws or insurance regulations and practices, is exempt from this
461 section.

462 (4) ~~(f)~~1. Except as provided in subparagraph 2., Compliance
463 with continuing education requirements is a condition precedent
464 to the issuance, continuation, reinstatement, or renewal of any
465 appointment subject to this section. However:

466 (a) ~~2.a.~~ An appointing entity, except one that appoints
467 individuals who are employees or exclusive independent
468 contractors of the appointing entity, may not require, directly
469 or indirectly, as a condition of such appointment or the
470 continuation of such appointment, the taking of an approved
471 course or program by any appointee or potential appointee which
472 ~~that~~ is not of the appointee's choosing.

473 (b) ~~b.~~ Any entity created or existing pursuant to s. 627.351
474 may require employees to take training of any type relevant to
475 their employment but may not require appointees who are not
476 employees to take any approved course or program unless the



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477 course or program deals solely with the appointing entity's
478 internal procedures or products or with subjects substantially
479 unique to the appointing entity.

480 ~~(g) A person teaching any approved course of instruction or~~
481 ~~lecturing at any approved seminar and attending the entire~~
482 ~~course or seminar shall qualify for the same number of classroom~~
483 ~~hours as would be granted to a person taking and successfully~~
484 ~~completing such course, seminar, or program. Credit shall be~~
485 ~~limited to the number of hours actually taught unless a person~~
486 ~~attends the entire course or seminar. Any person who is an~~
487 ~~official of or employed by any governmental entity in this state~~
488 ~~and serves as a professor, instructor, or in any other position~~
489 ~~or office the duties and responsibilities of which are~~
490 ~~determined by the department to require monitoring and review of~~
491 ~~insurance laws or insurance regulations and practices shall be~~
492 ~~exempt from this section.~~

493 ~~(h) Excess classroom hours accumulated during any~~
494 ~~compliance period may be carried forward to the next compliance~~
495 ~~period.~~

496 (5) ~~(i)~~ For good cause shown, the department may grant an
497 extension of time during which the requirements of ~~imposed by~~
498 this section may be completed, but such extension ~~of time~~ may
499 not exceed 1 year.

500 (6) ~~(j)~~ A nonresident licensee who must complete continuing
501 education requirements in his or her home state may use the home
502 state requirements to also meet this state's continuing
503 education requirements ~~as well,~~ if the licensee's ~~resident's~~
504 home state recognizes reciprocity with this state's continuing
505 education requirements. A nonresident licensee whose home state



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506 does not have a continuing education requirement but is licensed
507 for the same class of business in another state that has ~~which~~
508 ~~does have~~ a continuing education requirement may comply with
509 this section by furnishing proof of compliance with the other
510 state's requirement if that state has a reciprocal agreement
511 with this state relative to continuing education. A nonresident
512 licensee whose home state does not have such continuing
513 education requirements, and who is not licensed as a nonresident
514 licensee agent in a state that has continuing education
515 requirements and reciprocates with this state, must meet the
516 continuing education requirements of this state.

517 ~~(k) Any person who holds a license to solicit or sell life~~
518 ~~insurance in this state must complete a minimum of 3 hours in~~
519 ~~continuing education, approved by the department, on the subject~~
520 ~~of suitability in annuity and life insurance transactions. This~~
521 ~~requirement does not apply to an agent who does not have any~~
522 ~~active life insurance or annuity contracts. In applying this~~
523 ~~exemption, the department may require the filing of a~~
524 ~~certification attesting that the agent has not sold life~~
525 ~~insurance or annuities during the continuing education~~
526 ~~compliance cycle in question and does not have any active life~~
527 ~~insurance or annuity contracts. A licensee may use the hours~~
528 ~~obtained under this paragraph to satisfy the requirement for~~
529 ~~continuing education in ethics under paragraph (a).~~

530 ~~(7)-(4)~~ The following courses may be completed in order to
531 meet the elective continuing education course requirements:

532 (a) Any part of the Life Underwriter Training Council Life
533 Course Curriculum: 24 hours; Health Course: 12 hours.

534 (b) Any part of the American College "CLU" diploma



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535 curriculum: 24 hours.

536 (c) Any part of the Insurance Institute of America's
537 program in general insurance: 12 hours.

538 (d) Any part of the American Institute for Property and
539 Liability Underwriters' Chartered Property Casualty Underwriter
540 (CPCU) professional designation program: 24 hours.

541 (e) Any part of the Certified Insurance Counselor program:
542 21 hours.

543 (f) Any part of the Accredited Advisor in Insurance: 21
544 hours.

545 (g) In the case of title agents, completion of the
546 Certified Land Closer (CLC) professional designation program and
547 receipt of the designation: 24 hours.

548 (h) In the case of title agents, completion of the
549 Certified Land Searcher (CLS) professional designation program
550 and receipt of the designation: 24 hours.

551 (i) Any insurance-related course that ~~which~~ is approved by
552 the department and taught by an accredited college or university
553 per credit hour granted: 12 hours.

554 (j) Any course, including courses relating to agency
555 management or errors and omissions, developed or sponsored by an
556 ~~any~~ authorized insurer or recognized agents' association or
557 insurance trade association or an ~~any~~ independent study program
558 of instruction, subject to approval by the department, qualifies
559 for the equivalency of the number of classroom hours assigned
560 ~~thereto~~ by the department. However, unless otherwise provided in
561 this section, continuing education hours may not be credited
562 toward meeting the requirements of this section unless the
563 course is provided by classroom instruction or results in a



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564 monitored examination. A monitored examination is not required
565 for:

566 1. An independent study program of instruction presented
567 through interactive, online technology that the department
568 determines has sufficient internal testing to validate the
569 student's full comprehension of the materials presented; or

570 2. An independent study program of instruction presented on
571 paper or in printed material which ~~that~~ imposes a final closed
572 book examination that meets the requirements of the department's
573 rule for self-study courses. The examination may be taken
574 without a proctor if ~~provided~~ the student presents to the
575 provider a sworn affidavit certifying that the student did not
576 consult any written materials or receive outside assistance of
577 any kind or from any person, directly or indirectly, while
578 taking the examination. If the student is an employee of an
579 agency or corporate entity, the student's supervisor or a
580 manager or owner of the agency or corporate entity must also
581 sign the sworn affidavit. If the student is self-employed, a
582 sole proprietor, or a partner, or if the examination is
583 administered online, the sworn affidavit must also be signed by
584 a disinterested third party. The sworn affidavit must be
585 received by the approved provider before ~~prior to~~ reporting
586 continuing education credits to the department.

587 (8) ~~(k)~~ Each person or entity sponsoring a course for
588 continuing education credit must furnish, within 15 ~~30~~ days
589 after completion of the course, in a form satisfactory to the
590 department or its designee, a ~~written and certified~~ roster
591 showing the name and license number of all persons successfully
592 completing such course and requesting credit, ~~accompanied by the~~



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593 ~~required fee.~~

594 ~~(9)(5) The department may immediately terminate or shall~~
595 ~~refuse to renew the appointment of an any agent or adjuster who~~
596 ~~has been notified by the department that ~~who has not had his or~~~~
597 ~~her continuing education requirements have not been certified,~~
598 ~~unless the agent or adjuster has been granted an extension or~~
599 ~~waiver by the department. The department may not issue a new~~
600 ~~appointment of the same or similar type, ~~with any insurer,~~ to a~~
601 ~~licensee ~~an agent~~ who was denied a renewal appointment for~~
602 ~~failing ~~failure~~ to complete continuing education as required~~
603 ~~until the licensee ~~agent~~ completes his or her continuing~~
604 ~~education requirement.~~

605 ~~(6)(a) There is created an 11 member continuing education~~
606 ~~advisory board to be appointed by the Chief Financial Officer.~~
607 ~~Appointments shall be for terms of 4 years. The purpose of the~~
608 ~~board is to advise the department in determining standards by~~
609 ~~which courses may be evaluated and categorized as basic,~~
610 ~~intermediate, or advanced. The board shall submit~~
611 ~~recommendations to the department of changes needed in such~~
612 ~~criteria not less frequently than every 2 years. The department~~
613 ~~shall require all approved course providers to submit courses~~
614 ~~for approval to the department using the criteria. All~~
615 ~~materials, brochures, and advertisements related to the approved~~
616 ~~courses must specify the level assigned to the course.~~

617 ~~(b) The board members shall be appointed as follows:~~

618 ~~1. Seven members representing agents of which at least one~~
619 ~~must be a representative from each of the following~~
620 ~~organizations: the Florida Association of Insurance Agents; the~~
621 ~~Florida Association of Insurance and Financial Advisors; the~~



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622 ~~Professional Insurance Agents of Florida, Inc.; the Florida~~
623 ~~Association of Health Underwriters; the Specialty Agents'~~
624 ~~Association; the Latin American Agents' Association; and the~~
625 ~~National Association of Insurance Women. Such board members must~~
626 ~~possess at least a bachelor's degree or higher from an~~
627 ~~accredited college or university with major coursework in~~
628 ~~insurance, risk management, or education or possess the~~
629 ~~designation of CLU, CPCU, ChFC, CFP, AAI, or CIC. In addition,~~
630 ~~each member must possess 5 years of classroom instruction~~
631 ~~experience or 5 years of experience in the development or design~~
632 ~~of educational programs or 10 years of experience as a licensed~~
633 ~~resident agent. Each organization may submit to the department a~~
634 ~~list of recommendations for appointment. If one organization~~
635 ~~does not submit a list of recommendations, the Chief Financial~~
636 ~~Officer may select more than one recommended person from a list~~
637 ~~submitted by other eligible organizations.~~

638 ~~2. Two members representing insurance companies at least~~
639 ~~one of whom must represent a Florida Domestic Company and one of~~
640 ~~whom must represent the Florida Insurance Council. Such board~~
641 ~~members must be employed within the training department of the~~
642 ~~insurance company. At least one such member must be a member of~~
643 ~~the Society of Insurance Trainers and Educators.~~

644 ~~3. One member representing the general public who is not~~
645 ~~directly employed in the insurance industry. Such board member~~
646 ~~must possess a minimum of a bachelor's degree or higher from an~~
647 ~~accredited college or university with major coursework in~~
648 ~~insurance, risk management, training, or education.~~

649 ~~4. One member, appointed by the Chief Financial Officer,~~
650 ~~who represents the department.~~



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651 ~~(c) The members of the board shall serve at the pleasure of~~
652 ~~the Chief Financial Officer. Each board member shall be entitled~~
653 ~~to reimbursement for expenses pursuant to s. 112.061. The board~~
654 ~~shall designate one member as chair. The board shall meet at the~~
655 ~~call of the chair or the Chief Financial Officer.~~

656 ~~(10)(7)~~ The department may contract services relative to
657 the administration of the continuing education program to a
658 private entity. The contract shall be procured as a ~~contract for~~
659 ~~a contractual service pursuant to s. 287.057.~~

660 Section 13. Effective October 1, 2014, subsection (3) of
661 section 626.2815, Florida Statutes, as amended by this act, is
662 amended to read:

663 626.2815 Continuing education requirements.-

664 (3) Each licensee ~~subject to this section must, except as~~
665 ~~set forth in paragraphs (b), (c), (d), and (g), complete a 7-~~
666 hour update course every 2 years which is specific to the
667 license held by the licensee. The course must be developed and
668 offered by providers and approved by the department. The content
669 of the course must address all lines of insurance for which
670 examination and license is required and include the following
671 subject areas: insurance law updates, ethics for insurance
672 professionals, disciplinary trends and case studies, industry
673 trends, premium discounts, determining suitability of products
674 and services, and other similar insurance-related topics the
675 department determines are relevant to legally and ethically
676 carrying out the responsibilities of the license granted. A
677 licensee who holds multiple insurance licenses must complete an
678 update course that is specific to at least one of the licenses
679 held. Except as otherwise specified, any remaining required



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680 hours of continuing education are elective and may consist of
681 any continuing education course approved by the department or
682 under this section ~~minimum of 24 hours of continuing education~~
683 ~~courses every 2 years in basic or higher level courses~~
684 ~~prescribed by this section or in other courses approved by the~~
685 ~~department.~~

686 (a) Except as provided in paragraphs (b), (c), (d), and
687 (e), each licensee must also complete 17 ~~3~~ hours of elective
688 continuing education courses, ~~approved by the department,~~ every
689 2 years ~~on the subject matter of ethics. Each licensed general~~
690 ~~lines agent and customer representative must complete 1 hour of~~
691 ~~continuing education, approved by the department, every 2 years~~
692 ~~on the subject matter of premium discounts available on property~~
693 ~~insurance policies based on various hurricane mitigation options~~
694 ~~and the means for obtaining the discounts.~~

695 (b) A licensee who has been licensed for 6 or more years
696 must also complete a minimum of 13 ~~20~~ hours of elective
697 continuing education every 2 years ~~in intermediate or advanced-~~
698 ~~level courses prescribed by this section or in other courses~~
699 ~~approved by the department.~~

700 (c) A licensee who has been licensed for 25 years or more
701 and is a CLU or a CPCU or has a Bachelor of Science degree in
702 risk management or insurance with evidence of 18 or more
703 semester hours in ~~upper-level~~ insurance-related courses must
704 also complete a minimum of 3 ~~10~~ hours of elective continuing
705 education courses every 2 years ~~in courses prescribed by this~~
706 ~~section or in other courses approved by the department.~~

707 (d) An individual who holds a license as a customer
708 representative, limited customer representative, title agent,



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709 motor vehicle physical damage and mechanical breakdown insurance
710 agent, or an industrial fire insurance or burglary insurance
711 agent and who is not a licensed life or health agent, must also
712 complete a minimum of 3 ~~10~~ hours of continuing education courses
713 every two years.

714 ~~(c) An individual who holds a license to solicit or sell~~
715 ~~life or health insurance and a license to solicit or sell~~
716 ~~property, casualty, surety, or surplus lines insurance must~~
717 ~~complete courses in life or health insurance for one-half of the~~
718 ~~total hours required and courses in property, casualty, surety,~~
719 ~~or surplus lines insurance for one-half of the total hours~~
720 ~~required. However, a licensee who holds an industrial fire or~~
721 ~~burglary insurance license and who is a licensed life or health~~
722 ~~agent must complete 4 hours of continuing education courses~~
723 ~~every 2 years related to industrial fire or burglary insurance~~
724 ~~and the remaining number of hours of continuing education~~
725 ~~courses related to life or health insurance.~~

726 ~~(f) An individual who holds a license to solicit or sell~~
727 ~~life insurance must complete a minimum of 3 hours in continuing~~
728 ~~education on suitability in annuity and life insurance~~
729 ~~transactions. This requirement does not apply to an agent who~~
730 ~~does not have any active life insurance or annuity contracts. In~~
731 ~~applying this exemption, the department may require the agent to~~
732 ~~file a certification attesting that the agent has not sold life~~
733 ~~insurance or annuities during the continuing education~~
734 ~~compliance cycle in question and does not have any active life~~
735 ~~insurance or annuity contracts. A licensee may use the hours~~
736 ~~obtained under this paragraph to satisfy the requirement for~~
737 ~~continuing education in ethics under paragraph (a).~~



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738 (e)~~(g)~~ An individual subject to chapter 648 must complete
739 the 7-hour update course and a minimum of 7 14 hours of
740 continuing education courses every 2 years.

741 (f) Elective continuing education courses for public
742 adjusters must be specifically designed for public adjusters and
743 approved by the department. Notwithstanding this subsection,
744 public adjusters for workers' compensation insurance or health
745 insurance are not required to take continuing education courses
746 pursuant to this section.

747 (g)~~(h)~~ Excess hours accumulated during any 2-year
748 compliance period may be carried forward to the next compliance
749 period.

750 (h)~~(i)~~ An individual teaching an approved course of
751 instruction or lecturing at an approved seminar and attending
752 the entire course or seminar qualifies for the same number of
753 classroom hours as would be granted to a person taking and
754 successfully completing such course or seminar. Credit is
755 limited to the number of hours actually taught unless a person
756 attends the entire course or seminar. An individual who is an
757 official of or employed by a governmental entity in this state
758 and serves as a professor, instructor, or other position or
759 office, the duties and responsibilities of which are determined
760 by the department to require monitoring and review of insurance
761 laws or insurance regulations and practices, is exempt from this
762 section.

763 Section 14. Subsections (1) and (2) of section 626.292,
764 Florida Statutes, are amended to read:

765 626.292 Transfer of license from another state.-

766 (1) An ~~Any~~ individual licensed in good standing in another



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767 state may apply to the department to have the license
768 transferred to this state to obtain a ~~Florida~~ resident agent or
769 all-lines adjuster license for the same lines of authority
770 covered by the license in the other state.

771 (2) To qualify for a license transfer, an individual
772 applicant must meet the following requirements:

773 (a) The individual must ~~shall~~ become a resident of this
774 state.

775 (b) The individual must ~~shall~~ have been licensed in another
776 state for a minimum of 1 year immediately preceding the date the
777 individual became a resident of this state.

778 (c) The individual must ~~shall~~ submit a completed
779 application for this state which is received by the department
780 within 90 days after the date the individual became a resident
781 of this state, along with payment of the applicable fees set
782 forth in s. 624.501 and submission of the following documents:

783 1. A certification issued by the appropriate official of
784 the applicant's home state identifying the type of license and
785 lines of authority under the license and stating that, at the
786 time the license from the home state was canceled, the applicant
787 was in good standing in that state or that the state's Producer
788 Database records, maintained by the National Association of
789 Insurance Commissioners, its affiliates, or subsidiaries,
790 indicate that the agent or all-lines adjuster is or was licensed
791 in good standing for the line of authority requested.

792 2. A set of the ~~individual~~ applicant's fingerprints in
793 accordance with s. 626.171(4).

794 (d) The individual must ~~shall~~ satisfy prelicensing
795 education requirements in this state, unless the completion of



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796 prelicensing education requirements was a prerequisite for
797 licensure in the other state and the prelicensing education
798 requirements in the other state are substantially equivalent to
799 the prelicensing requirements of this state as determined by the
800 department. This paragraph does not apply to all-lines
801 adjusters.

802 (e) The individual must ~~shall~~ satisfy the examination
803 requirement under s. 626.221, unless exempted ~~exempt thereunder.~~

804 Section 15. Subsections (2) and (3) of section 626.311,
805 Florida Statutes, are amended to read:

806 626.311 Scope of license.—

807 (2) Except with respect ~~as~~ to a limited license as a credit
808 ~~life or disability~~ insurance agent, the license of a life agent
809 covers ~~shall cover~~ all classes of life insurance business.

810 (3) Except with respect ~~as~~ to a limited license as a travel
811 ~~personal accident~~ insurance agent, the license of a health agent
812 covers ~~shall cover~~ all kinds of health insurance, and such ~~no~~
813 license may not ~~shall~~ be ~~issued~~ limited to a particular class of
814 health insurance.

815 Section 16. Subsections (1) and (4) of section 626.321,
816 Florida Statutes, are amended to read:

817 626.321 Limited licenses.—

818 (1) The department shall issue to a qualified applicant
819 ~~individual, or a qualified individual or entity under paragraphs~~
820 ~~(c), (d), (e), and (i),~~ a license as agent authorized to
821 transact a limited class of business in any of the following
822 categories of limited lines insurance:

823 (a) *Motor vehicle physical damage and mechanical breakdown*
824 *insurance.*—License covering insurance against only the loss of



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825 or damage to a any motor vehicle that ~~which~~ is designed for use
826 upon a highway, including trailers and semitrailers designed for
827 use with such vehicles. Such license also covers insurance
828 against the failure of an original or replacement part to
829 perform any function for which it was designed. A licensee under
830 this paragraph may not ~~The applicant for such a license shall~~
831 ~~pass a written examination covering motor vehicle physical~~
832 ~~damage insurance and mechanical breakdown insurance. No~~
833 ~~individual while so licensed shall~~ hold a license as an agent
834 for as to any other or additional kind or class of insurance
835 coverage except ~~as to~~ a limited license for credit insurance
836 ~~life and disability insurances~~ as provided in paragraph (e).
837 Effective October 1, 2012, all licensees holding such limited
838 license and appointment may renew the license and appointment,
839 but no new or additional licenses may be issued pursuant to this
840 paragraph, and a licensee whose limited license under this
841 paragraph has been terminated, suspended, or revoked may not
842 have such license reinstated.

843 (b) *Industrial fire insurance or burglary insurance.*-
844 License covering only industrial fire insurance or burglary
845 insurance. The applicant for such a license must ~~shall~~ pass a
846 written examination covering such insurance. A licensee under
847 this paragraph may not ~~No individual while so licensed shall~~
848 hold a license as an agent for as to any other or additional
849 kind or class of insurance coverage except for as to life
850 insurance and health insurance ~~insurances~~.

851 (c) *Travel insurance.*-License covering only policies and
852 certificates of travel insurance, which are subject to review by
853 the office under s. 624.605(1)(q). Policies and certificates of



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854 travel insurance may provide coverage for risks incidental to
855 travel, planned travel, or accommodations while traveling,
856 including, but not limited to, accidental death and
857 dismemberment of a traveler; trip cancellation, interruption, or
858 delay; loss of or damage to personal effects or travel
859 documents; baggage delay; emergency medical travel or evacuation
860 of a traveler; or medical, surgical, and hospital expenses
861 related to an illness or emergency of a traveler. ~~Any~~ Such
862 policy or certificate may be issued for terms longer than 60
863 days, but ~~each policy or certificate~~, other than a policy or
864 certificate providing coverage for air ambulatory services only,
865 each policy or certificate must be limited to coverage for
866 travel or use of accommodations of no longer than 60 days. The
867 license may be issued only:

868 1. To a full-time salaried employee of a common carrier or
869 a full-time salaried employee or owner of a transportation
870 ticket agency and may authorize the sale of such ticket policies
871 only in connection with the sale of transportation tickets, or
872 to the full-time salaried employee of such an agent. ~~No~~ Such
873 policy may not ~~shall~~ be for a ~~duration of~~ more than 48 hours or
874 more than ~~for~~ the duration of a specified one-way trip or round
875 trip.

876 2. To an entity or individual that is:

877 a. The developer of a timeshare plan that is the subject of
878 an approved public offering statement under chapter 721;

879 b. An exchange company operating an exchange program
880 approved under chapter 721;

881 c. A managing entity operating a timeshare plan approved
882 under chapter 721;



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883 d. A seller of travel as defined in chapter 559; or
884 e. A subsidiary or affiliate of any of the entities
885 described in sub-subparagraphs a.-d.

886
887 A licensee shall require each employee who offers policies or
888 certificates under this subparagraph to receive initial training
889 from a general lines agent or an insurer authorized under
890 chapter 624 to transact insurance within this state. For an
891 entity applying for a license as a travel insurance agent, the
892 fingerprinting requirement of this section applies only to the
893 president, secretary, and treasurer and to any other officer or
894 person who directs or controls the travel insurance operations
895 of the entity.

896 (d) *Motor vehicle rental insurance.*-

897 1. License covering only insurance of the risks set forth
898 in this paragraph when offered, sold, or solicited with and
899 incidental to the rental or lease of a motor vehicle and which
900 applies only to the motor vehicle that is the subject of the
901 lease or rental agreement and the occupants of the motor
902 vehicle:

903 a. Excess motor vehicle liability insurance providing
904 coverage in excess of the standard liability limits provided by
905 the lessor in the lessor's lease to a person renting or leasing
906 a motor vehicle from the licensee's employer for liability
907 arising in connection with the negligent operation of the leased
908 or rented motor vehicle.

909 b. Insurance covering the liability of the lessee to the
910 lessor for damage to the leased or rented motor vehicle.

911 c. Insurance covering the loss of or damage to baggage,



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912 personal effects, or travel documents of a person renting or
913 leasing a motor vehicle.

914 d. Insurance covering accidental personal injury or death
915 of the lessee and any passenger who is riding or driving with
916 the covered lessee in the leased or rented motor vehicle.

917 2. Insurance under a motor vehicle rental insurance license
918 may be issued only if the lease or rental agreement is for no
919 more than 60 days, the lessee is not provided coverage for more
920 than 60 consecutive days per lease period, and the lessee is
921 given written notice that his or her personal insurance policy
922 providing coverage on an owned motor vehicle may provide
923 coverage of such risks and that the purchase of the insurance is
924 not required in connection with the lease or rental of a motor
925 vehicle. If the lease is extended beyond 60 days, the coverage
926 may be extended one time only for a period not to exceed an
927 additional 60 days. Insurance may be provided to the lessee as
928 an additional insured on a policy issued to the licensee's
929 employer.

930 3. The license may be issued only to the full-time salaried
931 employee of a licensed general lines agent or to a business
932 entity that offers motor vehicles for rent or lease if insurance
933 sales activities authorized by the license are in connection
934 with and incidental to the rental or lease of a motor vehicle.

935 a. A license issued to a business entity that offers motor
936 vehicles for rent or lease encompasses ~~shall encompass~~ each
937 office, branch office, or place of business making use of the
938 entity's business name in order to offer, solicit, and sell
939 insurance pursuant to this paragraph.

940 b. The application for licensure must list the name,



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941 address, and phone number for each office, branch office, or
942 place of business that is to be covered by the license. The
943 licensee shall notify the department of the name, address, and
944 phone number of any new location that is to be covered by the
945 license before the new office, branch office, or place of
946 business engages in the sale of insurance pursuant to this
947 paragraph. The licensee must ~~shall~~ notify the department within
948 30 days after closing or terminating an office, branch office,
949 or place of business. Upon receipt of the notice, the department
950 shall delete the office, branch office, or place of business
951 from the license.

952 c. A licensed and appointed entity is directly responsible
953 and accountable for all acts of the licensee's employees.

954 (e) ~~Credit life or disability insurance.~~—License covering
955 only credit life, credit or disability insurance, credit
956 property, credit unemployment, involuntary unemployment,
957 mortgage life, mortgage guaranty, mortgage disability,
958 guaranteed automobile protection (GAP) insurance, and any other
959 form of insurance offered in connection with an extension of
960 credit which is limited to partially or wholly extinguishing a
961 credit obligation that the department determines should be
962 designated a form of limited line credit insurance. The license
963 may be issued only to an individual employed by a life or health
964 insurer as an officer or other salaried or commissioned
965 representative, to an individual employed by or associated with
966 a lending or financial institution or creditor, or to a lending
967 or financial institution or creditor, and may authorize the sale
968 of such insurance only with respect to borrowers or debtors of
969 such lending or financing institution or creditor. However, only



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970 the individual or entity whose tax identification number is used
971 in receiving or is credited with receiving the commission from
972 the sale of such insurance shall be the licensed agent of the
973 insurer. An ~~No~~ individual ~~while~~ so licensed may not shall hold a
974 license as an agent as to any other or additional kind or class
975 of life or health insurance coverage. Effective October 1, 2012,
976 all valid licenses held by persons for any of the lines of
977 insurance listed in this paragraph shall be converted to a
978 credit insurance license. Licensees who wish to obtain a new
979 license reflecting such change must request a duplicate license
980 and pay a \$5 fee as specified in s. 624.501(15). ~~An entity~~
981 ~~holding a limited license under this paragraph is also~~
982 ~~authorized to sell credit insurance and credit property~~
983 ~~insurance.~~

984 ~~(f) Credit insurance. License covering only credit~~
985 ~~insurance, as such insurance is defined in s. 624.605(1)(i), and~~
986 ~~no individual or entity so licensed shall, during the same~~
987 ~~period, hold a license as an agent as to any other or additional~~
988 ~~kind of life or health insurance with the exception of credit~~
989 ~~life or disability insurance as defined in paragraph (e). The~~
990 ~~same licensing provisions as outlined in paragraph (e) apply to~~
991 ~~entities licensed as credit insurance agents under this~~
992 ~~paragraph.~~

993 ~~(g) Credit property insurance. A license covering only~~
994 ~~credit property insurance may be issued to any individual except~~
995 ~~an individual employed by or associated with a financial~~
996 ~~institution as defined in s. 655.005 and authorized to sell such~~
997 ~~insurance only with respect to a borrower or debtor, not to~~
998 ~~exceed the amount of the loan.~~



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999 (f) ~~(h)~~ *Crop hail and multiple-peril crop insurance.*—License
1000 for insurance covering crops subject to unfavorable weather
1001 conditions, fire or lightening, flood, hail, insect infestation,
1002 disease, or other yield-reducing conditions or perils which is
1003 provided by the private insurance market, or which is subsidized
1004 by the Federal Group Insurance Corporation including multi-peril
1005 crop insurance ~~only crop hail and multiple-peril crop insurance.~~
1006 Notwithstanding any other provision of law, the limited license
1007 may be issued to a bona fide salaried employee of an association
1008 chartered under the Farm Credit Act of 1971, 12 U.S.C. ss. 2001
1009 et seq., who satisfactorily completes the examination prescribed
1010 by the department pursuant to s. 626.241(5). The ~~limited~~ agent
1011 must be appointed by, and his or her limited license requested
1012 by, a licensed general lines agent. All business transacted by
1013 the ~~limited~~ agent must be on ~~shall be in~~ behalf of, in the name
1014 of, and countersigned by the agent by whom he or she is
1015 appointed. Sections 626.561 and 626.748, relating to records,
1016 apply to all business written pursuant to this section. The
1017 ~~limited~~ licensee may be appointed by and licensed for only one
1018 general lines agent or agency.

1019 (g) ~~(i)~~ *In-transit and storage personal property insurance,*
1020 ~~communications equipment property insurance, communications~~
1021 ~~equipment inland marine insurance, and communications equipment~~
1022 ~~service warranty agreement sales.~~—

1023 1. A License for insurance covering only ~~the insurance of~~
1024 personal property not held for resale, covering the risks of
1025 transportation or storage in rented or leased motor vehicles,
1026 trailers, or self-service storage facilities, ~~as the latter are~~
1027 defined in s. 83.803. Such license, may be issued, without



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1028 examination, only to employees or authorized representatives of
1029 lessors who rent or lease motor vehicles, trailers, or self-
1030 service storage facilities and who are authorized by an insurer
1031 to issue certificates or other evidences of insurance to lessees
1032 of such motor vehicles, trailers, or self-service storage
1033 facilities under an insurance policy issued to the lessor. A
1034 person licensed under this paragraph must ~~shall~~ give a
1035 prospective purchaser of in-transit or storage personal property
1036 insurance written notice that his or her homeowner's policy may
1037 provide coverage for the loss of personal property and that the
1038 purchase of such insurance is not required under the lease
1039 terms.

1040 ~~2. A license covering only communications equipment, for~~
1041 ~~the loss, theft, mechanical failure, malfunction of or damage~~
1042 ~~to, communications equipment. The license may be issued only to:~~

1043 ~~a. Employees or authorized representatives of a licensed~~
1044 ~~general lines agent;~~

1045 ~~b. The lead business location of a retail vendor of~~
1046 ~~communications equipment and its branch locations; or~~

1047 ~~c. Employees, agents, or authorized representatives of a~~
1048 ~~retail vendor of communications equipment.~~

1049
1050 ~~The license authorizes the sale of such policies, or~~
1051 ~~certificates under a group master policy, only with respect to~~
1052 ~~the sale of, or provision of communications service for,~~
1053 ~~communications equipment. A general lines agent is not required~~
1054 ~~to obtain a license under this subparagraph to offer or sell~~
1055 ~~communications equipment property insurance or communication~~
1056 ~~equipment inland marine insurance. The license also authorizes~~



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1057 ~~sales of service warranty agreements covering only~~
1058 ~~communications equipment to the same extent as if licensed under~~
1059 ~~s. 634.419 or s. 634.420. The provisions of this chapter~~
1060 ~~requiring submission of fingerprints do not apply to~~
1061 ~~communications equipment licenses issued to qualified entities~~
1062 ~~under this subparagraph. Licensees offering policies under this~~
1063 ~~subparagraph must receive initial training from, and have a~~
1064 ~~contractual relationship with, a general lines agent. For the~~
1065 ~~purposes of this subparagraph, the term "communications~~
1066 ~~equipment" means handsets, pagers, personal digital assistants,~~
1067 ~~portable computers, automatic answering devices, and other~~
1068 ~~devices or accessories used to originate or receive~~
1069 ~~communications signals or service, and includes services related~~
1070 ~~to the use of such devices, such as consumer access to a~~
1071 ~~wireless network; however, the term does not include~~
1072 ~~telecommunications switching equipment, transmission wires, cell~~
1073 ~~site transceiver equipment, or other equipment and systems used~~
1074 ~~by telecommunications companies to provide telecommunications~~
1075 ~~service to consumers. A branch location of a retail vendor of~~
1076 ~~communications equipment licensed pursuant to paragraph (2) (b)~~
1077 ~~may, in lieu of obtaining an appointment from an insurer or~~
1078 ~~warranty association as provided in paragraph (2) (c), obtain a~~
1079 ~~single appointment from the associated lead business location~~
1080 ~~licensee licensed under paragraph (2) (a) and pay the prescribed~~
1081 ~~appointment fee under s. 624.501 provided the lead business~~
1082 ~~location has a single appointment from each insurer or warranty~~
1083 ~~association represented and such appointment provides that it~~
1084 ~~applies to the lead business location and all of its branch~~
1085 ~~locations. Any branch location individually appointed by an~~



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1086 ~~insurer under paragraph (2) (c) prior to January 1, 2006, may~~
1087 ~~replace its appointments with an appointment from its lead~~
1088 ~~location at no charge. Branch location appointments shall be~~
1089 ~~renewed on the first annual anniversary of licensure of the lead~~
1090 ~~business location occurring more than 24 months after the~~
1091 ~~initial appointment date and every 24 months thereafter.~~
1092 ~~Notwithstanding s. 624.501, after July 1, 2006, the renewal fee~~
1093 ~~applicable to such branch location appointments shall be \$30 per~~
1094 ~~appointment.~~

1095 (h) Portable electronics insurance.—License for property
1096 insurance or inland marine insurance that covers only loss,
1097 theft, mechanical failure, malfunction, or damage for portable
1098 electronics.

1099 1. The license may be issued only to:

1100 a. Employees or authorized representatives of a licensed
1101 general lines agent; or

1102 b. The lead business location of a retail vendor that sells
1103 portable electronics insurance. The lead business location must
1104 have a contractual relationship with a general lines agent.

1105 2. Employees or authorized representatives of a licensee
1106 under subparagraph 1. may sell or offer for sale portable
1107 electronics coverage without being subject to licensure as an
1108 insurance agent if:

1109 a. Such insurance is sold or offered for sale at a licensed
1110 location or at one of the licensee's branch locations if the
1111 branch location is appointed by the licensed lead business
1112 location or its appointing insurers;

1113 b. The insurer issuing the insurance directly supervises or
1114 appoints a general lines agent to supervise the sale of such



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1115 insurance, including the development of a training program for
1116 the employees and authorized representatives of vendors that are
1117 directly engaged in the activity of selling or offering the
1118 insurance; and

1119 c. At each location where the insurance is offered,
1120 brochures or other written materials that provide the
1121 information required by this subparagraph are made available to
1122 all prospective customers. The brochures or written materials
1123 may include information regarding portable electronics
1124 insurance, service warranty agreements, or other incidental
1125 services or benefits offered by a licensee.

1126 3. Individuals not licensed to sell portable electronics
1127 insurance may not be paid commissions based on the sale of such
1128 coverage. However, a licensee who uses a compensation plan for
1129 employees and authorized representatives which includes
1130 supplemental compensation for the sale of noninsurance products,
1131 in addition to a regular salary or hourly wages, may include
1132 incidental compensation for the sale of portable electronics
1133 insurance as a component of the overall compensation plan.

1134 4. Brochures or other written materials related to portable
1135 electronics insurance must:

1136 a. Disclose that such insurance may duplicate coverage
1137 already provided by a customer's homeowners' insurance policy,
1138 renters' insurance policy, or other source of coverage;

1139 b. State that enrollment in insurance coverage is not
1140 required in order to purchase or lease portable electronics or
1141 services;

1142 c. Summarize the material terms of the insurance coverage,
1143 including the identity of the insurer, the identity of the



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1144 supervising entity, the amount of any applicable deductible and
1145 how it is to be paid, the benefits of coverage, and key terms
1146 and conditions of coverage, such as whether portable electronics
1147 may be repaired or replaced with similar make and model
1148 reconditioned or nonoriginal manufacturer parts or equipment;

1149 d. Summarize the process for filing a claim, including a
1150 description of how to return portable electronics and the
1151 maximum fee applicable if the customer fails to comply with
1152 equipment return requirements; and

1153 e. State that an enrolled customer may cancel coverage at
1154 any time and that the person paying the premium will receive a
1155 refund of any unearned premium.

1156 5. A licensed and appointed general lines agent is not
1157 required to obtain a portable electronics insurance license to
1158 offer or sell portable electronics insurance at locations
1159 already licensed as an insurance agency, but may apply for a
1160 portable electronics insurance license for branch locations not
1161 otherwise licensed to sell insurance.

1162 6. A portable electronics license authorizes the sale of
1163 individual policies or certificates under a group or master
1164 insurance policy. The license also authorizes the sale of
1165 service warranty agreements covering only portable electronics
1166 to the same extent as if licensed under s. 634.419 or s.
1167 634.420.

1168 7. A licensee may bill and collect the premium for the
1169 purchase of portable electronics insurance provided that:

1170 a. If the insurance is included with the purchase or lease
1171 of portable electronics or related services, the licensee
1172 clearly and conspicuously discloses that insurance coverage is



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1173 included with the purchase. Disclosure of the dollar amount of
1174 the premium for the insurance must be made on the customer's
1175 bill and in any marketing materials made available at the point
1176 of sale. If the insurance is not included, the charge to the
1177 customer for the insurance must be separately itemized on the
1178 customer's bill.

1179 b. Premiums are incidental to other fees collected, are
1180 maintained in a manner that is readily identifiable, and are
1181 accounted for and remitted to the insurer or supervising entity
1182 within 60 days of receipt. Licensees are not required to
1183 maintain such funds in a segregated account.

1184 c. All funds received by a licensee from an enrolled
1185 customer for the sale of the insurance are considered funds held
1186 in trust by the licensee in a fiduciary capacity for the benefit
1187 of the insurer. Licensees may receive compensation for billing
1188 and collection services.

1189 8. Notwithstanding any other provision of law, the terms
1190 for the termination or modification of coverage under a policy
1191 of portable electronics insurance are those set forth in the
1192 policy.

1193 9. Notice or correspondence required by the policy, or
1194 otherwise required by law, may be provided by electronic means
1195 if the insurer or licensee maintains proof that the notice or
1196 correspondence was sent. Such notice or correspondence may be
1197 sent on behalf of the insurer or licensee by the general lines
1198 agent appointed by the insurer to supervise the administration
1199 of the program. For purposes of this subparagraph, an enrolled
1200 customer's provision of an electronic mail address to the
1201 insurer or licensee is deemed to be consent to receive notices



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1202 and correspondence by electronic means if a conspicuously
1203 located disclosure is provided to the customer indicating the
1204 same.

1205 10. The provisions of this chapter requiring submission of
1206 fingerprints do not apply to licenses issued to qualified
1207 entities under this paragraph.

1208 11. A branch location that sells portable electronics
1209 insurance may, in lieu of obtaining an appointment from an
1210 insurer or warranty association, obtain a single appointment
1211 from the associated lead business location licensee and pay the
1212 prescribed appointment fee under s. 624.501 if the lead business
1213 location has a single appointment from each insurer or warranty
1214 association represented and such appointment applies to the lead
1215 business location and all of its branch locations. Branch
1216 location appointments shall be renewed 24 months after the lead
1217 business location initial appointment date and every 24 months
1218 thereafter. Notwithstanding s. 624.501, the renewal fee
1219 applicable to such branch location appointments is \$30 per
1220 appointment.

1221 12. For purposes of this paragraph:

1222 a. "Branch location" means any physical location in this
1223 state at which a licensee offers its products or services for
1224 sale.

1225 b. "Portable electronics" means personal, self-contained,
1226 easily carried by an individual, battery-operated electronic
1227 communication, viewing, listening, recording, gaming, computing
1228 or global positioning devices, including cell or satellite
1229 phones, pagers, personal global positioning satellite units,
1230 portable computers, portable audio listening, video viewing or



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1231 recording devices, digital cameras, video camcorders, portable
1232 gaming systems, docking stations, automatic answering devices,
1233 and other similar devices and their accessories, and service
1234 related to the use of such devices.

1235 c. "Portable electronics transaction" means the sale or
1236 lease of portable electronics or a related service, including
1237 portable electronics insurance.

1238 (4) Except as otherwise expressly provided, a person
1239 applying for or holding a limited license is ~~shall be~~ subject to
1240 the same applicable requirements and responsibilities that ~~as~~
1241 apply to general lines agents in general, ~~if licensed as to~~
1242 motor vehicle physical damage and mechanical breakdown
1243 insurance, ~~credit property insurance,~~ industrial fire insurance
1244 or burglary insurance, motor vehicle rental insurance, credit
1245 insurance, crop hail and multiple-peril crop insurance, in-
1246 transit and storage personal property insurance, or portable
1247 electronics insurance ~~communications equipment property~~
1248 ~~insurance or communications equipment inland marine insurance,~~
1249 ~~baggage and motor vehicle excess liability insurance, or credit~~
1250 ~~insurance;~~ or as apply to life agents or health agents in
1251 general, as applicable ~~the case may be,~~ if licensed as to travel
1252 ~~personal accident insurance or credit life or credit disability~~
1253 insurance.

1254 Section 17. Section 626.342, Florida Statutes, is amended
1255 to read:

1256 626.342 Furnishing supplies to unlicensed ~~life, health, or~~
1257 ~~general lines~~ agent prohibited; civil liability.-

1258 (1) An insurer, a managing general agent, an insurance
1259 agency, or an agent, directly or through a ~~any~~ representative,



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1260 may not furnish to an ~~any~~ agent any blank forms, applications,
1261 stationery, or other supplies to be used in soliciting,
1262 negotiating, or effecting contracts of insurance on its behalf
1263 unless such blank forms, applications, stationery, or other
1264 supplies relate to a class of business for ~~with respect to~~ which
1265 the agent is licensed and appointed, whether for that insurer or
1266 another insurer.

1267 (2) An ~~Any~~ insurer, general agent, insurance agency, or
1268 agent who furnishes any of the supplies specified in subsection
1269 (1) to an ~~any~~ agent or prospective agent not appointed to
1270 represent the insurer and who accepts from or writes any
1271 insurance business for such agent or agency is subject to civil
1272 liability to an ~~any~~ insured of such insurer to the same extent
1273 and ~~in the same~~ manner as if such agent or prospective agent had
1274 been appointed or authorized by the insurer or such agent to act
1275 on ~~in~~ its or his or her behalf. The provisions of this
1276 subsection do not apply to insurance risk apportionment plans
1277 under s. 627.351.

1278 (3) This section does not apply to the placing of surplus
1279 lines business under the provisions of ss. 626.913-626.937.

1280 Section 18. Subsection (1) of section 626.381, Florida
1281 Statutes, is amended to read:

1282 626.381 Renewal, continuation, reinstatement, or
1283 termination of appointment.-

1284 (1) The appointment of an appointee continues ~~shall~~
1285 ~~continue~~ in force until suspended, revoked, or otherwise
1286 terminated, but is subject to a renewal request filed by the
1287 appointing entity in the appointee's birth month as to natural
1288 persons or the month the original appointment was issued ~~license~~



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1289 ~~date~~ as to entities and every 24 months thereafter, accompanied
1290 by payment of the renewal appointment fee and taxes as
1291 prescribed in s. 624.501.

1292 Section 19. Section 626.536, Florida Statutes, is amended
1293 to read:

1294 626.536 Reporting of administrative actions. ~~Each agent and~~
1295 ~~insurance agency shall submit to the department,~~ Within 30 days
1296 after the final disposition of an any administrative action
1297 taken against a licensee ~~the agent~~ or insurance agency by a
1298 governmental agency or other regulatory agency in this or any
1299 other state or jurisdiction relating to the business of
1300 insurance, the sale of securities, or activity involving fraud,
1301 dishonesty, trustworthiness, or breach of a fiduciary duty, the
1302 licensee or insurance agency must submit a copy of the order,
1303 consent to order, or other relevant legal documents to the
1304 department. The department may adopt rules to administer
1305 ~~implementing the provisions of~~ this section.

1306 Section 20. Section 626.551, Florida Statutes, is amended
1307 to read:

1308 626.551 Notice of change of address, name. ~~A Every~~ licensee
1309 must shall notify the department, in writing, within 30 ~~60~~ days
1310 after a change of name, residence address, principal business
1311 street address, mailing address, contact telephone numbers,
1312 including a business telephone number, or e-mail address. A
1313 licensee ~~licensed agent~~ who has moved his or her residence from
1314 this state shall have his or her license and all appointments
1315 immediately terminated by the department. Failure to notify the
1316 department within the required time ~~period~~ shall result in a
1317 fine not to exceed \$250 for the first offense and, ~~for~~



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1318 ~~subsequent offenses,~~ a fine of at least \$500 or suspension or
1319 revocation of the license pursuant to s. 626.611, s. 626.6115,
1320 ~~or s. 626.621,~~ or s. 626.6215 for a subsequent offense. The
1321 department may adopt rules to administer and enforce this
1322 section.

1323 Section 21. Subsection (14) is added to section 626.621,
1324 Florida Statutes, to read:

1325 626.621 Grounds for discretionary refusal, suspension, or
1326 revocation of agent's, adjuster's, customer representative's,
1327 service representative's, or managing general agent's license or
1328 appointment.—The department may, in its discretion, deny an
1329 application for, suspend, revoke, or refuse to renew or continue
1330 the license or appointment of any applicant, agent, adjuster,
1331 customer representative, service representative, or managing
1332 general agent, and it may suspend or revoke the eligibility to
1333 hold a license or appointment of any such person, if it finds
1334 that as to the applicant, licensee, or appointee any one or more
1335 of the following applicable grounds exist under circumstances
1336 for which such denial, suspension, revocation, or refusal is not
1337 mandatory under s. 626.611:

1338 (14) Failure to comply with any civil, criminal, or
1339 administrative action taken by the child support enforcement
1340 program under Title IV-D of the Social Security Act, 42 U.S.C.
1341 ss. 651 et seq., to determine paternity or to establish, modify,
1342 enforce, or collect support.

1343 Section 22. Subsection (4) of section 626.641, Florida
1344 Statutes, is amended to read:

1345 626.641 Duration of suspension or revocation.—

1346 (4) During the period of suspension or revocation of a the



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1347 license or appointment, and until the license is reinstated or,
1348 if revoked, a new license issued, the former licensee or
1349 appointee may ~~shall~~ not engage in or attempt or profess to
1350 engage in any transaction or business for which a license or
1351 appointment is required under this code or directly or
1352 indirectly own, control, or be employed in any manner by an ~~any~~
1353 ~~insurance agent, or agency, or adjuster,~~ or adjusting firm.

1354 Section 23. Subsection (1) of section 626.651, Florida
1355 Statutes, is amended to read:

1356 626.651 Effect of suspension, revocation upon associated
1357 licenses and appointments and licensees and appointees.—

1358 (1) Upon suspension, revocation, or refusal to renew or
1359 continue any one license of a licensee ~~an agent or customer~~
1360 ~~representative,~~ or upon suspension or revocation of eligibility
1361 to hold a license or appointment, the department shall at the
1362 same time likewise suspend or revoke all other licenses,
1363 appointments, or status of eligibility held by the licensee or
1364 appointee under this code.

1365 Section 24. Subsection (4) of section 626.730, Florida
1366 Statutes, is amended to read:

1367 626.730 Purpose of license.—

1368 (4) This section does not prohibit a person who is employed
1369 by or associated with a motor vehicle sales or financing agency,
1370 a retail sales establishment, or a consumer loan office from
1371 holding the licensing under a limited license for credit
1372 insurance or as to motor vehicle physical damage and mechanical
1373 breakdown insurance for the purpose of insuring or credit
1374 ~~property insurance of any person employed by or associated with~~
1375 ~~a motor vehicle sales or financing agency, a retail sales~~



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1376 ~~establishment, or a consumer loan office, other than a consumer~~
1377 ~~loan office owned by or affiliated with a financial institution~~
1378 ~~as defined in s. 655.005, with respect to insurance of the~~
1379 interest of such entity ~~agency~~ in a motor vehicle sold or
1380 financed by it or in personal property if used as collateral for
1381 a loan.

1382 (5) This section does not apply ~~with respect~~ to the
1383 interest of a real estate mortgagee in or as to insurance
1384 covering such interest or in the real estate subject to such
1385 mortgage.

1386 Section 25. Section 626.732, Florida Statutes, is amended
1387 to read:

1388 626.732 Requirement as to knowledge, experience, or
1389 instruction.—

1390 (1) Except as provided in subsection (4) ~~(3)~~, an ~~no~~
1391 applicant for a license as a general lines agent ~~or personal~~
1392 ~~lines agent~~, except for a chartered property and casualty
1393 underwriter (CPCU), may not ~~other than as to a limited license~~
1394 ~~as to baggage and motor vehicle excess liability insurance,~~
1395 ~~credit property insurance, credit insurance, in-transit and~~
1396 ~~storage personal property insurance, or communications equipment~~
1397 ~~property insurance or communication equipment inland marine~~
1398 ~~insurance, shall~~ be qualified or licensed unless, within the 4
1399 years immediately preceding the date the application for license
1400 is filed with the department, the applicant has:

1401 (a) Taught or successfully completed classroom courses in
1402 insurance, 3 hours of which must ~~shall~~ be on the subject matter
1403 of ethics, ~~satisfactory to the department~~ at a school, college,
1404 or extension division thereof, approved by the department. ~~Te~~



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1405 ~~qualify for licensure as a personal lines agent, the applicant~~
1406 ~~must complete a total of 52 hours of classroom courses in~~
1407 ~~insurance;~~

1408 (b) Completed a correspondence course in insurance, 3 hours
1409 of which must ~~shall~~ be on the subject matter of ethics,
1410 satisfactory to the department and regularly offered by
1411 accredited institutions of higher learning in this state, and
1412 ~~have, except if he or she is applying for a limited license~~
1413 ~~under s. 626.321, for licensure as a general lines agent, has~~
1414 ~~had~~ at least 6 months of responsible insurance duties as a
1415 substantially full-time bona fide employee in all lines of
1416 property and casualty insurance set forth in the definition of
1417 general lines agent under s. 626.015 ~~or, for licensure as a~~
1418 ~~personal lines agent, has completed at least 3 months in~~
1419 ~~responsible insurance duties as a substantially full-time~~
1420 ~~employee in property and casualty insurance sold to individuals~~
1421 ~~and families for noncommercial purposes;~~

1422 (c) ~~For licensure as a general lines agent,~~ Completed at
1423 least 1 year in responsible insurance duties as a substantially
1424 full-time bona fide employee in all lines of property and
1425 casualty insurance, ~~exclusive of aviation and wet marine and~~
1426 ~~transportation insurances but not exclusive of boats of less~~
1427 ~~than 36 feet in length or aircraft not held out for hire,~~ as set
1428 forth in the definition of a general lines agent under s.
1429 626.015, but without the education requirement described
1430 ~~mentioned~~ in paragraph (a) or paragraph (b) ~~or, for licensure as~~
1431 ~~a personal lines agent, has completed at least 6 months in~~
1432 ~~responsible insurance duties as a substantially full-time~~
1433 ~~employee in property and casualty insurance sold to individuals~~



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1434 ~~and families for noncommercial purposes without the education~~
1435 ~~requirement in paragraph (a) or paragraph (b);~~

1436 (d)~~1. For licensure as a general lines agent,~~ Completed at
1437 least 1 year of responsible insurance duties as a licensed and
1438 appointed customer representative or limited customer
1439 representative in commercial or personal lines of property and
1440 casualty insurance and 40 hours of classroom courses approved by
1441 the department covering the areas of property, casualty, surety,
1442 health, and marine insurance; or

1443 ~~2. For licensure as a personal lines agent, completed at~~
1444 ~~least 6 months of responsible duties as a licensed and appointed~~
1445 ~~customer representative or limited customer representative in~~
1446 ~~property and casualty insurance sold to individuals and families~~
1447 ~~for noncommercial purposes and 20 hours of classroom courses~~
1448 ~~approved by the department which are related to property and~~
1449 ~~casualty insurance sold to individuals and families for~~
1450 ~~noncommercial purposes;~~

1451 (e)~~1. For licensure as a general lines agent,~~ Completed at
1452 least 1 year of responsible insurance duties as a licensed and
1453 appointed service representative in ~~either~~ commercial or
1454 personal lines of property and casualty insurance and 80 hours
1455 of classroom courses approved by the department covering the
1456 areas of property, casualty, surety, health, and marine
1457 insurance. ~~;~~ ~~or~~

1458 ~~2. For licensure as a personal lines agent, completed at~~
1459 ~~least 6 months of responsible insurance duties as a licensed and~~
1460 ~~appointed service representative in property and casualty~~
1461 ~~insurance sold to individuals and families for noncommercial~~
1462 ~~purposes and 40 hours of classroom courses approved by the~~



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~~department related to property and casualty insurance sold to individuals and families for noncommercial purposes; or~~

(2) Except as provided under subsection (4), an applicant for a license as a personal lines agent, except for a chartered property and casualty underwriter (CPCU), may not be qualified or licensed unless, within the 4 years immediately preceding the date the application for license is filed with the department, the applicant has:

(a) Taught or successfully completed classroom courses in insurance, 3 hours of which must be on the subject matter of ethics, at a school, college, or extension division thereof, approved by the department. To qualify for licensure, the applicant must complete a total of 52 hours of classroom courses in insurance;

(b) Completed a correspondence course in insurance, 3 hours of which must be on the subject matter of ethics, satisfactory to the department and regularly offered by accredited institutions of higher learning in this state, and completed at least 3 months of responsible insurance duties as a substantially full-time employee in the area of property and casualty insurance sold to individuals and families for noncommercial purposes;

(c) Completed at least 6 months of responsible insurance duties as a substantially full-time employee in the area of property and casualty insurance sold to individuals and families for noncommercial purposes, but without the education requirement described in paragraph (a) or paragraph (b);

(d) Completed at least 6 months of responsible duties as a licensed and appointed customer representative or limited



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1492 customer representative in property and casualty insurance sold
1493 to individuals and families for noncommercial purposes and 20
1494 hours of classroom courses approved by the department which are
1495 related to property and casualty insurance sold to individuals
1496 and families for noncommercial purposes;

1497 (e) Completed at least 6 months of responsible insurance
1498 duties as a licensed and appointed service representative in
1499 property and casualty insurance sold to individuals and families
1500 for noncommercial purposes and 40 hours of classroom courses
1501 approved by the department related to property and casualty
1502 insurance sold to individuals and families for noncommercial
1503 purposes; or

1504 ~~(f) For licensure as a personal lines agent,~~ Completed at
1505 least 3 years of responsible duties as a licensed and appointed
1506 customer representative in property and casualty insurance sold
1507 to individuals and families for noncommercial purposes.

1508 ~~(3)(2)~~ If where an applicant's qualifications as required
1509 under subsection (1) or subsection (2) in paragraph (1)(b) or
1510 paragraph (1)(c) are based in part upon the periods of
1511 employment in at responsible insurance duties prescribed
1512 therein, the applicant shall submit with the license application
1513 for license, on a form prescribed by the department, an the
1514 affidavit of his or her employer setting forth the period of
1515 such employment, that the employment same was substantially
1516 full-time, and giving a brief abstract of the nature of the
1517 duties performed by the applicant.

1518 ~~(4)(3)~~ An individual who was or became qualified to sit for
1519 an agent's, customer representative's, or adjuster's examination
1520 at or during the time he or she was employed by the department



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1521 or office and who, while so employed, was employed in
1522 responsible insurance duties as a full-time bona fide employee
1523 ~~may shall be permitted to~~ take an examination if application for
1524 such examination is made within 90 days after the date of
1525 termination of ~~his or her~~ employment with the department or
1526 office.

1527 (5)-(4) Classroom and correspondence courses under
1528 subsections (1) and (2) ~~subsection (1)~~ must include instruction
1529 on the subject matter of unauthorized entities engaging in the
1530 business of insurance. The scope of the topic of unauthorized
1531 entities must ~~shall~~ include the Florida Nonprofit Multiple-
1532 Employer Welfare Arrangement Act and the Employee Retirement
1533 Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates
1534 to the provision of health insurance by employers and the
1535 regulation thereof.

1536 (6) This section does not apply to an individual holding
1537 only a limited license for travel insurance, motor vehicle
1538 rental insurance, credit insurance, in-transit and storage
1539 personal property insurance, or portable electronics insurance.

1540 Section 26. Section 626.8411, Florida Statutes, is amended
1541 to read:

1542 626.8411 Application of Florida Insurance Code provisions
1543 to title insurance agents or agencies.-

1544 (1) The following provisions of part II, ~~as~~ applicable to
1545 general lines agents or agencies, ~~also~~ apply to title insurance
1546 agents or agencies:

1547 (a) Section 626.734, relating to liability of certain
1548 agents.

1549 ~~(b) Section 626.175, relating to temporary licenses.~~



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- 1550 (b)~~(e)~~ Section 626.747, relating to branch agencies.
- 1551 (c) Section 626.749, relating to place of business in
- 1552 residence.
- 1553 (d) Section 626.753, relating to sharing of commissions.
- 1554 (e) Section 626.754, relating to rights of agent following
- 1555 termination of appointment.
- 1556 (2) The following provisions of part I do not apply to
- 1557 title insurance agents or title insurance agencies:
- 1558 (a) Section 626.112(7), relating to licensing of insurance
- 1559 agencies.
- 1560 (b) Section 626.231, relating to eligibility for
- 1561 examination.
- 1562 (c) Section 626.572, relating to rebating, when allowed.
- 1563 (d) Section 626.172, relating to agent in full-time charge.
- 1564 Section 27. Section 626.8418, Florida Statutes, is amended
- 1565 to read:
- 1566 626.8418 Application for title insurance agency license.—
- 1567 Before ~~Prior to~~ doing business in this state as a title
- 1568 insurance agency, the ~~a title insurance~~ agency must ~~meet all of~~
- 1569 ~~the following requirements:~~
- 1570 ~~(1) The applicant must~~ file with the department an
- 1571 application for a license as a title insurance agency, on
- 1572 ~~printed~~ forms furnished by the department, which include ~~that~~
- 1573 ~~includes~~ all of the following:
- 1574 (1)~~(a)~~ The name of each majority owner, partner, officer,
- 1575 and director of the agency.
- 1576 (2)~~(b)~~ The residence address of each person required to be
- 1577 listed under subsection (1) ~~paragraph (a)~~.
- 1578 (3)~~(c)~~ The name of the agency and its principal business



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1579 address.

1580 ~~(4)(d)~~ The location of each agency office and the name
1581 under which each agency office conducts or will conduct
1582 business.

1583 ~~(5)(e)~~ The name of each agent to be in full-time charge of
1584 an agency office and the identification ~~specification~~ of such
1585 ~~which~~ office.

1586 ~~(6)(f)~~ Such additional information as the department
1587 requires by rule to ascertain the trustworthiness and competence
1588 of persons required to be listed on the application and to
1589 ascertain that such persons meet the requirements of this code.

1590 ~~(2) The applicant must have deposited with the department~~
1591 ~~securities of the type eligible for deposit under s. 625.52 and~~
1592 ~~having at all times a market value of not less than \$35,000. In~~
1593 ~~place of such deposit, the title insurance agency may post a~~
1594 ~~surety bond of like amount payable to the department for the~~
1595 ~~benefit of any appointing insurer damaged by a violation by the~~
1596 ~~title insurance agency of its contract with the appointing~~
1597 ~~insurer. If a properly documented claim is timely filed with the~~
1598 ~~department by a damaged title insurer, the department may remit~~
1599 ~~an appropriate amount of the deposit or the proceeds that are~~
1600 ~~received from the surety in payment of the claim. The required~~
1601 ~~deposit or bond must be made by the title insurance agency, and~~
1602 ~~a title insurer may not provide the deposit or bond directly or~~
1603 ~~indirectly on behalf of the title insurance agency. The deposit~~
1604 ~~or bond must secure the performance by the title insurance~~
1605 ~~agency of its duties and responsibilities under the issuing~~
1606 ~~agency contracts with each title insurer for which it is~~
1607 ~~appointed. The agency may exchange or substitute other~~



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1608 ~~securities of like quality and value for securities on deposit,~~
1609 ~~may receive the interest and other income accruing on such~~
1610 ~~securities, and may inspect the deposit at all reasonable times.~~
1611 ~~Such deposit or bond must remain unimpaired as long as the title~~
1612 ~~insurance agency continues in business in this state and until 1~~
1613 ~~year after termination of all title insurance agency~~
1614 ~~appointments held by the title insurance agency. The title~~
1615 ~~insurance agency is entitled to the return of the deposit or~~
1616 ~~bond together with accrued interest after such year has passed,~~
1617 ~~if no claim has been made against the deposit or bond. If a~~
1618 ~~surety bond is unavailable generally, the department may adopt~~
1619 ~~rules for alternative methods to comply with this subsection.~~
1620 ~~With respect to such alternative methods for compliance, the~~
1621 ~~department must be guided by the past business performance and~~
1622 ~~good reputation and character of the proposed title insurance~~
1623 ~~agency. A surety bond is deemed to be unavailable generally if~~
1624 ~~the prevailing annual premium exceeds 25 percent of the~~
1625 ~~principal amount of the bond.~~

1626 Section 28. Section 626.8548, Florida Statutes, is created
1627 to read:

1628 626.8548 "All-lines adjuster" defined.—An "all-lines
1629 adjuster" is a person who is self-employed or employed by an
1630 insurer, a wholly owned subsidiary of an insurer, or an
1631 independent adjusting firm or other independent adjuster, and
1632 who undertakes on behalf of an insurer or other insurers under
1633 common control or ownership to ascertain and determine the
1634 amount of any claim, loss, or damage payable under an insurance
1635 contract or undertakes to effect settlement of such claim, loss,
1636 or damage. The term does not apply to life insurance or annuity



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1637 contracts.

1638 Section 29. Section 626.855, Florida Statutes, is amended
1639 to read:

1640 626.855 "Independent adjuster" defined.—An "independent
1641 adjuster" means a ~~is any~~ person licensed as an all-lines
1642 adjuster who is self-appointed ~~self-employed~~ or appointed and ~~is~~
1643 ~~associated with or~~ employed by an independent adjusting firm or
1644 other independent adjuster, and who undertakes on behalf of an
1645 insurer to ascertain and determine the amount of any claim,
1646 loss, or damage payable under an insurance contract or
1647 undertakes to effect settlement of such claim, loss, or damage.

1648 Section 30. Section 626.856, Florida Statutes, is amended
1649 to read:

1650 626.856 "Company employee adjuster" defined.—A "company
1651 employee adjuster" means ~~is~~ a person licensed as an all-lines
1652 adjuster who is appointed and employed on an insurer's staff of
1653 adjusters or a wholly owned subsidiary of the insurer, and who
1654 undertakes on behalf of such insurer or other insurers under
1655 common control or ownership to ascertain and determine the
1656 amount of any claim, loss, or damage payable under a contract of
1657 insurance, or undertakes to effect settlement of such claim,
1658 loss, or damage.

1659 Section 31. Section 626.858, Florida Statutes, is repealed.

1660 Section 32. Section 626.8584, Florida Statutes, is amended
1661 to read:

1662 626.8584 "Nonresident all-lines independent adjuster"
1663 defined.—A "nonresident all-lines independent adjuster" means ~~is~~
1664 a person who:

1665 (1) Is not a resident of this state;



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1666 (2) Is ~~a~~ currently licensed as an independent adjuster in
1667 his or her state of residence for all lines of insurance except
1668 life and annuities ~~the type or kinds of insurance for which the~~
1669 ~~licensee intends to adjust claims in this state or, if a~~
1670 resident of a state that does not license such independent
1671 adjusters, meets the qualifications ~~has passed the department's~~
1672 ~~adjuster examination as prescribed in s. 626.8734(1)(b); and~~

1673 (3) Is licensed as an all-lines adjuster and self-appointed
1674 or appointed and a self-employed independent adjuster or
1675 ~~associated with or~~ employed by an independent adjusting firm or
1676 other independent adjuster, by an insurer admitted to do
1677 business in this state or a wholly-owned subsidiary of an
1678 insurer admitted to do business in this state, or by other
1679 insurers under the common control or ownership of such insurer.

1680 Section 33. Section 626.863, Florida Statutes, is amended
1681 to read:

1682 626.863 Claims referrals to Licensed independent adjusters
1683 ~~required; insurers' responsibility.-~~

1684 (1) An insurer may ~~shall~~ not knowingly refer any claim or
1685 loss for adjustment in this state to any person purporting to be
1686 or acting as an independent adjuster unless the person is
1687 currently licensed as an all-lines adjuster and appointed as an
1688 independent adjuster under this code.

1689 (2) Before referring any claim or loss, the insurer shall
1690 ascertain from the department whether the proposed independent
1691 adjuster is currently licensed as an all-lines adjuster and
1692 appointed as an independent adjuster ~~such~~. Having ~~once~~
1693 ascertained that a particular person is so licensed and
1694 appointed, the insurer may assume that he or she will continue



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1695 to be so licensed and appointed until the insurer has knowledge,
1696 or receives information from the department, to the contrary.

1697 (3) This section does not apply to catastrophe or emergency
1698 adjusters as provided ~~for~~ in this part.

1699 Section 34. Section 626.864, Florida Statutes, is amended
1700 to read:

1701 626.864 Adjuster license types.-

1702 (1) A qualified individual may be licensed ~~and appointed~~ as
1703 ~~either:~~

1704 (a) A public adjuster; or

1705 (b) An all-lines independent adjuster; ~~or~~

1706 ~~(c) A company employee adjuster.~~

1707 (2) The same individual may ~~shall~~ not be concurrently
1708 licensed appointed as a public adjuster and an all-lines
1709 adjuster ~~to more than one of the adjuster types referred to in~~
1710 ~~subsection (1).~~

1711 (3) An all-lines adjuster may be appointed as an
1712 independent adjuster or company employee adjuster, but not both
1713 concurrently.

1714 Section 35. Paragraph (e) is added to subsection (1) of
1715 section 626.865, Florida Statutes, to read:

1716 626.865 Public adjuster's qualifications, bond.-

1717 (1) The department shall issue a license to an applicant
1718 for a public adjuster's license upon determining that the
1719 applicant has paid the applicable fees specified in s. 624.501
1720 and possesses the following qualifications:

1721 (e) Is licensed as a public adjuster apprentice under s.
1722 626.8651 and complies with the requirements of that license
1723 throughout the licensure period.



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1724 Section 36. Section 626.866, Florida Statutes, is amended
1725 to read:

1726 626.866 All-lines adjuster ~~Independent adjuster's~~
1727 qualifications.—The department shall issue ~~a license to an~~
1728 ~~applicant for an~~ all-lines adjuster ~~independent adjuster's~~
1729 license to an applicant upon determining that the applicable
1730 license fee specified in s. 624.501 has been paid and that the
1731 applicant possesses the following qualifications:

- 1732 (1) Is a natural person at least 18 years of age.
1733 (2) Is a United States citizen or legal alien who possesses
1734 work authorization from the United States Bureau of Citizenship
1735 and Immigration Services and a bona fide resident of this state.
1736 (3) Is trustworthy and has such business reputation as
1737 would reasonably assure that the applicant will conduct his or
1738 her business as insurance adjuster fairly and in good faith and
1739 without detriment to the public.

1740 (4) Has had sufficient experience, training, or instruction
1741 concerning the adjusting of damage or loss under insurance
1742 contracts, other than life and annuity contracts, is
1743 sufficiently informed as to the terms and the effects of the
1744 provisions of such types of contracts, and possesses adequate
1745 knowledge of the insurance laws of this state relating to such
1746 contracts as to enable and qualify him or her to engage in the
1747 business of insurance adjuster fairly and without injury to the
1748 public or any member thereof with whom he or she may have
1749 relations as an insurance adjuster and to adjust all claims in
1750 accordance with the policy or contract and the insurance laws of
1751 this state.

1752 (5) Has passed any required written examination or has met



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1753 one of the exemptions prescribed under s. 626.221.
1754 Section 37. Section 626.867, Florida Statutes, is repealed.
1755 Section 38. Section 626.869, Florida Statutes, is amended
1756 to read:
1757 626.869 License, adjusters; continuing education.—
1758 (1) Having An applicant for a license as an all-lines
1759 adjuster qualifies the licensee to adjust may qualify and his or
1760 her license when issued may cover adjusting in any one of the
1761 following classes of insurance:
1762 (a) ~~all lines of insurance except life and annuities.~~
1763 (b) ~~Motor vehicle physical damage insurance.~~
1764 (c) ~~Property and casualty insurance.~~
1765 (d) ~~Workers' compensation insurance.~~
1766 (e) ~~Health insurance.~~
1767
1768 ~~No examination on workers' compensation insurance or health~~
1769 ~~insurance shall be required for public adjusters.~~
1770 (2) All individuals who on October 1, 1990, hold an
1771 adjuster's license and appointment limited to fire and allied
1772 lines, including marine or casualty or boiler and machinery, may
1773 remain licensed and appointed under the limited license and may
1774 renew their appointment, but a ~~no~~ license or appointment that
1775 ~~which~~ has been terminated, not renewed, suspended, or revoked
1776 may not shall be reinstated, and ~~no~~ new or additional licenses
1777 or appointments may not shall be issued.
1778 (3) All individuals who on October 1, 2012, hold an
1779 adjuster's license and appointment limited to motor vehicle
1780 physical damage and mechanical breakdown, property and casualty,
1781 workers' compensation, or health insurance may remain licensed



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1782 and appointed under such limited license and may renew their
1783 appointment, but a license that has been terminated, suspended,
1784 or revoked may not be reinstated, and new or additional licenses
1785 may not be issued. The applicant's application for license shall
1786 specify which of the foregoing classes of business the
1787 application for license is to cover.

1788 (4) ~~(a)~~ An Any individual holding a license as a public
1789 adjuster or an all-lines a company employee adjuster must
1790 complete all continuing education requirements as specified in
1791 s. 626.2815. or independent adjuster for 24 consecutive months
1792 or longer must, beginning in his or her birth month and every 2
1793 years thereafter, have completed 24 hours of courses, 2 hours of
1794 which relate to ethics, in subjects designed to inform the
1795 licensee regarding the current insurance laws of this state, so
1796 as to enable him or her to engage in business as an insurance
1797 adjuster fairly and without injury to the public and to adjust
1798 all claims in accordance with the policy or contract and the
1799 laws of this state.

1800 (b) ~~Any individual holding a license as a public adjuster~~
1801 ~~for 24 consecutive months or longer, beginning in his or her~~
1802 ~~birth month and every 2 years thereafter, must have completed 24~~
1803 ~~hours of courses, 2 hours of which relate to ethics, in subjects~~
1804 ~~designed to inform the licensee regarding the current laws of~~
1805 ~~this state pertaining to all lines of insurance other than life~~
1806 ~~and annuities, the current laws of this state pertaining to the~~
1807 ~~duties and responsibilities of public adjusters as set forth in~~
1808 ~~this part, and the current rules of the department applicable to~~
1809 ~~public adjusters and standard or representative policy forms~~
1810 ~~used by insurers, other than forms for life insurance and~~



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1811 ~~annuities, so as to enable him or her to engage in business as~~
1812 ~~an adjuster fairly and without injury to the public and to~~
1813 ~~adjust all claims in accordance with the policy or contract and~~
1814 ~~laws of this state. In order to receive credit for continuing~~
1815 ~~education courses, public adjusters must take courses that are~~
1816 ~~specifically designed for public adjusters and approved by the~~
1817 ~~department, provided, however, no continuing education course~~
1818 ~~shall be required for public adjusters for workers' compensation~~
1819 ~~insurance or health insurance.~~

1820 ~~(c) The department shall adopt rules necessary to implement~~
1821 ~~and administer the continuing education requirements of this~~
1822 ~~subsection. For good cause shown, the department may grant an~~
1823 ~~extension of time during which the requirements imposed by this~~
1824 ~~section may be completed, but such extension of time may not~~
1825 ~~exceed 1 year.~~

1826 ~~(d) A nonresident public adjuster must complete the~~
1827 ~~continuing education requirements provided by this section;~~
1828 ~~provided, a nonresident public adjuster may meet the~~
1829 ~~requirements of this section if the continuing education~~
1830 ~~requirements of the nonresident public adjuster's home state are~~
1831 ~~determined to be substantially comparable to the requirements of~~
1832 ~~this state's continuing education requirements and if the~~
1833 ~~resident's state recognizes reciprocity with this state's~~
1834 ~~continuing education requirements. A nonresident public adjuster~~
1835 ~~whose home state does not have such continuing education~~
1836 ~~requirements for adjusters, and who is not licensed as a~~
1837 ~~nonresident adjuster in a state that has continuing education~~
1838 ~~requirements and reciprocates with this state, must meet the~~
1839 ~~continuing education requirements of this section.~~



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1840 (5) The regulation of continuing education for licensees,
1841 course providers, instructors, school officials, and monitor
1842 groups shall be as provided ~~for~~ in s. 626.2816.

1843 Section 39. Paragraph (c) of subsection (2) of section
1844 626.8697, Florida Statutes, is amended to read:

1845 626.8697 Grounds for refusal, suspension, or revocation of
1846 adjusting firm license.-

1847 (2) The department may, in its discretion, deny, suspend,
1848 revoke, or refuse to continue the license of any adjusting firm
1849 if it finds that any of the following applicable grounds exist
1850 with respect to the firm or any owner, partner, manager,
1851 director, officer, or other person who is otherwise involved in
1852 the operation of the firm:

1853 (c) Violation of an ~~any~~ order or rule of the department,
1854 office, or commission.

1855 Section 40. Subsections (1) and (5) of section 626.872,
1856 Florida Statutes, are amended to read:

1857 626.872 Temporary license.-

1858 (1) The department may, ~~in its discretion,~~ issue a
1859 temporary license as an all-lines independent adjuster ~~or as a~~
1860 ~~company employee adjuster,~~ subject to the following conditions:

1861 (a) The applicant must be an employee of an adjuster
1862 currently licensed by the department, ~~an employee of an~~
1863 authorized insurer, or ~~an employee of an~~ established adjusting
1864 firm or corporation who ~~which~~ is supervised by a currently
1865 licensed all-lines independent adjuster.

1866 ~~(b) The application must be accompanied by a certificate of~~
1867 ~~employment and a report as to the applicant's integrity and~~
1868 ~~moral character on a form prescribed by the department and~~



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1869 ~~executed by the employer.~~

1870 ~~(b)(e)~~ The applicant must be a natural person of at least
1871 18 years of age, ~~must be~~ a bona fide resident of this state,
1872 ~~must be~~ trustworthy, and ~~must~~ have a such business reputation
1873 that as would reasonably ensure ~~assure~~ that the applicant will
1874 conduct his or her business as an adjuster fairly and in good
1875 faith and without detriment to the public.

1876 ~~(c)(d)~~ The applicant's employer is responsible for the
1877 adjustment acts of the temporary ~~any~~ licensee ~~under this~~
1878 ~~section.~~

1879 ~~(d)(e)~~ The applicable license fee ~~specified~~ must be paid
1880 before issuance of the temporary license.

1881 ~~(e)(f)~~ The temporary license is ~~shall be~~ effective for a
1882 ~~period of~~ 1 year, but is subject to earlier termination at the
1883 request of the employer, ~~or~~ if the licensee fails to take an
1884 examination as an all-lines ~~independent~~ adjuster ~~or company~~
1885 ~~employee adjuster~~ within 6 months after issuance of the
1886 temporary license, or if the temporary license is suspended or
1887 revoked by the department.

1888 (5) The department may ~~shall~~ not issue a temporary license
1889 as an all-lines ~~independent~~ adjuster ~~or as a company employee~~
1890 ~~adjuster~~ to an ~~any~~ individual who has ~~ever~~ held such a license
1891 in this state.

1892 Section 41. Section 626.873, Florida Statutes, is repealed.

1893 Section 42. Section 626.8734, Florida Statutes, is amended
1894 to read:

1895 626.8734 Nonresident all-lines adjuster license ~~independent~~
1896 ~~adjuster's~~ qualifications.—

1897 (1) The department shall, ~~upon application therefor,~~ issue



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1898 a license to an applicant for a nonresident all-lines adjuster
1899 ~~independent adjuster's~~ license upon determining that the
1900 applicant has paid the applicable license fees required under s.
1901 624.501 and:

1902 (a) Is a natural person at least 18 years of age.

1903 (b) Has passed to the satisfaction of the department a
1904 written Florida all-lines adjuster ~~independent adjuster's~~
1905 examination of the scope prescribed in s. 626.241(6); however,
1906 the requirement for the examination does not apply to ~~any of the~~
1907 ~~following:~~

1908 1. An applicant who is licensed as an all-lines ~~a resident~~
1909 ~~independent~~ adjuster in his or her home state ~~if of residence~~
1910 ~~when that state has entered into~~ requires the passing of a
1911 ~~written examination in order to obtain the license and a~~
1912 reciprocal agreement with the ~~appropriate official of that state~~
1913 ~~has been entered into by the~~ department; or

1914 2. An applicant who is licensed as a nonresident all-lines
1915 ~~independent~~ adjuster in a state other than his or her home state
1916 ~~of residence when the state of licensure requires the passing of~~
1917 ~~a written examination in order to obtain the license and a~~
1918 reciprocal agreement with the appropriate official of the state
1919 of licensure has been entered into with ~~by~~ the department.

1920 (c) Is licensed as an all-lines adjuster and is self-
1921 appointed, or appointed and employed by an independent adjusting
1922 firm or other independent adjuster, or is an employee of an
1923 insurer admitted to do business in this state, a wholly owned
1924 subsidiary of an insurer admitted to business in this state, or
1925 other insurers under the common control or ownership of such
1926 insurers ~~self-employed or associated with or employed by an~~



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1927 ~~independent adjusting firm or other independent adjuster.~~
1928 Applicants licensed as nonresident all-lines independent
1929 adjusters under this section must be appointed as an independent
1930 adjuster or company employee adjuster ~~such~~ in accordance with
1931 ~~the provisions of~~ ss. 626.112 and 626.451. Appointment fees as
1932 ~~in the amount~~ specified in s. 624.501 must be paid to the
1933 department in advance. The appointment of a nonresident
1934 independent adjuster continues ~~shall continue~~ in force until
1935 suspended, revoked, or otherwise terminated, but is subject to
1936 biennial renewal or continuation by the licensee in accordance
1937 with ~~procedures prescribed in~~ s. 626.381 for licensees in
1938 general.

1939 (d) Is trustworthy and has such business reputation as
1940 would reasonably ensure ~~assure~~ that he or she will conduct his
1941 or her business as a nonresident all-lines independent adjuster
1942 fairly and in good faith and without detriment to the public.

1943 (e) Has had sufficient experience, training, or instruction
1944 concerning the adjusting of damages or losses under insurance
1945 contracts, other than life and annuity contracts; is
1946 sufficiently informed as to the terms and effects of ~~the~~
1947 ~~provisions of~~ those types of insurance contracts; and possesses
1948 adequate knowledge of the laws of this state relating to such
1949 contracts as to enable and qualify him or her to engage in the
1950 business of insurance adjuster fairly and without injury to the
1951 public or any member thereof with whom he or she may have
1952 business as an all-lines independent adjuster.

1953 (2) The applicant must ~~shall~~ furnish the following with his
1954 or her application:

1955 (a) A complete set of his or her fingerprints. The



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1956 applicant's fingerprints must be certified by an authorized law
1957 enforcement officer.

1958 (b) If currently licensed as an all-lines ~~a resident~~
1959 ~~independent~~ adjuster in the applicant's home state ~~of residence~~,
1960 a certificate or letter of authorization from the licensing
1961 authority of the applicant's home state ~~of residence~~, stating
1962 that the applicant holds a current license to act as an all-
1963 lines independent adjuster. The ~~Such~~ certificate or letter of
1964 authorization must be signed by the insurance commissioner, or
1965 his or her deputy or the appropriate licensing official, and
1966 must disclose whether the adjuster has ever had a ~~any~~ license or
1967 eligibility to hold any license declined, denied, suspended,
1968 revoked, or placed on probation or whether an administrative
1969 fine or penalty has been levied against the adjuster and, if so,
1970 the reason for the action. Such certificate or letter is not
1971 required if the nonresident applicant's licensing status can be
1972 verified through the Producer Database maintained by the
1973 National Association of Insurance Commissioners, its affiliates,
1974 or subsidiaries.

1975 (c) If the applicant's home state ~~of residence~~ does not
1976 require licensure as an all-lines independent adjuster and the
1977 applicant has been licensed as a resident insurance adjuster,
1978 agent, broker, or other insurance representative in his or her
1979 home state ~~of residence~~ or any other state within the past 3
1980 years, a certificate or letter of authorization from the
1981 licensing authority stating that the applicant holds or has held
1982 a license to act as an insurance adjuster, agent, or other
1983 insurance representative. The certificate or letter of
1984 authorization must be signed by the insurance commissioner, or



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1985 his or her deputy or the appropriate licensing official, and
1986 must disclose whether the adjuster, agent, or other insurance
1987 representative has ever had a ~~any~~ license or eligibility to hold
1988 any license declined, denied, suspended, revoked, or placed on
1989 probation or whether an administrative fine or penalty has been
1990 levied against the adjuster and, if so, the reason for the
1991 action. Such certificate or letter is not required if the
1992 nonresident applicant's licensing status can be verified through
1993 the Producer Database maintained by the National Association of
1994 Insurance Commissioners, its affiliates, or subsidiaries.

1995 (3) The usual and customary records pertaining to
1996 transactions under the license of a nonresident all-lines
1997 ~~independent~~ adjuster must be retained for at least 3 years after
1998 completion of the adjustment and ~~must~~ be made available in this
1999 state to the department upon request. The failure of a
2000 nonresident all-lines ~~independent~~ adjuster to properly maintain
2001 records and make them available to the department upon request
2002 constitutes grounds for the immediate suspension of the license
2003 issued under this section.

2004 (4) ~~After licensure as a nonresident independent adjuster,~~
2005 As a condition of doing business in this state as a nonresident
2006 independent adjuster, the appointee must licensee must annually
2007 ~~on or before January 1, on a form prescribed by the department,~~
2008 submit an affidavit to the department certifying that the
2009 licensee is familiar with and understands the insurance laws and
2010 administrative rules of this state and the provisions of the
2011 contracts negotiated or to be negotiated. Compliance with this
2012 filing requirement is a condition precedent to the issuance,
2013 continuation, reinstatement, or renewal of a nonresident



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2014 independent adjuster's appointment.

2015 Section 43. Section 626.8736, Florida Statutes, is amended
2016 to read:

2017 626.8736 Nonresident independent or public adjusters;
2018 service of process.-

2019 (1) Each licensed nonresident ~~independent or~~ public
2020 adjuster or all-lines adjuster appointed as an independent
2021 adjuster shall appoint the Chief Financial Officer and his or
2022 her successors in office as his or her attorney to receive
2023 service of legal process issued against such ~~the nonresident~~
2024 ~~independent or public~~ adjuster in this state, upon causes of
2025 action arising within this state out of transactions under his
2026 license and appointment. Service upon the Chief Financial
2027 Officer as attorney constitutes ~~shall constitute~~ effective legal
2028 service upon the nonresident independent or public adjuster.

2029 (2) The appointment of the Chief Financial Officer for
2030 service of process is ~~shall be~~ irrevocable ~~for~~ as long as there
2031 could be any cause of action against the nonresident ~~independent~~
2032 ~~or~~ public adjuster or all-lines adjuster appointed as an
2033 independent adjuster arising out of his or her insurance
2034 transactions in this state.

2035 (3) Duplicate copies of legal process against the
2036 nonresident ~~independent or~~ public adjuster or all-lines adjuster
2037 appointed as an independent adjuster shall be served upon the
2038 Chief Financial Officer by a person competent to serve a
2039 summons.

2040 (4) Upon receiving the service, the Chief Financial Officer
2041 shall ~~forthwith~~ send one of the copies of the process, by
2042 registered mail with return receipt requested, to the defendant



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2043 nonresident ~~independent or~~ public adjuster or all-lines adjuster
2044 appointed as an independent adjuster at his or her last address
2045 of record with the department.

2046 (5) The Chief Financial Officer shall keep a record of the
2047 day and hour of service upon him or her of all legal process
2048 received under this section.

2049 Section 44. Subsection (1) of section 626.874, Florida
2050 Statutes, is amended to read:

2051 626.874 Catastrophe or emergency adjusters.—

2052 (1) In the event of a catastrophe or emergency, the
2053 department may issue a license, for the purposes and under the
2054 conditions ~~which it shall fix~~ and for the period of emergency as
2055 it shall determine, to persons who are residents or nonresidents
2056 of this state, who are at least 18 years of age, who are United
2057 States citizens or legal aliens who possess work authorization
2058 from the United States Bureau of Citizenship and Immigration
2059 Services, and who are not licensed adjusters under this part but
2060 who have been designated and certified to it as qualified to act
2061 as adjusters by all-lines independent resident adjusters, ~~or~~ by
2062 an authorized insurer, or by a licensed general lines agent to
2063 adjust claims, losses, or damages under policies or contracts of
2064 insurance issued by such insurers. The fee for the license is
2065 ~~shall be~~ as provided in s. 624.501(12)(c).

2066 Section 45. Subsection (1) of section 626.875, Florida
2067 Statutes, is amended to read:

2068 626.875 Office and records.—

2069 (1) Each appointed ~~Every licensed~~ independent adjuster and
2070 ~~every~~ licensed public adjuster must ~~shall have and~~ maintain ~~in~~
2071 ~~this state~~ a place of business in this state which is accessible



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2072 to the public and keep therein the usual and customary records
2073 pertaining to transactions under the license. This provision
2074 does ~~shall~~ not be deemed to prohibit maintenance of such an
2075 office in the home of the licensee.

2076 Section 46. Section 626.876, Florida Statutes, is amended
2077 to read:

2078 626.876 Exclusive employment; public adjusters, independent
2079 adjusters.—

2080 (1) An ~~No~~ individual licensed and appointed as a public
2081 adjuster may not ~~shall~~ be ~~so~~ employed during the same period by
2082 more than one public adjuster or public adjuster firm or
2083 corporation.

2084 (2) An ~~No~~ individual licensed as an all-lines adjuster and
2085 appointed as an independent adjuster may not ~~shall~~ be ~~so~~
2086 employed during the same period by more than one independent
2087 adjuster or independent adjuster firm or corporation.

2088 Section 47. Subsections (5), (6), and (7) of section
2089 626.927, Florida Statutes, are amended to read:

2090 626.927 Licensing of surplus lines agent.—

2091 ~~(5) The applicant must file and thereafter maintain the~~
2092 ~~bond as required under s. 626.928.~~

2093 ~~(5)(6)~~ Examinations as to surplus lines, as required under
2094 subsections (1) and (2), are ~~shall be~~ subject to the provisions
2095 of part I as applicable to applicants for licenses in general.
2096 ~~No such examination shall be required as to persons who held a~~
2097 ~~Florida surplus lines agent's license as of January 1, 1959,~~
2098 ~~except when examinations subsequent to issuance of an initial~~
2099 ~~license are provided for in general under part I.~~

2100 ~~(6)(7)~~ An ~~Any~~ individual who has been licensed by the



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2101 department as a surplus lines agent as provided in this section
2102 may be subsequently appointed without additional written
2103 examination if his or her application for appointment is filed
2104 with the department within 48 months after ~~next following~~ the
2105 date of cancellation or expiration of the prior appointment. The
2106 department may, ~~in its discretion,~~ require an ~~any~~ individual to
2107 take and successfully pass an examination as for original
2108 issuance of license as a condition precedent to the
2109 reinstatement or continuation of the licensee's current license
2110 or reinstatement or continuation of the licensee's appointment.

2111 Section 48. Section 626.928, Florida Statutes, is repealed.

2112 Section 49. Section 626.933, Florida Statutes, is amended
2113 to read:

2114 626.933 Collection of tax and service fee.—If the tax or
2115 service fee payable by a surplus lines agent under the ~~this~~
2116 Surplus Lines Law is not so paid within the time prescribed, it
2117 ~~the same~~ shall be recoverable in a suit brought by the
2118 department against the surplus lines agent ~~and the surety or~~
2119 ~~sureties on the bond filed by the surplus lines agent under s.~~
2120 ~~626.928~~. The department may authorize the Florida Surplus Lines
2121 Service Office to file suit on its behalf. All costs and
2122 expenses incurred in a suit brought by the office which are not
2123 recoverable from the agent or surety shall be borne by the
2124 office.

2125 Section 50. Subsection (1) of section 626.935, Florida
2126 Statutes, is amended to read:

2127 626.935 Suspension, revocation, or refusal of surplus lines
2128 agent's license.—

2129 (1) The department shall deny an application for, suspend,



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2130 revoke, or refuse to renew the appointment of a surplus lines
2131 agent and all other licenses and appointments held by the
2132 licensee under this code, on ~~upon~~ any of the following grounds:

2133 (a) Removal of the licensee's office from the licensee's
2134 state of residence.

2135 (b) Removal of the accounts and records of his or her
2136 surplus lines business from this state or the licensee's state
2137 of residence during the period when such accounts and records
2138 are required to be maintained under s. 626.930.

2139 (c) Closure of the licensee's office for ~~a period of~~ more
2140 than 30 consecutive days.

2141 (d) Failure to make and file his or her affidavit or
2142 reports when due as required by s. 626.931.

2143 (e) Failure to pay the tax or service fee on surplus lines
2144 premiums, as provided ~~for~~ in the ~~this~~ Surplus Lines Law.

2145 ~~(f) Failure to maintain the bond as required by s. 626.928.~~

2146 (f) ~~(g)~~ Suspension, revocation, or refusal to renew or
2147 continue the license or appointment as a general lines agent,
2148 service representative, or managing general agent.

2149 (g) ~~(h)~~ Lack of qualifications as for an original surplus
2150 lines agent's license.

2151 (h) ~~(i)~~ Violation of this Surplus Lines Law.

2152 (i) ~~(j)~~ For any other applicable cause for which the license
2153 of a general lines agent could be suspended, revoked, or refused
2154 under s. 626.611 or s. 626.621.

2155 Section 51. Paragraph (b) of subsection (1) of section
2156 627.952, Florida Statutes, is amended to read:

2157 627.952 Risk retention and purchasing group agents.—

2158 (1) Any person offering, soliciting, selling, purchasing,



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2159 administering, or otherwise servicing insurance contracts,
2160 certificates, or agreements for any purchasing group or risk
2161 retention group to any resident of this state, either directly
2162 or indirectly, by the use of mail, advertising, or other means
2163 of communication, shall obtain a license and appointment to act
2164 as a resident general lines agent, if a resident of this state,
2165 or a nonresident general lines agent if not a resident. Any such
2166 person shall be subject to all requirements of the Florida
2167 Insurance Code.

2168 (b) Any person required to be licensed and appointed under
2169 ~~by~~ this subsection, in order to place business through Florida
2170 eligible surplus lines carriers, must ~~shall~~, if a resident of
2171 this state, be licensed and appointed as a surplus lines agent.
2172 ~~Any such person~~, If not a resident of this state, such person
2173 must ~~shall~~ be licensed and appointed as a surplus lines agent in
2174 her or his state of residence and ~~shall~~ file and ~~thereafter~~
2175 maintain a fidelity bond in favor of the people of the State of
2176 Florida executed by a surety company admitted in this state and
2177 payable to the State of Florida; ~~provided~~, however, ~~any~~
2178 ~~activities carried out by~~ such nonresident is pursuant to this
2179 ~~part shall be~~ limited to the provision of insurance for
2180 purchasing groups. The bond must ~~shall~~ be continuous in form and
2181 ~~maintained~~ in the amount of not less than \$50,000, aggregate
2182 liability set out in s. 626.928. The bond must ~~shall~~ remain in
2183 force and effect until the surety is released from liability by
2184 the department or until the bond is canceled by the surety. The
2185 surety may cancel the bond and be released from further
2186 liability ~~thereunder~~ upon 30 days' prior written notice to the
2187 department. The cancellation does ~~shall~~ not affect any liability



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2188 incurred or accrued ~~thereunder~~ before the termination of the 30-
2189 day period. Upon receipt of a notice of cancellation, the
2190 department shall immediately notify the agent.

2191 Section 52. Subsections (1) and (2) of section 635.051,
2192 Florida Statutes, are amended to read:

2193 635.051 Licensing and appointment of mortgage guaranty
2194 insurance agents.-

2195 (1) Effective October 1, 2012, a person may not transact
2196 mortgage guaranty insurance unless licensed and appointed as a
2197 credit insurance agent in accordance with the applicable
2198 provisions of the insurance code. Mortgage guaranty licenses
2199 held by persons on October 1, 2012, shall be transferred to a
2200 credit insurance agent license. Persons who wish to obtain a new
2201 license identification card that reflects this change must
2202 submit the \$5 fee as prescribed in s. 624.501(15). Agents of
2203 ~~mortgage guaranty insurers shall be licensed and appointed and~~
2204 ~~shall be subject to the same qualifications and requirements~~
2205 ~~applicable to general lines agents under the laws of this state,~~
2206 ~~except that:~~

2207 ~~(a) Particular preliminary specialized education or~~
2208 ~~training is not required of an applicant for such an agent's~~
2209 ~~license, and continuing education is not required for renewal of~~
2210 ~~the agent's appointment if, as part of the application for~~
2211 ~~license and appointment, the insurer guarantees that the~~
2212 ~~applicant will receive the necessary training to enable him or~~
2213 ~~her properly to hold himself or herself out to the public as a~~
2214 ~~mortgage guaranty insurance agent and if the department, in its~~
2215 ~~discretion, accepts such guaranty;~~

2216 ~~(b) The agent's license and appointment shall be a limited~~



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2217 ~~license, limited to the handling of mortgage guaranty insurance~~
2218 ~~only; and~~

2219 ~~(c) An examination may be required of an applicant for such~~
2220 ~~a license if the insurer fails to provide the guaranty described~~
2221 ~~in paragraph (a).~~

2222 (2) Any general lines agent licensed under chapter 626 is
2223 qualified to represent a mortgage guaranty insurer without
2224 additional licensure ~~examination~~.

2225 Section 53. Subsection (1) of section 648.34, Florida
2226 Statutes, is amended to read

2227 648.34 Bail bond agents; qualifications.—

2228 (1) An application for licensure as a bail bond agent must
2229 be submitted on forms prescribed by the department. The
2230 application must include the applicant's full name, date of
2231 birth, social security number, residence address, business
2232 address, mailing address, contact telephone numbers, including a
2233 business telephone number and e-mail address.

2234 Section 54. Subsection (2) of section 648.38, Florida
2235 Statutes, is amended to read:

2236 648.38 Licensure examination for bail bond agents; time;
2237 place; fees; scope.—

2238 (2) The department or a person designated by the department
2239 shall provide ~~mail-written~~ notice of the time and place of the
2240 examination to each applicant for licensure required to take an
2241 examination who will be eligible to take the examination as of
2242 the examination date. The notice shall be e-mailed ~~so mailed,~~
2243 ~~postage prepaid,~~ and addressed to the applicant at the e-mail
2244 ~~his or her~~ address shown on his or her application for licensure
2245 ~~or at such other address as requested by the applicant in~~



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2246 ~~writing filed with the department prior to the mailing of the~~
2247 ~~notice.~~ Notice shall be deemed given when so mailed.

2248 Section 55. Section 648.385, Florida Statutes, is amended
2249 to read:

2250 648.385 Continuing education required; application;
2251 exceptions; requirements; penalties.-

2252 (1) The purpose of this section is to establish
2253 requirements and standards for continuing education courses for
2254 persons authorized to write bail bonds in this state.

2255 ~~(2)(a) Each person subject to the provisions of this~~
2256 ~~chapter must complete a minimum of 14 hours of continuing~~
2257 ~~education courses every 2 years as specified in s. 626.2815 in~~
2258 ~~courses approved by the department. Compliance with continuing~~
2259 ~~education requirements is a condition precedent to the issuance,~~
2260 ~~continuation, or renewal of any appointment subject to the~~
2261 ~~provisions of this chapter.~~

2262 ~~(b) A person teaching any approved course of instruction or~~
2263 ~~lecturing at any approved seminar and attending the entire~~
2264 ~~course or seminar shall qualify for the same number of classroom~~
2265 ~~hours as would be granted to a person taking and successfully~~
2266 ~~completing such course, seminar, or program. Credit shall be~~
2267 ~~limited to the number of hours actually taught unless a person~~
2268 ~~attends the entire course or seminar.~~

2269 ~~(c) For good cause shown, the department may grant an~~
2270 ~~extension of time during which the requirements imposed by this~~
2271 ~~section may be completed, but such extension of time may not~~
2272 ~~exceed 1 year.~~

2273 ~~(3)(a) Any bail-related course developed or sponsored by~~
2274 ~~any authorized insurer or recognized bail bond agents.~~



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2275 ~~association, or any independent study program of instruction,~~
2276 ~~subject to approval by the department, qualifies for the~~
2277 ~~equivalency of the number of classroom hours assigned to such~~
2278 ~~course by the department. However, unless otherwise provided in~~
2279 ~~this section, continuing education credit may not be credited~~
2280 ~~toward meeting the requirements of this section unless the~~
2281 ~~course is provided by classroom instruction or results in a~~
2282 ~~monitored examination.~~

2283 ~~(b) Each person or entity sponsoring a course for~~
2284 ~~continuing education credit must furnish, within 30 days after~~
2285 ~~completion of the course, in a form satisfactory to the~~
2286 ~~department or its designee, a written and certified roster~~
2287 ~~showing the name and license number of all persons successfully~~
2288 ~~completing such course and requesting credit, accompanied by the~~
2289 ~~required fee. The department shall refuse to issue, continue, or~~
2290 ~~renew the appointment of any bail bond agent who has not had the~~
2291 ~~continuing education requirements certified unless the agent has~~
2292 ~~been granted an extension by the department.~~

2293 Section 56. Section 648.421, Florida Statutes, is amended
2294 to read

2295 648.421 Notice of change of address or telephone number.—
2296 Each licensee under this chapter must ~~shall~~ notify, in writing,
2297 the department, insurer, managing general agent, and the clerk
2298 of each court in which the licensee is registered within 10
2299 working days after a change in the licensee's principal business
2300 address or telephone number. The licensee must ~~shall~~ also notify
2301 the department within 10 working days after a change of the
2302 name, address, or telephone number of each agency or firm for
2303 which he or she writes bonds and any change in the licensee's



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2304 name, home address, e-mail address, or telephone number.
2305 Section 57. Subsection (1) of section 903.27, Florida
2306 Statutes, is amended to read:
2307 903.27 Forfeiture to judgment.—
2308 (1) If the forfeiture is not paid or discharged by court
2309 ~~order of a court of competent jurisdiction~~ within 60 days and
2310 the bond is secured other than by money and bonds authorized
2311 under ~~in~~ s. 903.16, the clerk of the circuit court for the
2312 county where the order was made shall enter a judgment against
2313 the surety for the amount of the penalty and issue execution.
2314 However, if ~~in any case in which~~ the bond forfeiture has been
2315 discharged by the court ~~of competent jurisdiction~~ conditioned
2316 upon the payment by the surety of certain costs or fees as
2317 allowed by statute, the amount for which judgment may be entered
2318 may not exceed the amount of the unpaid fees or costs upon which
2319 the discharge had been conditioned. Judgment for the full amount
2320 of the forfeiture may ~~shall~~ not be entered if payment of a
2321 lesser amount will satisfy the conditions to discharge the
2322 forfeiture. Within 10 days, the clerk shall furnish the
2323 ~~Department of Financial Services and the Office of Insurance~~
2324 ~~Regulation of the Financial Services Commission with a certified~~
2325 ~~copy of the judgment docket and shall furnish the~~ surety company
2326 ~~at its home office~~ a copy of the judgment at its home office,
2327 which includes ~~shall include~~ the power of attorney number of the
2328 bond and the name of the executing agent. If the judgment is not
2329 paid within 60 ~~35~~ days, the clerk shall furnish ~~the Department~~
2330 ~~of Financial Services~~, the Office of Insurance Regulation, and
2331 the sheriff of the county in which the bond was executed, or the
2332 official responsible for operation of the county jail, if other



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2333 than the sheriff, two certified copies of the transcript of the
2334 docket of the judgment and a certificate stating that the
2335 judgment remains unsatisfied. ~~When and~~ If the judgment is
2336 properly paid or a court ~~an~~ order to vacate the judgment has
2337 been entered ~~by a court of competent jurisdiction~~, the clerk
2338 shall immediately notify the sheriff, or the official
2339 responsible for the operation of the county jail, if other than
2340 the sheriff, ~~and the Department of Financial Services~~ and the
2341 Office of Insurance Regulation, if the ~~department~~ and office had
2342 been previously notified of nonpayment, of such payment or order
2343 to vacate the judgment. The clerk shall also immediately prepare
2344 and record in the public records a satisfaction of the judgment
2345 or record the order to vacate judgment. If the defendant is
2346 returned to the county of jurisdiction of the court and
2347 ~~whenever~~ a motion to set aside the judgment is filed, the
2348 operation of this section is tolled until the court makes a
2349 disposition of the motion.

2350 Section 58. Except as otherwise expressly provided in this
2351 act, this act shall take effect October 1, 2012.

2352
2353 ===== T I T L E A M E N D M E N T =====

2354 And the title is amended as follows:

2355 Delete everything before the enacting clause
2356 and insert:

2357 A bill to be entitled
2358 An act relating to insurance agents and adjusters;
2359 amending s. 624.501, F.S.; deleting a title insurer
2360 administrative surcharge for a licensed title
2361 insurance agency; amending s. 624.505, F.S.; deleting



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2362 a requirement that an insurer pay an agent tax for
2363 each county in which an agent represents the insurer
2364 and has a place of business; amending s. 626.015,
2365 F.S.; revising the definitions of "adjuster" and "home
2366 state"; amending s. 626.0428, F.S.; revising
2367 provisions relating to who may bind insurance
2368 coverage; amending s. 626.171, F.S.; providing that an
2369 applicant is responsible for the information in an
2370 application even if completed by a third party;
2371 requiring an application to include a statement about
2372 the method used to meet certain requirements; amending
2373 s. 626.191, F.S.; revising provisions relating to when
2374 an applicant may apply for a license after an initial
2375 application is denied by the Department of Financial
2376 Services; amending s. 626.221, F.S.; revising
2377 provisions relating to license examinations;
2378 conforming provisions relating to all-lines adjusters;
2379 deleting an exemption from examination for certain
2380 adjusters; amending s. 626.231, F.S.; providing for
2381 submitting an application for examination on a
2382 designee's website; requiring the applicant's e-mail
2383 address; amending s. 626.241, F.S.; revising the scope
2384 of the examination for an all-lines adjuster; amending
2385 s. 626.251, F.S.; providing for e-mailing notices of
2386 examinations; amending s. 626.281, F.S.; specifying
2387 how many times an applicant may take an examination
2388 during a year; amending s. 626.2815, F.S.; revising
2389 provisions relating to continuing education
2390 requirements; providing that persons on active



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2391 military duty may seek a waiver; providing for an
2392 update course and the contents of such course;
2393 deleting requirements relating specifically to certain
2394 types of insurance; providing education requirements
2395 for bail bond agents and public adjusters; eliminating
2396 the continuing education advisory board; amending s.
2397 626.292, F.S.; conforming provisions to changes made
2398 by the act relating to all-lines adjusters; amending
2399 s. 626.311, F.S.; conforming provisions to changes
2400 made by the act relating to limited licenses; amending
2401 s. 626.321, F.S.; revising provisions relating to
2402 limited licenses; prohibiting the future issuance of
2403 new limited licenses for motor vehicle physical damage
2404 and mechanical breakdown insurance; combining limited
2405 licenses relating to credit insurance; specifying
2406 events covered by crop hail and multiple-peril crop
2407 insurance; revising in-transit and storage personal
2408 property insurance to create a limited license for
2409 portable electronics insurance; amending s. 626.342,
2410 F.S.; clarifying that the prohibition relating to the
2411 furnishing of supplies to unlicensed agents applies to
2412 all unlicensed agents; amending s. 626.381, F.S.;
2413 revising provisions relating to the reporting of
2414 administrative actions; amending s. 626.536, F.S.;
2415 clarifying requirements for reporting administrative
2416 actions taken against a licensee; amending s. 626.551,
2417 F.S.; shortening the time within which a licensee must
2418 report to the department a change in certain
2419 information; authorizing the Department of Financial



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2420 Services to adopt rules relating to notification of a
2421 change of address; amending s. 626.621, F.S.; adding
2422 failure to comply with child support requirements as
2423 grounds for action against a license; amending s.
2424 626.641, F.S.; clarifying provisions relating to the
2425 suspension or revocation of a license or appointment;
2426 amending s. 626.651, F.S.; revising provisions
2427 relating to the suspension or revocation of licenses;
2428 amending ss. 626.730 and 626.732, F.S.; revising
2429 provisions relating to the purpose of the general
2430 lines and personal lines license and certain
2431 requirements related to general lines and personal
2432 lines agents; conforming provisions to changes made by
2433 the act relating to limited licenses; amending s.
2434 626.8411, F.S.; revising requirements and exemptions
2435 relating to title insurance agents or agencies;
2436 amending s. 626.8418, F.S.; deleting the requirement
2437 that a title insurance agency deposit certain
2438 securities with the department; creating s. 626.8548,
2439 F.S.; defining the term "all-lines adjuster"; amending
2440 s. 626.855, F.S.; revising the definition of
2441 "independent adjuster"; amending s. 626.856, F.S.;
2442 revising the definition of "company employee
2443 adjuster"; repealing s. 626.858, F.S., relating to
2444 defining "nonresident company employee adjuster";
2445 amending s. 626.8584, F.S.; revising the definition of
2446 "nonresident all-lines adjuster"; amending s. 626.863,
2447 F.S.; conforming provisions to changes made by the act
2448 relating to all-lines adjusters; amending s. 626.864,



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2449 F.S.; revising provisions relating to adjuster license
2450 types; amending s. 626.865, F.S.; requiring an
2451 applicant for public adjuster to be licensed as a
2452 public adjuster apprentice; amending s. 626.866, F.S.;
2453 conforming provisions to changes made by the act
2454 relating to all-lines adjusters; repealing s. 626.867,
2455 F.S., relating to qualifications for company employee
2456 adjusters; amending s. 626.869, F.S.; revising
2457 provisions relating to an all-lines adjuster license;
2458 ceasing the issuance of certain adjuster licenses;
2459 revising continuing education requirements; amending
2460 s. 626.8697, F.S.; revising provisions relating to the
2461 violation of rules resulting in the suspension or
2462 revocation of an adjuster's license; amending s.
2463 626.872, F.S.; conforming provisions to changes made
2464 by the act relating to all-lines adjusters; repealing
2465 s. 626.873, F.S., relating to licensure for
2466 nonresident company employee adjusters; amending s.
2467 626.8734, F.S.; amending provisions relating to
2468 nonresident all-lines adjusters; providing for
2469 verifying an applicant's status through the National
2470 Association of Insurance Commissioners' Producer
2471 Database; amending ss. 626.8736, 626.874, 626.875, and
2472 626.876, F.S.; conforming provisions to changes made
2473 by the act relating to all-lines adjusters; amending
2474 s. 626.927, F.S.; deleting a requirement that a
2475 licensed surplus lines agent maintain a bond;
2476 repealing s. 626.928, F.S., relating to a surplus
2477 lines agent's bond; amending ss. 626.933, 626.935, and



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2478 627.952, F.S.; conforming cross-references; amending
2479 s. 635.051, F.S.; requiring persons transacting
2480 mortgage guaranty insurance to be licensed and
2481 appointed as a credit insurance agent; amending s.
2482 648.34, F.S.; revising the licensure application for
2483 bail bond agents to include certain information;
2484 amending s. 648.38, F.S.; revising the notice of
2485 examination requirements for bail bond agents;
2486 amending s. 648.385, F.S.; revising continuing
2487 education courses for bail bond agents, to conform to
2488 changes made by the act; amending s. 648.421, F.S.;
2489 revising the notice of change of address or telephone
2490 number for bail bond agents to include the agent's e-
2491 mail address; amending s. 903.27, F.S.; revising
2492 provisions relating to the provision of forfeiture
2493 documents and notification of certain actions;
2494 providing effective dates.

By Senator Richter

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1 A bill to be entitled
 2 An act relating to insurance agents and adjusters;
 3 amending s. 624.501, F.S.; deleting the title insurer
 4 administrative surcharge for a licensed title
 5 insurance agency; amending s. 624.505, F.S.; deleting
 6 a requirement that an insurer pay an agent tax for
 7 each county in which an agent represents the insurer
 8 and has a place of business; amending s. 626.015,
 9 F.S.; revising the definitions of "adjuster" and "home
 10 state"; amending s. 626.0428, F.S.; revising
 11 provisions relating to who may bind insurance
 12 coverage; amending s. 626.171, F.S.; providing that an
 13 applicant is responsible for the information in an
 14 application even if completed by a third party;
 15 requiring an application to include a statement about
 16 the method used to meet certain requirements; amending
 17 s. 626.191, F.S.; revising provisions relating to when
 18 an applicant may apply for a license after an initial
 19 application is denied by the Department of Financial
 20 Services; amending s. 626.221, F.S.; revising
 21 provisions relating to license examinations;
 22 conforming provisions relating to all-lines adjusters;
 23 deleting an exemption from examination for certain
 24 adjusters; amending s. 626.231, F.S.; providing for
 25 submitting an application for examination on a
 26 designee's website; amending s. 626.241, F.S.;
 27 revising the scope of the examination for an all-lines
 28 adjuster; amending s. 626.251, F.S.; providing for e-
 29 mailing notices of examinations; amending s. 626.281,

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30 F.S.; specifying how many times an applicant may take
 31 an examination during a year; amending s. 626.2815,
 32 F.S.; revising provisions relating to continuing
 33 education requirements; providing that persons on
 34 active military duty may seek a waiver; providing for
 35 an update course and the contents of such course;
 36 deleting requirements relating specifically to certain
 37 types of insurance; providing education requirements
 38 for bail bond agents and public adjusters; eliminating
 39 the continuing education advisory board; amending s.
 40 626.292, F.S.; conforming provisions to changes made
 41 by the act relating to all-lines adjusters; amending
 42 s. 626.311, F.S.; conforming provisions to changes
 43 made by the act relating to limited licenses; amending
 44 s. 626.321, F.S.; revising provisions relating to
 45 limited licenses; prohibiting the future issuance of
 46 new limited licenses for motor vehicle physical damage
 47 and mechanical breakdown insurance; combining limited
 48 licenses relating to credit insurance; specifying
 49 events covered by crop hail and multiple-peril crop
 50 insurance; revising in-transit and storage personal
 51 property insurance to create a limited license for
 52 portable electronics insurance; amending s. 626.342,
 53 F.S.; clarifying that the prohibition relating to the
 54 furnishing of supplies to unlicensed agents applies to
 55 all unlicensed agents; amending s. 626.381, F.S.;
 56 revising provisions relating to the reporting of
 57 administrative actions; amending s. 626.536, F.S.;
 58 clarifying requirements for reporting administrative

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59 actions taken against a licensee; amending s. 626.551,
 60 F.S.; shortening the time within which a licensee must
 61 report to the department a change in certain
 62 information; authorizing the Department of Financial
 63 Services to adopt rules relating to notification of a
 64 change of address; amending s. 626.621, F.S.; adding
 65 failure to comply with child support requirements as
 66 grounds for action against a license; amending s.
 67 626.641, F.S.; clarifying provisions relating to the
 68 suspension or revocation of a license or appointment;
 69 amending s. 626.651, F.S.; revising provisions
 70 relating to the suspension or revocation of licenses;
 71 amending ss. 626.730 and 626.732, F.S.; revising
 72 provisions relating to the purpose of the general
 73 lines and personal lines license and certain
 74 requirements related to general lines and personal
 75 lines agents; conforming provisions to changes made by
 76 the act relating to limited licenses; amending s.
 77 626.8411, F.S.; revising requirements and exemptions
 78 relating to title insurance agents or agencies;
 79 amending s. 626.8418, F.S.; deleting the requirement
 80 that a title insurance agency deposit certain
 81 securities with the department; creating s. 626.8548,
 82 F.S.; defining the term "all-lines adjuster"; amending
 83 s. 626.855, F.S.; revising the definition of
 84 "independent adjuster"; amending s. 626.856, F.S.;
 85 revising the definition of "company employee
 86 adjuster"; repealing s. 626.858, F.S., relating to
 87 defining "nonresident company employee adjuster";

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88 amending s. 626.8584, F.S.; revising the definition of
 89 "nonresident all-lines adjuster"; amending s. 626.863,
 90 F.S.; conforming provisions to changes made by the act
 91 relating to all-lines adjusters; amending s. 626.864,
 92 F.S.; revising provisions relating to adjuster license
 93 types; amending s. 626.865, F.S.; requiring an
 94 applicant for public adjuster to be licensed as a
 95 public adjuster apprentice; amending s. 626.866, F.S.;
 96 conforming provisions to changes made by the act
 97 relating to all-lines adjusters; repealing s. 626.867,
 98 F.S., relating to qualifications for company employee
 99 adjusters; amending s. 626.869, F.S.; revising
 100 provisions relating to an all-lines adjuster license;
 101 ceasing the issuance of certain adjuster licenses;
 102 revising continuing education requirements; amending
 103 s. 626.8697, F.S.; revising provisions relating to the
 104 violation of rules resulting in the suspension or
 105 revocation of an adjuster's license; amending s.
 106 626.872, F.S.; conforming provisions to changes made
 107 by the act relating to all-lines adjusters; repealing
 108 s. 626.873, F.S., relating to licensure for
 109 nonresident company employee adjusters; amending s.
 110 626.8734, F.S.; amending provisions relating to
 111 nonresident all-lines adjusters; providing for
 112 verifying an applicant's status through the National
 113 Association of Insurance Commissioners' Producer
 114 Database; amending ss. 626.8736, 626.874, 626.875, and
 115 626.876, F.S.; conforming provisions to changes made
 116 by the act relating to all-lines adjusters; amending

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117 s. 626.927, F.S.; deleting a requirement that a
 118 licensed surplus lines agent maintain a bond;
 119 repealing s. 626.928, F.S., relating to a surplus
 120 lines agent's bond; amending ss. 626.933, 626.935, and
 121 627.952, F.S.; conforming cross-references; amending
 122 s. 635.051, F.S.; requiring persons transacting
 123 mortgage guaranty insurance to be licensed and
 124 appointed as a credit insurance agent; amending s.
 125 648.38, F.S.; revising the notice of examination
 126 requirements for bail bond agents; amending s.
 127 648.385, F.S.; revising continuing education courses
 128 for bail bond agents, to conform to changes made by
 129 the act; amending s. 903.27, F.S.; revising provisions
 130 relating to the provision of forfeiture documents and
 131 notification of certain actions; providing effective
 132 dates.

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

135
 136 Section 1. Paragraph (e) of subsection (27) of section
 137 624.501, Florida Statutes, is amended to read:

138 624.501 Filing, license, appointment, and miscellaneous
 139 fees.—The department, commission, or office, as appropriate,
 140 shall collect in advance, and persons so served shall pay to it
 141 in advance, fees, licenses, and miscellaneous charges as
 142 follows:

143 (27) Title insurance agents:

144 (e) Title insurer ~~and title insurance agency~~ administrative
 145 surcharge:

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146 ~~1.~~ On or before January 30 of each calendar year, each
 147 title insurer shall pay an administrative surcharge of \$200.00
 148 to the office for each licensed title insurance agency ~~appointed~~
 149 ~~by the title insurer~~ and for each title insurer's retail office
 150 that has been appointed by the title of the insurer as of or ~~on~~
 151 January 1 of that calendar year ~~an administrative surcharge of~~
 152 ~~\$200.00.~~

153 ~~2. On or before January 30 of each calendar year, each~~
 154 ~~licensed title insurance agency shall remit to the department an~~
 155 ~~administrative surcharge of \$200.00.~~ The administrative
 156 surcharge may be used solely to defray the costs to the
 157 ~~department and office for gathering and evaluating in their~~
 158 ~~examination or audit of title insurance agencies and retail~~
 159 ~~offices of title insurers and to gather~~ title insurance data
 160 from title insurance agencies and insurers for statistical
 161 purposes, which shall ~~to~~ be furnished to and used by the office
 162 in its regulation of title insurance.

163 Section 2. Subsection (1) of section 624.505, Florida
 164 Statutes, is amended to read:

165 624.505 County tax; determination; ~~additional offices;~~
 166 nonresident agents.—

167 (1) The county tax imposed ~~provided for~~ under s. 624.501
 168 ~~for as to~~ an agent shall be paid by each insurer for each agent
 169 only for the county where the agent resides, or if the such
 170 agent's place of business is not located in the a county where
 171 the agent resides ~~other than that of her or his residence,~~ then
 172 for the county in which the agent's ~~wherein is located such~~
 173 place of business is located. ~~If an agent maintains an office or~~
 174 ~~place of business in more than one county, the tax shall be paid~~

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 175 ~~for her or him by each such insurer for each county wherein the~~
 176 ~~agent represents such insurer and has a place of business. If~~
 177 ~~When under this subsection an insurer is paying the required to~~
 178 ~~pay county tax for an agent for a county or counties other than~~
 179 ~~the agent's county of residence, the insurer must shall~~
 180 ~~designate the county or counties for which the taxes are paid.~~

181 Section 3. Subsections (1) and (7) of section 626.015,
 182 Florida Statutes, are amended to read:

183 626.015 Definitions.—As used in this part:

184 (1) "Adjuster" means a public adjuster as defined in s.
 185 626.854, a public adjuster apprentice as defined in s. 626.8541,
 186 or an all-lines adjuster as defined in s. 626.8548 independent
 187 ~~adjuster as defined in s. 626.855, or company employee adjuster~~
 188 ~~as defined in s. 626.856.~~

189 (7) "Home state" means the District of Columbia and any
 190 state or territory of the United States in which an ~~insurance~~
 191 agent or adjuster maintains his or her principal place of
 192 residence or principal place of business and is licensed to act
 193 as an insurance agent or adjuster.

194 Section 4. Subsections (2) and (3) of section 626.0428,
 195 Florida Statutes, are amended to read:

196 626.0428 Agency personnel powers, duties, and limitations.—

197 (2) ~~An~~ No employee of an agent or agency may not bind
 198 insurance coverage unless licensed and appointed as an a general
 199 ~~lines~~ agent or customer representative.

200 (3) ~~An~~ No employee of an agent or agency may not initiate
 201 contact with any person for the purpose of soliciting insurance
 202 unless licensed and appointed as an a general lines agent or
 203 customer representative.

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 204 Section 5. Subsection (1) and paragraph (b) of subsection
 205 (2) of section 626.171, Florida Statutes, are amended to read:
 206 626.171 Application for license as an agent, customer
 207 representative, adjuster, service representative, managing
 208 general agent, or reinsurance intermediary.—

209 (1) The department ~~may shall~~ not issue a license as agent,
 210 customer representative, adjuster, service representative,
 211 managing general agent, or reinsurance intermediary to any
 212 person except upon written application ~~therefor~~ filed with the
 213 department it, meeting the qualifications for the license
 214 applied for as determined by the department qualification
 215 ~~therefor~~, and payment in advance of all applicable fees. The Any
 216 such application must shall be made under the oath of the
 217 applicant and be signed by the applicant. An applicant may
 218 permit a third party to complete, submit, and sign an
 219 application on the applicant's behalf, but is responsible for
 220 ensuring that the information on the application is true and
 221 correct and is accountable for any misstatements or
 222 misrepresentations. The department shall accept the uniform
 223 application for nonresident agent licensing. ~~The department may~~
 224 ~~adopt revised versions of the uniform application by rule.~~

225 (2) In the application, the applicant shall set forth:

226 (b) A statement indicating the method the applicant used or
 227 is using to meet any required prelicensing education, knowledge,
 228 experience, or instructional requirements for the type of
 229 license applied for. ~~Proof that he or she has completed or is in~~
 230 ~~the process of completing any required prelicensing course.~~

231 However, the application must contain a statement that an
 232

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233 applicant is not required to disclose his or her race or
234 ethnicity, gender, or native language, that he or she will not
235 be penalized for not doing so, and that the department will use
236 this information exclusively for research and statistical
237 purposes and to improve the quality and fairness of the
238 examinations.

239 Section 6. Section 626.191, Florida Statutes, is amended to
240 read:

241 626.191 Repeated applications.—The failure of an applicant
242 to secure a license upon ~~an~~ application does shall not preclude
243 the applicant from applying again. However as many times as
244 desired, but the department may shall not consider give
245 consideration to or accept any further application by the same
246 applicant individual for a similar license dated or filed within
247 30 days after subsequent to the date the department denied the
248 last application, except as provided under ~~in~~ s. 626.281.

249 Section 7. Subsection (2) of section 626.221, Florida
250 Statutes, is amended to read:

251 626.221 Examination requirement; exemptions.—

252 (2) However, an no such examination is not shall be
253 necessary for in any of the following cases:

254 (a) An applicant for renewal of appointment as an agent,
255 customer representative, or adjuster, unless the department
256 determines that an examination is necessary to establish the
257 competence or trustworthiness of the such applicant.

258 (b) An applicant for a limited license as agent for travel
259 insurance, motor vehicle rental personal accident insurance,
260 baggage and motor vehicle excess liability insurance, credit
261 life or disability insurance, credit insurance, credit property

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262 ~~insurance, in-transit and storage personal property insurance,~~
263 ~~or portable electronics communications equipment property~~
264 ~~insurance or communication equipment inland marine insurance~~
265 under s. 326.321.

266 (c) In the discretion of the department, an applicant for
267 reinstatement of license or appointment as an agent, customer
268 representative, ~~company employee adjuster,~~ or ~~independent~~
269 adjuster whose license has been suspended within the 4 years
270 before prior to the date of application or written request for
271 reinstatement.

272 (d) An applicant who, within the 4 years before prior to
273 application for license and appointment as an agent, customer
274 representative, or adjuster, was a full-time salaried employee
275 of the department who and had continuously been such an employee
276 with responsible insurance duties for at least not less than 2
277 continuous years and who had been a licensee within the 4 years
278 before prior to employment by the department with the same class
279 of license as that being applied for.

280 (e) An applicant A person who has been licensed as an all-
281 lines adjuster and appointed as an independent adjuster or
282 company employee adjuster as to all property, casualty, and
283 surety insurances may be licensed and appointed as a company
284 employee adjuster or independent adjuster, as to these kinds of
285 insurance, without additional written examination if an
286 application for licensure is filed with the department within 48
287 months following the date of cancellation or expiration of the
288 prior appointment.

289 (f) ~~A person who has been licensed as a company employee~~
290 ~~adjuster or independent adjuster for motor vehicle, property and~~

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291 ~~casualty, workers' compensation, and health insurance may be~~
 292 ~~licensed as such an adjuster without additional written~~
 293 ~~examination if his or her application for licensure is filed~~
 294 ~~with the department within 48 months after cancellation or~~
 295 ~~expiration of the prior license.~~

296 (f)(g) An applicant for a temporary license, except as
 297 otherwise provided in this code.

298 (g)(h) An applicant for a license as a life or health agent
 299 license who has received the designation of chartered life
 300 underwriter (CLU) from the American College of Life Underwriters
 301 and ~~who~~ has been engaged in the insurance business within the
 302 past 4 years, except that the applicant ~~such an individual~~ may
 303 be examined on pertinent provisions of this code.

304 (h)(i) An applicant for license as a general lines agent,
 305 customer representative, or adjuster who has received the
 306 designation of chartered property and casualty underwriter
 307 (CPCU) from the American Institute for Property and Liability
 308 Underwriters and ~~who~~ has been engaged in the insurance business
 309 within the past 4 years, except that the applicant ~~such an~~
 310 ~~individual~~ may be examined on pertinent provisions of this code.

311 (i)(j) An applicant for license as a customer
 312 representative who has earned the designation of Accredited
 313 Advisor in Insurance (AAI) from the Insurance Institute of
 314 America, the designation of Certified Insurance Counselor (CIC)
 315 from the Society of Certified Insurance Service Counselors, the
 316 designation of Accredited Customer Service Representative (ACSR)
 317 from the Independent Insurance Agents of America, the
 318 designation of Certified Professional Service Representative
 319 (CPSR) from the National Foundation for Certified Professional

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320 Service Representatives, the designation of Certified Insurance
 321 Service Representative (CISR) from the Society of Certified
 322 Insurance Service Representatives, or the designation of
 323 Certified Insurance Representative (CIR) from the National
 324 Association of Christian Catastrophe Insurance Adjusters. Also,
 325 an applicant for license as a customer representative who has
 326 earned an associate degree or bachelor's degree from an
 327 accredited college or university and has completed with at least
 328 9 academic hours of property and casualty insurance curriculum,
 329 or the equivalent, or has earned the designation of Certified
 330 Customer Service Representative (CCSR) from the Florida
 331 Association of Insurance Agents, or the designation of
 332 Registered Customer Service Representative (RCSR) from a
 333 regionally accredited postsecondary institution in this state,
 334 or the designation of Professional Customer Service
 335 Representative (PCSR) from the Professional Career Institute,
 336 whose curriculum has been approved by the department and which
 337 ~~whose curriculum~~ includes comprehensive analysis of basic
 338 property and casualty lines of insurance and testing at least
 339 equal to that of standard department testing for the customer
 340 representative license. The department shall adopt rules
 341 establishing standards for the approval of curriculum.

342 (j)(k) An applicant for license as a resident or
 343 nonresident all-lines ~~an independent or company employee~~
 344 adjuster who has the designation of Accredited Claims Adjuster
 345 (ACA) from a regionally accredited postsecondary institution in
 346 this state, Professional Claims Adjuster (PCA) from the
 347 Professional Career Institute, Professional Property Insurance
 348 Adjuster (PPIA) from the HurriClaim Training Academy, Certified

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349 Adjuster (CA) from ALL LINES Training, or Certified Claims
 350 Adjuster (CCA) from the Association of Property and Casualty
 351 Claims Professionals whose curriculum has been approved by the
 352 department and ~~which whose curriculum~~ includes comprehensive
 353 analysis of basic property and casualty lines of insurance and
 354 testing at least equal to that of standard department testing
 355 for the all-lines adjuster license. The department shall adopt
 356 rules establishing standards for the approval of curriculum.

357 ~~(k)(1)~~ An applicant qualifying for a license transfer under
 358 s. 626.292~~7~~ if the applicant:

359 1. Has successfully completed the prelicensing examination
 360 requirements in the applicant's previous home state which are
 361 substantially equivalent to the examination requirements in this
 362 state, as determined by the department;

363 2. Has received the designation of chartered property and
 364 casualty underwriter (CPCU) from the American Institute for
 365 Property and Liability Underwriters and ~~has~~ been engaged in the
 366 insurance business within the past 4 years if applying to
 367 transfer a general lines agent license; or

368 3. Has received the designation of chartered life
 369 underwriter (CLU) from the American College of Life Underwriters
 370 and ~~has~~ been engaged in the insurance business within the past 4
 371 years~~7~~ if applying to transfer a life or health agent license.

372 ~~(l)(m)~~ An applicant for a license as a nonresident agent
 373 ~~license~~~~7~~ if the applicant:

374 1. Has successfully completed prelicensing examination
 375 requirements in the applicant's home state which are
 376 substantially equivalent to the examination requirements in this
 377 state, as determined by the department, as a requirement for

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378 obtaining a resident license in his or her home state;

379 2. Held a general lines agent license, life agent license,
 380 or health agent license before ~~prior to the time~~ a written
 381 examination was required;

382 3. Has received the designation of chartered property and
 383 casualty underwriter (CPCU) from the American Institute for
 384 Property and Liability Underwriters and has been engaged in the
 385 insurance business within the past 4 years, if an applicant for
 386 a nonresident license as a general lines agent; or

387 4. Has received the designation of chartered life
 388 underwriter (CLU) from the American College of Life Underwriters
 389 and ~~has~~ been in the insurance business within the past 4 years,
 390 if an applicant for a nonresident license as a life agent or
 391 health agent.

392 Section 8. Subsection (2) of section 626.231, Florida
 393 Statutes, is amended to read:

394 626.231 Eligibility; application for examination.—

395 (2) A person required to take an examination for a license
 396 may ~~be permitted to~~ take an examination before ~~prior to~~
 397 submitting an application for licensure pursuant to s. 626.171
 398 by submitting an application for examination through the
 399 department's Internet website or the website of a person
 400 designated by the department to administer the examination. The
 401 department may require ~~In the application,~~ the applicant to
 402 provide the following information as part of the application
 403 ~~shall set forth:~~

404 (a) His or her full name, date of birth ~~age~~, social
 405 security number, residence address, business address, and
 406 mailing address.

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407 (b) The type of license which ~~that~~ the applicant intends to
408 apply for.

409 (c) The name of any required prelicensing course he or she
410 has completed or is in the process of completing.

411 (d) The method by which the applicant intends to qualify
412 for the type of license if other than by completing a
413 prelicensing course.

414 (e) The applicant's gender ~~(male or female)~~.

415 (f) The applicant's native language.

416 (g) The highest level of education achieved by the
417 applicant.

418 (h) The applicant's race or ethnicity ~~(African American,
419 white, American Indian, Asian, Hispanic, or other)~~.

420

421 However, the application form must contain a statement that an
422 applicant is not required to disclose his or her race or
423 ethnicity, gender, or native language, that he or she will not
424 be penalized for not doing so, and that the department will use
425 this information exclusively for research and statistical
426 purposes and to improve the quality and fairness of the
427 examinations.

428 Section 9. Subsection (6) of section 626.241, Florida
429 Statutes, is amended to read:

430 626.241 Scope of examination.—

431 (6) In order to reflect the differences between adjusting
432 claims for an insurer and adjusting claims for an insured, the
433 department shall create an examination for applicants seeking
434 licensure as a public adjuster and a separate examination for
435 applicants seeking licensure as an all-lines ~~a company employee~~

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436 ~~adjuster or independent~~ adjuster.

437 (a) Examinations ~~given applicants~~ for a license as an all-
438 lines adjuster must ~~shall~~ cover adjusting in all lines of
439 insurance, other than life and annuity; ~~or, in accordance with~~
440 ~~the application for the license, the examination may be limited~~
441 ~~to adjusting in:~~

442 ~~(a) Automobile physical damage insurance;~~

443 ~~(b) Property and casualty insurance;~~

444 ~~(c) Workers' compensation insurance; or~~

445 ~~(d) Health insurance.~~

446 (b) ~~An~~ ~~no~~ examination for workers' ~~on worker's~~ compensation
447 insurance or health insurance is not ~~shall be~~ required for
448 public adjusters.

449 Section 10. Subsection (1) of section 626.251, Florida
450 Statutes, is amended to read:

451 626.251 Time and place of examination; notice.—

452 (1) The department, or a person designated by the
453 department, shall provide ~~mail written~~ notice of the time and
454 place of the examination to each applicant for examination and
455 each applicant for license required to take an examination who
456 will be eligible to take the examination as of the examination
457 date. The notice shall be e-mailed ~~so mailed, postage prepaid,~~
458 ~~and addressed to the applicant at the e-mail his or her address~~
459 ~~shown on the application for license or examination at such~~
460 ~~other address as requested by the applicant in writing filed~~
461 ~~with the department prior to the mailing of the notice. Notice~~
462 is ~~shall be~~ deemed given when so mailed.

463 Section 11. Section 626.281, Florida Statutes, is amended
464 to read:

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465 626.281 Reexamination.-

466 (1) ~~An Any~~ applicant for license or ~~applicant for~~
467 examination who has ~~either~~:

468 (a) Taken an examination and failed to make a passing
469 grade, or

470 (b) Failed to appear for the examination or to take or
471 complete the examination at the time and place specified in the
472 notice of the department,

473

474 may take additional examinations, after filing with the
475 department or its designee an application for reexamination
476 together with applicable fees. The failure of an applicant to
477 pass an examination, ~~or the failure~~ to appear for the
478 examination, ~~or to take or complete the examination~~ does not
479 preclude the applicant from taking subsequent examinations.

480 (2) Applicants may take an examination for a license type
481 up to three times in a 12-month period.

482 (3)(2) The department may require an any individual whose
483 license as an agent, customer representative, or adjuster has
484 expired or ~~has~~ been suspended to pass an examination before
485 ~~prior to~~ reinstating or relicensing the individual as to any
486 class of license. The examination fee must ~~shall~~ be paid for ~~as~~
487 ~~to~~ each examination.

488 Section 12. Section 626.2815, Florida Statutes, is amended
489 to read:

490 626.2815 Continuing education ~~required; application;~~
491 ~~exceptions; requirements; penalties.~~-

492 (1) The purpose of this section is to establish
493 requirements and standards for continuing education courses for

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494 individuals persons licensed to solicit, ~~or~~ sell, or adjust
495 insurance in the state.

496 (2) Except as otherwise provided in this section, ~~the~~
497 ~~provisions of this section~~ applies apply to individuals persons
498 licensed to engage in the sale of insurance or adjustment of
499 insurance claims in this state for all lines of insurance for
500 which an examination is required for licensing and to each
501 insurer, employer, or appointing entity, including, but not
502 limited to, those created or existing pursuant to s. 627.351.
503 ~~The provisions of This section~~ does shall not apply to an any
504 individual who holds ~~person holding~~ a license for the sale of
505 any line of insurance for which an examination is not required
506 by the laws of this state or who holds a, ~~nor shall the~~
507 ~~provisions of this section~~ apply to any limited license as the
508 department may exempt by rule. Licensees who are unable to
509 comply with the continuing education requirements due to active
510 duty in the military may submit a written request for a waiver
511 to the department.

512 (3)(a) Each licensee person subject to ~~the provisions of~~
513 this section must, except as set forth in paragraphs (b), (c),
514 and (d), complete a minimum of 24 hours of continuing education
515 courses every 2 years in basic or higher-level courses
516 prescribed by this section or in other courses approved by the
517 department.

518 (a) Each licensee person ~~subject to the provisions of this~~
519 ~~section~~ must complete, ~~as part of his or her required number of~~
520 ~~continuing education hours,~~ 3 hours of continuing education,
521 approved by the department, every 2 years on the subject matter
522 of ethics. Each licensed general lines agent and customer

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523 representative ~~subject to this section~~ must complete, as part of
 524 ~~his or her required number of continuing education hours~~, 1 hour
 525 of continuing education, approved by the department, every 2
 526 years on the subject matter of premium discounts available on
 527 property insurance policies based on various hurricane
 528 mitigation options and the means for obtaining the discounts.

529 (b) A ~~licensee person~~ who has been licensed for a ~~period of~~
 530 6 or more years must complete 20 hours of continuing education
 531 every 2 years in intermediate or advanced-level courses
 532 prescribed by this section or in other courses approved by the
 533 department.

534 (c) A licensee who has been licensed for 25 years or more
 535 and is a CLU or a CPCU or has a Bachelor of Science degree in
 536 risk management or insurance with evidence of 18 or more
 537 semester hours in upper-level insurance-related courses must
 538 complete 10 hours of continuing education courses every 2 years
 539 in courses prescribed by this section or in other courses
 540 approved by the department.

541 (d) An individual ~~Any person~~ who holds a license as a
 542 customer representative, limited customer representative, title
 543 agent, motor vehicle physical damage and mechanical breakdown
 544 insurance agent, crop or hail and multiple-peril crop insurance
 545 agent, or ~~as~~ an industrial fire insurance or burglary insurance
 546 agent and who is not a licensed life or health ~~insurance~~ agent,
 547 ~~must shall be required to~~ complete 10 hours of continuing
 548 education courses every 2 years.

549 (e) An individual ~~Any person~~ who holds a license to solicit
 550 or sell life or health insurance and a license to solicit or
 551 sell property, casualty, surety, or surplus lines insurance must

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552 complete ~~the continuing education requirements by completing~~
 553 courses in life or health insurance for one-half of the total
 554 hours required and courses in property, casualty, surety, or
 555 surplus lines insurance for one-half of the total hours
 556 required. However, a licensee who holds an industrial fire or
 557 burglary insurance license and who is a licensed life or health
 558 agent ~~must shall be required to~~ complete 4 hours of continuing
 559 education courses every 2 years related to industrial fire or
 560 burglary insurance and the remaining number of hours of
 561 continuing education courses ~~required~~ related to life or health
 562 insurance.

563 (f) Excess hours accumulated during any 2-year compliance
 564 period may be carried forward to the next compliance period.

565 (g) An individual teaching an approved course of
 566 instruction or lecturing at an any approved seminar and
 567 attending the entire course or seminar qualifies for the same
 568 number of classroom hours as would be granted to a person taking
 569 and successfully completing such course or seminar. Credit is
 570 limited to the number of hours actually taught unless a person
 571 attends the entire course or seminar. An individual who is an
 572 official of or employed by a governmental entity in this state
 573 and serves as a professor, instructor, or other position or
 574 office, the duties and responsibilities of which are determined
 575 by the department to require monitoring and review of insurance
 576 laws or insurance regulations and practices, is exempt from this
 577 section.

578 (4)(f)1. Except as provided in subparagraph 2., Compliance
 579 with continuing education requirements is a condition precedent
 580 to the issuance, continuation, reinstatement, or renewal of any

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581 appointment subject to this section. However:

582 ~~(a)2.a.~~ An appointing entity, except one that appoints
583 individuals who are employees or exclusive independent
584 contractors of the appointing entity, may not require, directly
585 or indirectly, as a condition of such appointment or the
586 continuation of such appointment, the taking of an approved
587 course or program by any appointee or potential appointee which
588 ~~that~~ is not of the appointee's choosing.

589 ~~(b)b.~~ Any entity created or existing pursuant to s. 627.351
590 may require employees to take training of any type relevant to
591 their employment but may not require appointees who are not
592 employees to take any approved course or program unless the
593 course or program deals solely with the appointing entity's
594 internal procedures or products or with subjects substantially
595 unique to the appointing entity.

596 ~~(g) A person teaching any approved course of instruction or~~
597 ~~lecturing at any approved seminar and attending the entire~~
598 ~~course or seminar shall qualify for the same number of classroom~~
599 ~~hours as would be granted to a person taking and successfully~~
600 ~~completing such course, seminar, or program. Credit shall be~~
601 ~~limited to the number of hours actually taught unless a person~~
602 ~~attends the entire course or seminar. Any person who is an~~
603 ~~official of or employed by any governmental entity in this state~~
604 ~~and serves as a professor, instructor, or in any other position~~
605 ~~or office the duties and responsibilities of which are~~
606 ~~determined by the department to require monitoring and review of~~
607 ~~insurance laws or insurance regulations and practices shall be~~
608 ~~exempt from this section.~~

609 ~~(h) Excess classroom hours accumulated during any~~

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610 ~~compliance period may be carried forward to the next compliance~~
611 ~~period.~~

612 ~~(5)(4)~~ For good cause shown, the department may grant an
613 extension of time during which the requirements of imposed by
614 this section may be completed, but such extension ~~of time~~ may
615 not exceed 1 year.

616 ~~(6)(4)~~ A nonresident licensee who must complete continuing
617 education requirements in his or her home state may use the home
618 state requirements to also meet this state's continuing
619 education requirements ~~as well~~, if the licensee's resident's
620 home state recognizes reciprocity with this state's continuing
621 education requirements. A nonresident licensee whose home state
622 does not have a continuing education requirement but is licensed
623 for the same class of business in another state that has which
624 ~~does have~~ a continuing education requirement may comply with
625 this section by furnishing proof of compliance with the other
626 state's requirement if that state has a reciprocal agreement
627 with this state relative to continuing education. A nonresident
628 licensee whose home state does not have such continuing
629 education requirements, and who is not licensed as a nonresident
630 licensee agent in a state that has continuing education
631 requirements and reciprocates with this state, must meet the
632 continuing education requirements of this state.

633 ~~(k) Any person who holds a license to solicit or sell life~~
634 ~~insurance in this state must complete a minimum of 3 hours in~~
635 ~~continuing education, approved by the department, on the subject~~
636 ~~of suitability in annuity and life insurance transactions. This~~
637 ~~requirement does not apply to an agent who does not have any~~
638 ~~active life insurance or annuity contracts. In applying this~~

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639 ~~exemption, the department may require the filing of a~~
 640 ~~certification attesting that the agent has not sold life~~
 641 ~~insurance or annuities during the continuing education~~
 642 ~~compliance cycle in question and does not have any active life~~
 643 ~~insurance or annuity contracts. A licensee may use the hours~~
 644 ~~obtained under this paragraph to satisfy the requirement for~~
 645 ~~continuing education in ethics under paragraph (a).~~

646 ~~(7)(4)~~ The following courses may be completed in order to
 647 meet the elective continuing education course requirements:

648 (a) Any part of the Life Underwriter Training Council Life
 649 Course Curriculum: 24 hours; Health Course: 12 hours.

650 (b) Any part of the American College "CLU" diploma
 651 curriculum: 24 hours.

652 (c) Any part of the Insurance Institute of America's
 653 program in general insurance: 12 hours.

654 (d) Any part of the American Institute for Property and
 655 Liability Underwriters' Chartered Property Casualty Underwriter
 656 (CPCU) professional designation program: 24 hours.

657 (e) Any part of the Certified Insurance Counselor program:
 658 21 hours.

659 (f) Any part of the Accredited Advisor in Insurance: 21
 660 hours.

661 (g) In the case of title agents, completion of the
 662 Certified Land Closer (CLC) professional designation program and
 663 receipt of the designation: 24 hours.

664 (h) In the case of title agents, completion of the
 665 Certified Land Searcher (CLS) professional designation program
 666 and receipt of the designation: 24 hours.

667 (i) Any insurance-related course that ~~which~~ is approved by

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668 the department and taught by an accredited college or university
 669 per credit hour granted: 12 hours.

670 (j) Any course, including courses relating to agency
 671 management or errors and omissions, developed or sponsored by an
 672 ~~any~~ authorized insurer or recognized agents' association or
 673 insurance trade association or an ~~any~~ independent study program
 674 of instruction, subject to approval by the department, qualifies
 675 for the equivalency of the number of classroom hours assigned
 676 ~~thereto~~ by the department. However, unless otherwise provided in
 677 this section, continuing education hours may not be credited
 678 toward meeting the requirements of this section unless the
 679 course is provided by classroom instruction or results in a
 680 monitored examination. A monitored examination is not required
 681 for:

682 1. An independent study program of instruction presented
 683 through interactive, online technology that the department
 684 determines has sufficient internal testing to validate the
 685 student's full comprehension of the materials presented; or

686 2. An independent study program of instruction presented on
 687 paper or in printed material which ~~that~~ imposes a final closed
 688 book examination that meets the requirements of the department's
 689 rule for self-study courses. The examination may be taken
 690 without a proctor if ~~provided~~ the student presents to the
 691 provider a sworn affidavit certifying that the student did not
 692 consult any written materials or receive outside assistance of
 693 any kind or from any person, directly or indirectly, while
 694 taking the examination. If the student is an employee of an
 695 agency or corporate entity, the student's supervisor or a
 696 manager or owner of the agency or corporate entity must also

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 697 sign the sworn affidavit. If the student is self-employed, a
 698 sole proprietor, or a partner, or if the examination is
 699 administered online, the sworn affidavit must also be signed by
 700 a disinterested third party. The sworn affidavit must be
 701 received by the approved provider before ~~prior to~~ reporting
 702 continuing education credits to the department.

703 ~~(8)(k)~~ Each person or entity sponsoring a course for
 704 continuing education credit must furnish, within 15 ~~30~~ days
 705 after completion of the course, in a form satisfactory to the
 706 department or its designee, a written and certified roster
 707 showing the name and license number of all persons successfully
 708 completing such course and requesting credit, ~~accompanied by the~~
 709 ~~required fee.~~

710 ~~(9)(5)~~ The department may immediately terminate or shall
 711 refuse to renew the appointment of an any agent or adjuster who
 712 has been notified by the department that who has not had his or
 713 her continuing education requirements have not been certified,
 714 unless the agent or adjuster has been granted an extension or
 715 waiver by the department. The department may not issue a new
 716 appointment of the same or similar type, with any insurer, to a
 717 licensee an agent who was denied a renewal appointment for
 718 failing failure to complete continuing education as required
 719 until the licensee agent completes his or her continuing
 720 education requirement.

721 ~~(6)(a)~~ ~~There is created an 11 member continuing education~~
 722 ~~advisory board to be appointed by the Chief Financial Officer.~~
 723 ~~Appointments shall be for terms of 4 years. The purpose of the~~
 724 ~~board is to advise the department in determining standards by~~
 725 ~~which courses may be evaluated and categorized as basic,~~

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 726 ~~intermediate, or advanced. The board shall submit~~
 727 ~~recommendations to the department of changes needed in such~~
 728 ~~criteria not less frequently than every 2 years. The department~~
 729 ~~shall require all approved course providers to submit courses~~
 730 ~~for approval to the department using the criteria. All~~
 731 ~~materials, brochures, and advertisements related to the approved~~
 732 ~~courses must specify the level assigned to the course.~~

733 ~~(b) The board members shall be appointed as follows:~~
 734 ~~1. Seven members representing agents of which at least one~~
 735 ~~must be a representative from each of the following~~
 736 ~~organizations: the Florida Association of Insurance Agents; the~~
 737 ~~Florida Association of Insurance and Financial Advisors; the~~
 738 ~~Professional Insurance Agents of Florida, Inc.; the Florida~~
 739 ~~Association of Health Underwriters; the Specialty Agents'~~
 740 ~~Association; the Latin American Agents' Association; and the~~
 741 ~~National Association of Insurance Women. Such board members must~~
 742 ~~possess at least a bachelor's degree or higher from an~~
 743 ~~accredited college or university with major coursework in~~
 744 ~~insurance, risk management, or education or possess the~~
 745 ~~designation of CLU, CPCU, ChFC, CFP, AAI, or CIC. In addition,~~
 746 ~~each member must possess 5 years of classroom instruction~~
 747 ~~experience or 5 years of experience in the development or design~~
 748 ~~of educational programs or 10 years of experience as a licensed~~
 749 ~~resident agent. Each organization may submit to the department a~~
 750 ~~list of recommendations for appointment. If one organization~~
 751 ~~does not submit a list of recommendations, the Chief Financial~~
 752 ~~Officer may select more than one recommended person from a list~~
 753 ~~submitted by other eligible organizations.~~

754 ~~2. Two members representing insurance companies at least~~

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 755 ~~one of whom must represent a Florida Domestic Company and one of~~
 756 ~~whom must represent the Florida Insurance Council. Such board~~
 757 ~~members must be employed within the training department of the~~
 758 ~~insurance company. At least one such member must be a member of~~
 759 ~~the Society of Insurance Trainers and Educators.~~

760 ~~3. One member representing the general public who is not~~
 761 ~~directly employed in the insurance industry. Such board member~~
 762 ~~must possess a minimum of a bachelor's degree or higher from an~~
 763 ~~accredited college or university with major coursework in~~
 764 ~~insurance, risk management, training, or education.~~

765 ~~4. One member, appointed by the Chief Financial Officer,~~
 766 ~~who represents the department.~~

767 ~~(c) The members of the board shall serve at the pleasure of~~
 768 ~~the Chief Financial Officer. Each board member shall be entitled~~
 769 ~~to reimbursement for expenses pursuant to s. 112.061. The board~~
 770 ~~shall designate one member as chair. The board shall meet at the~~
 771 ~~call of the chair or the Chief Financial Officer.~~

772 ~~(10)(7) The department may contract services relative to~~
 773 ~~the administration of the continuing education program to a~~
 774 ~~private entity. The contract shall be procured as a contract for~~
 775 ~~a contractual service pursuant to s. 287.057.~~

776 Section 13. Effective October 1, 2014, subsection (3) of
 777 section 626.2815, Florida Statutes, as amended by this act, is
 778 amended to read:

779 626.2815 Continuing education requirements.-

780 (3) Each licensee ~~subject to this section must, except as~~
 781 ~~set forth in paragraphs (b), (c), and (d),~~ complete a 7-hour
 782 update course every 2 years which is specific to the license
 783 held by the licensee. The course must be developed and offered

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 784 by providers and approved by the department. The content of the
 785 course must address all lines of insurance for which examination
 786 and license is required and include the following subject areas:
 787 insurance law updates, ethics for insurance professionals,
 788 disciplinary trends and case studies, industry trends,
 789 determining suitability of products and services, and other
 790 similar insurance-related topics the department determines are
 791 relevant to legally and ethically carrying out the
 792 responsibilities of the license granted. A licensee who holds
 793 multiple insurance licenses must complete an update course that
 794 is specific to at least one of the licenses held. Except as
 795 otherwise specified, any remaining required hours of continuing
 796 education are elective and may consist of any continuing
 797 education course approved by the department or under this
 798 section minimum of 24 hours of continuing education courses
 799 every 2 years in basic or higher-level courses prescribed by
 800 this section or in other courses approved by the department.

801 (a) Except as provided in paragraphs (b), (c), (d), (e),
 802 and (f), each licensee must also complete 17 3 hours of elective
 803 continuing education courses, approved by the department, every
 804 2 years on the subject matter of ethics. Each licensed general
 805 lines agent and customer representative must complete 1 hour of
 806 continuing education, approved by the department, every 2 years
 807 on the subject matter of premium discounts available on property
 808 insurance policies based on various hurricane mitigation options
 809 and the means for obtaining the discounts.

810 (b) A licensee who has been licensed for 6 or more years
 811 must also complete a minimum of 13 20 hours of elective
 812 continuing education every 2 years in intermediate or advanced-

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813 ~~level courses prescribed by this section or in other courses~~
814 ~~approved by the department.~~

815 (c) A licensee who has been licensed for 25 years or more
816 and is a CLU or a CPCU or has a Bachelor of Science degree in
817 risk management or insurance with evidence of 18 or more
818 semester hours in ~~upper-level~~ insurance-related courses must
819 also complete a minimum of 3 10 hours of elective continuing
820 education courses every 2 years ~~in courses prescribed by this~~
821 ~~section or in other courses approved by the department.~~

822 (d) An individual who holds a license as a customer
823 representative, limited customer representative, title agent,
824 ~~motor vehicle physical damage and mechanical breakdown insurance~~
825 ~~agent, crop or hail and multiple-peril crop insurance agent,~~ or
826 an industrial fire insurance or burglary insurance agent and who
827 is not a licensed life or health agent, must also complete a
828 minimum of 3 10 hours of continuing education courses every two
829 years.

830 ~~(e) An individual who holds a license to solicit or sell~~
831 ~~life or health insurance and a license to solicit or sell~~
832 ~~property, casualty, surety, or surplus lines insurance must~~
833 ~~complete courses in life or health insurance for one-half of the~~
834 ~~total hours required and courses in property, casualty, surety,~~
835 ~~or surplus lines insurance for one-half of the total hours~~
836 ~~required. However, a licensee who holds an industrial fire or~~
837 ~~burglary insurance license and who is a licensed life or health~~
838 ~~agent must complete 4 hours of continuing education courses~~
839 ~~every 2 years related to industrial fire or burglary insurance~~
840 ~~and the remaining number of hours of continuing education~~
841 ~~courses related to life or health insurance.~~

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842 (e) An individual subject to chapter 648 must complete the
843 7-hour update course and a minimum of 7 hours of elective
844 continuing education courses every 2 years.

845 (f) Elective continuing education courses for public
846 adjusters must be specifically designed for public adjusters and
847 approved by the department. Notwithstanding this subsection,
848 public adjusters for workers' compensation insurance or health
849 insurance are not required to take continuing education courses
850 pursuant to this section.

851 (g) (f) Excess hours accumulated during any 2-year
852 compliance period may be carried forward to the next compliance
853 period.

854 (h) (g) An individual teaching an approved course of
855 instruction or lecturing at an any approved seminar and
856 attending the entire course or seminar qualifies for the same
857 number of classroom hours as would be granted to a person taking
858 and successfully completing such course or seminar. Credit is
859 limited to the number of hours actually taught unless a person
860 attends the entire course or seminar. An individual who is an
861 official of or employed by a governmental entity in this state
862 and serves as a professor, instructor, or other position or
863 office, the duties and responsibilities of which are determined
864 by the department to require monitoring and review of insurance
865 laws or insurance regulations and practices, is exempt from this
866 section.

867 Section 14. Subsections (1) and (2) of section 626.292,
868 Florida Statutes, are amended to read:

869 626.292 Transfer of license from another state.-

870 (1) An ~~Any~~ individual licensed in good standing in another

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871 state may apply to the department to have the license
872 transferred to this state to obtain a ~~Florida~~ resident agent or
873 all-lines adjuster license for the same lines of authority
874 covered by the license in the other state.

875 (2) To qualify for a license transfer, an individual
876 applicant must meet the following requirements:

877 (a) The individual must ~~shall~~ become a resident of this
878 state.

879 (b) The individual must ~~shall~~ have been licensed in another
880 state for a minimum of 1 year immediately preceding the date the
881 individual became a resident of this state.

882 (c) The individual must ~~shall~~ submit a completed
883 application for this state which is received by the department
884 within 90 days after the date the individual became a resident
885 of this state, along with payment of the applicable fees set
886 forth in s. 624.501 and submission of the following documents:

887 1. A certification issued by the appropriate official of
888 the applicant's home state identifying the type of license and
889 lines of authority under the license and stating that, at the
890 time the license from the home state was canceled, the applicant
891 was in good standing in that state or that the state's Producer
892 Database records, maintained by the National Association of
893 Insurance Commissioners, its affiliates, or subsidiaries,
894 indicate that the agent or all-lines adjuster is or was licensed
895 in good standing for the line of authority requested.

896 2. A set of the ~~individual~~ applicant's fingerprints in
897 accordance with s. 626.171(4).

898 (d) The individual must ~~shall~~ satisfy prelicensing
899 education requirements in this state, unless the completion of

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900 prelicensing education requirements was a prerequisite for
901 licensure in the other state and the prelicensing education
902 requirements in the other state are substantially equivalent to
903 the prelicensing requirements of this state as determined by the
904 department. This paragraph does not apply to all-lines
905 adjusters.

906 (e) The individual must ~~shall~~ satisfy the examination
907 requirement under s. 626.221, unless exempted ~~exempt thereunder.~~

908 Section 15. Subsections (2) and (3) of section 626.311,
909 Florida Statutes, are amended to read:

910 626.311 Scope of license.—

911 (2) Except with respect ~~as~~ to a limited license as a credit
912 ~~life or disability~~ insurance agent, the license of a life agent
913 covers ~~shall cover~~ all classes of life insurance business.

914 (3) Except with respect ~~as~~ to a limited license as a travel
915 ~~personal accident~~ insurance agent, the license of a health agent
916 covers ~~shall cover~~ all kinds of health insurance~~r~~ and such ~~no~~
917 license may not ~~shall~~ be ~~issued~~ limited to a particular class of
918 health insurance.

919 Section 16. Subsections (1) and (4) of section 626.321,
920 Florida Statutes, are amended to read:

921 626.321 Limited licenses.—

922 (1) The department shall issue to a qualified applicant
923 ~~individual, or a qualified individual or entity under paragraphs~~
924 ~~(c), (d), (e), and (i),~~ a license as agent authorized to
925 transact a limited class of business in any of the following
926 categories of limited lines insurance:

927 (a) *Motor vehicle physical damage and mechanical breakdown*
928 *insurance.*—License covering insurance against only the loss of

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929 or damage to ~~a any~~ motor vehicle that which is designed for use
 930 upon a highway, including trailers and semitrailers designed for
 931 use with such vehicles. Such license also covers insurance
 932 against the failure of an original or replacement part to
 933 perform any function for which it was designed. ~~The applicant~~
 934 ~~for such a license shall pass a written examination covering~~
 935 ~~motor vehicle physical damage insurance and mechanical breakdown~~
 936 ~~insurance. A licensee under this paragraph may not~~ No individual
 937 ~~while so licensed shall~~ hold a license as an agent for ~~as to~~ any
 938 other or additional kind or class of insurance coverage except
 939 ~~as to~~ a limited license for credit insurance life and disability
 940 insurances as provided in paragraph (e). Effective October 1,
 941 2012, all licensees holding such limited license and appointment
 942 may renew the license and appointment, but no new or additional
 943 licenses may be issued pursuant to this paragraph, and a
 944 licensee whose limited license under this paragraph has been
 945 terminated, suspended, or revoked may not have such license
 946 reinstated.

947 (b) *Industrial fire insurance or burglary insurance.*—
 948 License covering only industrial fire insurance or burglary
 949 insurance. The applicant for such a license must shall pass a
 950 written examination covering such insurance. A licensee under
 951 this paragraph may not ~~No individual while so licensed shall~~
 952 hold a license as an agent for ~~as to~~ any other or additional
 953 kind or class of insurance coverage except for ~~as to~~ life
 954 insurance and health insurance insurances.

955 (c) *Travel insurance.*—License covering only policies and
 956 certificates of travel insurance, which are subject to review by
 957 the office under s. 624.605(1)(q). Policies and certificates of

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958 travel insurance may provide coverage for risks incidental to
 959 travel, planned travel, or accommodations while traveling,
 960 including, but not limited to, accidental death and
 961 dismemberment of a traveler; trip cancellation, interruption, or
 962 delay; loss of or damage to personal effects or travel
 963 documents; baggage delay; emergency medical travel or evacuation
 964 of a traveler; or medical, surgical, and hospital expenses
 965 related to an illness or emergency of a traveler. ~~Any~~ Such
 966 policy or certificate may be issued for terms longer than 60
 967 days, but ~~each policy or certificate~~, other than a policy or
 968 certificate providing coverage for air ambulatory services only,
 969 each policy or certificate must be limited to coverage for
 970 travel or use of accommodations of no longer than 60 days. The
 971 license may be issued only:

972 1. To a full-time salaried employee of a common carrier or
 973 a full-time salaried employee or owner of a transportation
 974 ticket agency and may authorize the sale of such ticket policies
 975 only in connection with the sale of transportation tickets, or
 976 to the full-time salaried employee of such an agent. ~~No~~ Such
 977 policy may not shall be for a ~~duration of~~ more than 48 hours or
 978 more than ~~for~~ the duration of a specified one-way trip or round
 979 trip.

980 2. To an entity or individual that is:

981 a. The developer of a timeshare plan that is the subject of
 982 an approved public offering statement under chapter 721;

983 b. An exchange company operating an exchange program
 984 approved under chapter 721;

985 c. A managing entity operating a timeshare plan approved
 986 under chapter 721;

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987 d. A seller of travel as defined in chapter 559; or
 988 e. A subsidiary or affiliate of any of the entities
 989 described in sub-subparagraphs a.-d.

990
 991 A licensee shall require each employee who offers policies or
 992 certificates under this subparagraph to receive initial training
 993 from a general lines agent or an insurer authorized under
 994 chapter 624 to transact insurance within this state. For an
 995 entity applying for a license as a travel insurance agent, the
 996 fingerprinting requirement of this section applies only to the
 997 president, secretary, and treasurer and to any other officer or
 998 person who directs or controls the travel insurance operations
 999 of the entity.

1000 (d) *Motor vehicle rental insurance.*-

1001 1. License covering only insurance of the risks set forth
 1002 in this paragraph when offered, sold, or solicited with and
 1003 incidental to the rental or lease of a motor vehicle and which
 1004 applies only to the motor vehicle that is the subject of the
 1005 lease or rental agreement and the occupants of the motor
 1006 vehicle:

1007 a. Excess motor vehicle liability insurance providing
 1008 coverage in excess of the standard liability limits provided by
 1009 the lessor in the lessor's lease to a person renting or leasing
 1010 a motor vehicle from the licensee's employer for liability
 1011 arising in connection with the negligent operation of the leased
 1012 or rented motor vehicle.

1013 b. Insurance covering the liability of the lessee to the
 1014 lessor for damage to the leased or rented motor vehicle.

1015 c. Insurance covering the loss of or damage to baggage,

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1016 personal effects, or travel documents of a person renting or
 1017 leasing a motor vehicle.

1018 d. Insurance covering accidental personal injury or death
 1019 of the lessee and any passenger who is riding or driving with
 1020 the covered lessee in the leased or rented motor vehicle.

1021 2. Insurance under a motor vehicle rental insurance license
 1022 may be issued only if the lease or rental agreement is for no
 1023 more than 60 days, the lessee is not provided coverage for more
 1024 than 60 consecutive days per lease period, and the lessee is
 1025 given written notice that his or her personal insurance policy
 1026 providing coverage on an owned motor vehicle may provide
 1027 coverage of such risks and that the purchase of the insurance is
 1028 not required in connection with the lease or rental of a motor
 1029 vehicle. If the lease is extended beyond 60 days, the coverage
 1030 may be extended one time only for a period not to exceed an
 1031 additional 60 days. Insurance may be provided to the lessee as
 1032 an additional insured on a policy issued to the licensee's
 1033 employer.

1034 3. The license may be issued only to the full-time salaried
 1035 employee of a licensed general lines agent or to a business
 1036 entity that offers motor vehicles for rent or lease if insurance
 1037 sales activities authorized by the license are in connection
 1038 with and incidental to the rental or lease of a motor vehicle.

1039 a. A license issued to a business entity that offers motor
 1040 vehicles for rent or lease encompasses ~~shall encompass~~ each
 1041 office, branch office, or place of business making use of the
 1042 entity's business name in order to offer, solicit, and sell
 1043 insurance pursuant to this paragraph.

1044 b. The application for licensure must list the name,

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 1045 address, and phone number for each office, branch office, or
 1046 place of business that is to be covered by the license. The
 1047 licensee shall notify the department of the name, address, and
 1048 phone number of any new location that is to be covered by the
 1049 license before the new office, branch office, or place of
 1050 business engages in the sale of insurance pursuant to this
 1051 paragraph. The licensee must ~~shall~~ notify the department within
 1052 30 days after closing or terminating an office, branch office,
 1053 or place of business. Upon receipt of the notice, the department
 1054 shall delete the office, branch office, or place of business
 1055 from the license.

1056 c. A licensed and appointed entity is directly responsible
 1057 and accountable for all acts of the licensee's employees.

1058 (e) ~~Credit life or disability insurance.~~ License covering
 1059 only credit life, credit or disability insurance, credit
 1060 property, credit unemployment, involuntary unemployment,
 1061 mortgage life, mortgage guaranty, mortgage disability,
 1062 guaranteed automobile protection (GAP) insurance, and any other
 1063 form of insurance offered in connection with an extension of
 1064 credit which is limited to partially or wholly extinguishing a
 1065 credit obligation that the department determines should be
 1066 designated a form of limited line credit insurance. Effective
 1067 October 1, 2012, all valid licenses held by persons for any of
 1068 the lines of insurance listed in this paragraph shall be
 1069 converted to a credit insurance license. Licensees who wish to
 1070 obtain a new license reflecting such change must request a
 1071 duplicate license and pay a \$5 fee as specified in s.
 1072 624.501(15). The license may be issued only to an individual
 1073 employed by a life or health insurer as an officer or other

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 1074 ~~salaried or commissioned representative, to an individual~~
 1075 ~~employed by or associated with a lending or financial~~
 1076 ~~institution or creditor, or to a lending or financial~~
 1077 ~~institution or creditor, and may authorize the sale of such~~
 1078 ~~insurance only with respect to borrowers or debtors of such~~
 1079 ~~lending or financing institution or creditor. However, only the~~
 1080 ~~individual or entity whose tax identification number is used in~~
 1081 ~~receiving or is credited with receiving the commission from the~~
 1082 ~~sale of such insurance shall be the licensed agent of the~~
 1083 ~~insurer. No individual while so licensed shall hold a license as~~
 1084 ~~an agent as to any other or additional kind or class of life or~~
 1085 ~~health insurance coverage. An entity holding a limited license~~
 1086 ~~under this paragraph is also authorized to sell credit insurance~~
 1087 ~~and credit property insurance.~~

1088 (f) ~~Credit insurance.~~ License covering only credit
 1089 insurance, as such insurance is defined in s. 624.605(1)(i), and
 1090 no individual or entity so licensed shall, during the same
 1091 period, hold a license as an agent as to any other or additional
 1092 kind of life or health insurance with the exception of credit
 1093 life or disability insurance as defined in paragraph (e). The
 1094 same licensing provisions as outlined in paragraph (e) apply to
 1095 entities licensed as credit insurance agents under this
 1096 paragraph.

1097 (g) ~~Credit property insurance.~~ A license covering only
 1098 credit property insurance may be issued to any individual except
 1099 an individual employed by or associated with a financial
 1100 institution as defined in s. 655.005 and authorized to sell such
 1101 insurance only with respect to a borrower or debtor, not to
 1102 exceed the amount of the loan.

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1103 (f)(h) Crop hail and multiple-peril crop insurance.—License
 1104 for insurance covering crops subject to unfavorable weather
 1105 conditions, fire or lightening, flood, hail, insect infestation,
 1106 disease, or other yield-reducing conditions or perils which is
 1107 provided by the private insurance market, or which is subsidized
 1108 by the Federal Group Insurance Corporation including multi-peril
 1109 crop insurance only crop hail and multiple-peril crop insurance.
 1110 Notwithstanding any other provision of law, the limited license
 1111 may be issued to a bona fide salaried employee of an association
 1112 chartered under the Farm Credit Act of 1971, 12 U.S.C. ss. 2001
 1113 et seq., who satisfactorily completes the examination prescribed
 1114 by the department pursuant to s. 626.241(5). The ~~limited~~ agent
 1115 must be appointed by, and his or her limited license requested
 1116 by, a licensed general lines agent. All business transacted by
 1117 the ~~limited~~ agent must be on ~~shall be in~~ behalf of, in the name
 1118 of, and countersigned by the agent by whom he or she is
 1119 appointed. Sections 626.561 and 626.748, relating to records,
 1120 apply to all business written pursuant to this section. The
 1121 ~~limited~~ licensee may be appointed by and licensed for only one
 1122 general lines agent or agency.

1123 (g)(i) In-transit and storage personal property insurance,
 1124 communications equipment property insurance, communications
 1125 equipment inland marine insurance, and communications equipment
 1126 service warranty agreement sales.—

1127 ~~1. A License~~ for insurance covering only ~~the insurance of~~
 1128 personal property not held for resale, covering the risks of
 1129 transportation or storage in rented or leased motor vehicles,
 1130 trailers, or self-service storage facilities, ~~as the latter are~~
 1131 defined in s. 83.803. Such license, may be issued, without

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1132 examination, only to employees or authorized representatives of
 1133 lessors who rent or lease motor vehicles, trailers, or self-
 1134 service storage facilities and who are authorized by an insurer
 1135 to issue certificates or other evidences of insurance to lessees
 1136 of such motor vehicles, trailers, or self-service storage
 1137 facilities under an insurance policy issued to the lessor. A
 1138 person licensed under this paragraph must ~~shall~~ give a
 1139 prospective purchaser of in-transit or storage personal property
 1140 insurance written notice that his or her homeowner's policy may
 1141 provide coverage for the loss of personal property and that the
 1142 purchase of such insurance is not required under the lease
 1143 terms.

1144 ~~2. A license covering only communications equipment, for~~
 1145 ~~the loss, theft, mechanical failure, malfunction of or damage~~
 1146 ~~to, communications equipment. The license may be issued only to:~~

1147 a. ~~Employees or authorized representatives of a licensed~~
 1148 ~~general lines agent;~~

1149 b. ~~The lead business location of a retail vendor of~~
 1150 ~~communications equipment and its branch locations; or~~

1151 c. ~~Employees, agents, or authorized representatives of a~~
 1152 ~~retail vendor of communications equipment.~~

1153
 1154 ~~The license authorizes the sale of such policies, or~~
 1155 ~~certificates under a group master policy, only with respect to~~
 1156 ~~the sale of, or provision of communications service for,~~
 1157 ~~communications equipment. A general lines agent is not required~~
 1158 ~~to obtain a license under this subparagraph to offer or sell~~
 1159 ~~communications equipment property insurance or communication~~
 1160 ~~equipment inland marine insurance. The license also authorizes~~

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1161 ~~sales of service warranty agreements covering only~~
 1162 ~~communications equipment to the same extent as if licensed under~~
 1163 ~~s. 634.419 or s. 634.420. The provisions of this chapter~~
 1164 ~~requiring submission of fingerprints do not apply to~~
 1165 ~~communications equipment licenses issued to qualified entities~~
 1166 ~~under this subparagraph. Licensees offering policies under this~~
 1167 ~~subparagraph must receive initial training from, and have a~~
 1168 ~~contractual relationship with, a general lines agent. For the~~
 1169 ~~purposes of this subparagraph, the term "communications~~
 1170 ~~equipment" means handsets, pagers, personal digital assistants,~~
 1171 ~~portable computers, automatic answering devices, and other~~
 1172 ~~devices or accessories used to originate or receive~~
 1173 ~~communications signals or service, and includes services related~~
 1174 ~~to the use of such devices, such as consumer access to a~~
 1175 ~~wireless network; however, the term does not include~~
 1176 ~~telecommunications switching equipment, transmission wires, cell~~
 1177 ~~site transceiver equipment, or other equipment and systems used~~
 1178 ~~by telecommunications companies to provide telecommunications~~
 1179 ~~service to consumers. A branch location of a retail vendor of~~
 1180 ~~communications equipment licensed pursuant to paragraph (2)(b)~~
 1181 ~~may, in lieu of obtaining an appointment from an insurer or~~
 1182 ~~warranty association as provided in paragraph (2)(c), obtain a~~
 1183 ~~single appointment from the associated lead business location~~
 1184 ~~licensee licensed under paragraph (2)(a) and pay the prescribed~~
 1185 ~~appointment fee under s. 624.501 provided the lead business~~
 1186 ~~location has a single appointment from each insurer or warranty~~
 1187 ~~association represented and such appointment provides that it~~
 1188 ~~applies to the lead business location and all of its branch~~
 1189 ~~locations. Any branch location individually appointed by an~~

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1190 ~~insurer under paragraph (2)(c) prior to January 1, 2006, may~~
 1191 ~~replace its appointments with an appointment from its lead~~
 1192 ~~location at no charge. Branch location appointments shall be~~
 1193 ~~renewed on the first annual anniversary of licensure of the lead~~
 1194 ~~business location occurring more than 24 months after the~~
 1195 ~~initial appointment date and every 24 months thereafter.~~
 1196 ~~Notwithstanding s. 624.501, after July 1, 2006, the renewal fee~~
 1197 ~~applicable to such branch location appointments shall be \$30 per~~
 1198 ~~appointment.~~
 1199 (h) Portable electronics insurance.-License for property
 1200 insurance or inland marine insurance that covers only loss,
 1201 theft, mechanical failure, malfunction, or damage for portable
 1202 electronics.
 1203 1. The license may be issued only to:
 1204 a. Employees or authorized representatives of a licensed
 1205 general lines agent; or
 1206 b. The lead business location of a retail vendor that sells
 1207 portable electronics insurance. The lead business location must
 1208 have a contractual relationship with a general lines agent.
 1209 2. Employees or authorized representatives of a licensee
 1210 under subparagraph 1. may sell or offer for sale portable
 1211 electronics coverage without being subject to licensure as an
 1212 insurance agent if:
 1213 a. Such insurance is sold or offered for sale at a licensed
 1214 location or at one of the licensee's branch locations if the
 1215 branch location is appointed by the licensed lead business
 1216 location or its appointing insurers;
 1217 b. The insurer issuing the insurance directly supervises or
 1218 appoints a general lines agent to supervise the sale of such

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1219 insurance, including the development of a training program for
 1220 the employees and authorized representatives of vendors that are
 1221 directly engaged in the activity of selling or offering the
 1222 insurance; and

1223 c. At each location where the insurance is offered,
 1224 brochures or other written materials that provide the
 1225 information required by this subparagraph are made available to
 1226 all prospective customers. The brochures or written materials
 1227 may include information regarding portable electronics
 1228 insurance, service warranty agreements, or other incidental
 1229 services or benefits offered by a licensee.

1230 3. Individuals not licensed to sell portable electronics
 1231 insurance may not be paid commissions based on the sale of such
 1232 coverage. However, a licensee who uses a compensation plan for
 1233 employees and authorized representatives which includes
 1234 supplemental compensation for the sale of noninsurance products,
 1235 in addition to a regular salary or hourly wages, may include
 1236 incidental compensation for the sale of portable electronics
 1237 insurance as a component of the overall compensation plan.

1238 4. Brochures or other written materials related to portable
 1239 electronics insurance must:

1240 a. Disclose that such insurance may duplicate coverage
 1241 already provided by a customer's homeowners' insurance policy,
 1242 renters' insurance policy, or other source of coverage;

1243 b. State that enrollment in insurance coverage is not
 1244 required in order to purchase or lease portable electronics or
 1245 services;

1246 c. Summarize the material terms of the insurance coverage,
 1247 including the identity of the insurer, the identity of the

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1248 supervising entity, the amount of any applicable deductible and
 1249 how it is to be paid, the benefits of coverage, and key terms
 1250 and conditions of coverage, such as whether portable electronics
 1251 may be repaired or replaced with similar make and model

1252 reconditioned or nonoriginal manufacturer parts or equipment;
 1253 d. Summarize the process for filing a claim, including a
 1254 description of how to return portable electronics and the
 1255 maximum fee applicable if the customer fails to comply with
 1256 equipment return requirements; and

1257 e. State that an enrolled customer may cancel coverage at
 1258 any time and that the person paying the premium will receive a
 1259 refund of any unearned premium.

1260 5. A licensed and appointed general lines agent is not
 1261 required to obtain a portable electronics insurance license to
 1262 offer or sell portable electronics insurance at locations
 1263 already licensed as an insurance agency, but may apply for a
 1264 portable electronics insurance license for branch locations not
 1265 otherwise licensed to sell insurance.

1266 6. A portable electronics license authorizes the sale of
 1267 individual policies or certificates under a group or master
 1268 insurance policy. The license also authorizes the sale of
 1269 service warranty agreements covering only portable electronics
 1270 to the same extent as if licensed under s. 634.419 or s.
 1271 634.420.

1272 7. A licensee may bill and collect the premium for the
 1273 purchase of portable electronics insurance provided that:

1274 a. If the insurance is included with the purchase or lease
 1275 of portable electronics or related services, the licensee
 1276 clearly and conspicuously discloses that insurance coverage is

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1277 included with the purchase. Disclosure of the dollar amount of
 1278 the premium for the insurance must be made on the customer's
 1279 bill and in any marketing materials made available at the point
 1280 of sale. If the insurance is not included, the charge to the
 1281 customer for the insurance must be separately itemized on the
 1282 customer's bill.

1283 b. Premiums are incidental to other fees collected, are
 1284 maintained in a manner that is readily identifiable, and are
 1285 accounted for and remitted to the insurer or supervising entity
 1286 within 60 days of receipt. Licensees are not required to
 1287 maintain such funds in a segregated account.

1288 c. All funds received by a licensee from an enrolled
 1289 customer for the sale of the insurance are considered funds held
 1290 in trust by the licensee in a fiduciary capacity for the benefit
 1291 of the insurer. Licensees may receive compensation for billing
 1292 and collection services.

1293 8. Notwithstanding any other provision of law, the terms
 1294 for the termination or modification of coverage under a policy
 1295 of portable electronics insurance are those set forth in the
 1296 policy.

1297 9. Notice or correspondence required by the policy, or
 1298 otherwise required by law, may be provided by electronic means
 1299 if the insurer or licensee maintains proof that the notice or
 1300 correspondence was sent. Such notice or correspondence may be
 1301 sent on behalf of the insurer or licensee by the general lines
 1302 agent appointed by the insurer to supervise the administration
 1303 of the program. For purposes of this subparagraph, an enrolled
 1304 customer's provision of an electronic mail address to the
 1305 insurer or licensee is deemed to be consent to receive notices

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1306 and correspondence by electronic means if a conspicuously
 1307 located disclosure is provided to the customer indicating the
 1308 same.

1309 10. The provisions of this chapter requiring submission of
 1310 fingerprints do not apply to licenses issued to qualified
 1311 entities under this paragraph.

1312 11. A branch location that sells portable electronics
 1313 insurance may, in lieu of obtaining an appointment from an
 1314 insurer or warranty association, obtain a single appointment
 1315 from the associated lead business location licensee and pay the
 1316 prescribed appointment fee under s. 624.501 if the lead business
 1317 location has a single appointment from each insurer or warranty
 1318 association represented and such appointment applies to the lead
 1319 business location and all of its branch locations. Branch
 1320 location appointments shall be renewed on the first annual
 1321 anniversary of licensure of the lead business location occurring
 1322 more than 24 months after the initial appointment date and every
 1323 24 months thereafter. Notwithstanding s. 624.501, the renewal
 1324 fee applicable to such branch location appointments is \$30 per
 1325 appointment.

1326 12. For purposes of this paragraph:

1327 a. "Branch location" means any physical location in this
 1328 state at which a licensee offers its products or services for
 1329 sale.

1330 b. "Portable electronics" means personal, self-contained,
 1331 easily carried by an individual, battery-operated electronic
 1332 communication, viewing, listening, recording, gaming, computing
 1333 or global positioning devices, including cell or satellite
 1334 phones, pagers, personal global positioning satellite units,

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1335 portable computers, portable audio listening, video viewing or
 1336 recording devices, digital cameras, video camcorders, portable
 1337 gaming systems, docking stations, automatic answering devices,
 1338 and other similar devices and their accessories, and service
 1339 related to the use of such devices.

1340 c. "Portable electronics transaction" means the sale or
 1341 lease of portable electronics or a related service, including
 1342 portable electronics insurance.

1343 (4) Except as otherwise expressly provided, a person
 1344 applying for or holding a limited license ~~is shall be~~ subject to
 1345 the same applicable requirements and responsibilities ~~that as~~
 1346 apply to general lines agents in general, ~~if licensed as to~~
 1347 motor vehicle physical damage and mechanical breakdown
 1348 insurance, ~~credit property insurance,~~ industrial fire insurance
 1349 or burglary insurance, motor vehicle rental insurance, credit
 1350 insurance, crop hail and multiple-peril crop insurance, in-
 1351 transit and storage personal property insurance, or portable
 1352 electronics insurance ~~communications equipment property~~
 1353 ~~insurance or communications equipment inland marine insurance,~~
 1354 ~~baggage and motor vehicle excess liability insurance, or credit~~
 1355 ~~insurance; or as apply to life agents or health agents in~~
 1356 general, as applicable the case may be, if licensed as to travel
 1357 ~~personal accident insurance or credit life or credit disability~~
 1358 insurance.

1359 Section 17. Section 626.342, Florida Statutes, is amended
 1360 to read:

1361 626.342 Furnishing supplies to unlicensed ~~life, health, or~~
 1362 ~~general lines~~ agent prohibited; civil liability.-

1363 (1) An insurer, a managing general agent, an insurance

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1364 agency, or an agent, directly or through a ~~any~~ representative,
 1365 may not furnish to an ~~any~~ agent any blank forms, applications,
 1366 stationery, or other supplies to be used in soliciting,
 1367 negotiating, or effecting contracts of insurance on its behalf
 1368 unless such blank forms, applications, stationery, or other
 1369 supplies relate to a class of business for ~~with respect to~~ which
 1370 the agent is licensed and appointed, whether for that insurer or
 1371 another insurer.

1372 (2) An ~~Any~~ insurer, general agent, insurance agency, or
 1373 agent who furnishes any of the supplies specified in subsection
 1374 (1) to an ~~any~~ agent or prospective agent not appointed to
 1375 represent the insurer and who accepts from or writes any
 1376 insurance business for such agent or agency is subject to civil
 1377 liability to an ~~any~~ insured of such insurer to the same extent
 1378 and ~~in the same~~ manner as if such agent or prospective agent had
 1379 been appointed or authorized by the insurer or such agent to act
 1380 on ~~in~~ its or his or her behalf. The provisions of this
 1381 subsection do not apply to insurance risk apportionment plans
 1382 under s. 627.351.

1383 (3) This section does not apply to the placing of surplus
 1384 lines business under the provisions of ss. 626.913-626.937.

1385 Section 18. Subsection (1) of section 626.381, Florida
 1386 Statutes, is amended to read:

1387 626.381 Renewal, continuation, reinstatement, or
 1388 termination of appointment.-

1389 (1) The appointment of an appointee continues ~~shall~~
 1390 ~~continue~~ in force until suspended, revoked, or otherwise
 1391 terminated, but is subject to a renewal request filed by the
 1392 appointing entity in the appointee's birth month as to natural

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 1393 persons or the month the original appointment was issued license
 1394 ~~date~~ as to entities and every 24 months thereafter, accompanied
 1395 by payment of the renewal appointment fee and taxes as
 1396 prescribed in s. 624.501.

1397 Section 19. Section 626.536, Florida Statutes, is amended
 1398 to read:

1399 626.536 Reporting of administrative actions. ~~Each agent and~~
 1400 ~~insurance agency shall submit to the department,~~ Within 30 days
 1401 after the final disposition of an any administrative action
 1402 taken against a licensee the agent or insurance agency by a
 1403 governmental agency or other regulatory agency in this or any
 1404 other state or jurisdiction relating to the business of
 1405 insurance, the sale of securities, or activity involving fraud,
 1406 dishonesty, trustworthiness, or breach of a fiduciary duty, the
 1407 licensee or insurance agency must submit a copy of the order,
 1408 consent to order, or other relevant legal documents to the
 1409 department. The department may adopt rules to administer
 1410 ~~implementing the provisions of~~ this section.

1411 Section 20. Section 626.551, Florida Statutes, is amended
 1412 to read:

1413 626.551 Notice of change of address, name. ~~A Every~~ licensee
 1414 ~~must shall~~ notify the department, in writing, within 30 ~~60~~ days
 1415 after a change of name, residence address, principal business
 1416 street address, mailing address, contact telephone numbers,
 1417 including a business telephone number, or e-mail address. A
 1418 licensee licensed agent who has moved his or her residence from
 1419 this state shall have his or her license and all appointments
 1420 immediately terminated by the department. Failure to notify the
 1421 department within the required time ~~period~~ shall result in a

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 1422 fine not to exceed \$250 for the first offense and, ~~for~~
 1423 ~~subsequent offenses,~~ a fine of at least \$500 or suspension or
 1424 revocation of the license pursuant to s. 626.611, s. 626.6115,
 1425 ~~or s. 626.621, or s. 626.6215~~ for a subsequent offense. The
 1426 department may adopt rules to administer and enforce this
 1427 section.

1428 Section 21. Subsection (14) is added to section 626.621,
 1429 Florida Statutes, to read:

1430 626.621 Grounds for discretionary refusal, suspension, or
 1431 revocation of agent's, adjuster's, customer representative's,
 1432 service representative's, or managing general agent's license or
 1433 appointment. ~~The department may, in its discretion, deny an~~
 1434 application for, suspend, revoke, or refuse to renew or continue
 1435 the license or appointment of any applicant, agent, adjuster,
 1436 customer representative, service representative, or managing
 1437 general agent, and it may suspend or revoke the eligibility to
 1438 hold a license or appointment of any such person, if it finds
 1439 that as to the applicant, licensee, or appointee any one or more
 1440 of the following applicable grounds exist under circumstances
 1441 for which such denial, suspension, revocation, or refusal is not
 1442 mandatory under s. 626.611:

1443 (14) Failure to comply with any civil, criminal, or
 1444 administrative action taken by the child support enforcement
 1445 program under Title IV-D of the Social Security Act, 42 U.S.C.
 1446 ss. 651 et seq., to determine paternity or to establish, modify,
 1447 enforce, or collect support.

1448 Section 22. Subsection (4) of section 626.641, Florida
 1449 Statutes, is amended to read:

1450 626.641 Duration of suspension or revocation. ~~-~~

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1451 (4) During the period of suspension or revocation of a the
 1452 license or appointment, and until the license is reinstated or,
 1453 if revoked, a new license issued, the former licensee or
 1454 appointee ~~may shall~~ not engage in or attempt or profess to
 1455 engage in any transaction or business for which a license or
 1456 appointment is required under this code or directly or
 1457 indirectly own, control, or be employed in any manner by an any
 1458 ~~insurance agent, or agency, or adjuster,~~ or adjusting firm.

1459 Section 23. Subsection (1) of section 626.651, Florida
 1460 Statutes, is amended to read:

1461 626.651 Effect of suspension, revocation upon associated
 1462 licenses and appointments and licensees and appointees.-

1463 (1) Upon suspension, revocation, or refusal to renew or
 1464 continue any one license of an insurance agent or customer
 1465 representative, or upon suspension or revocation of eligibility
 1466 to hold a license or appointment, the department shall at the
 1467 same time likewise suspend or revoke all other licenses,
 1468 appointments, or status of eligibility held by the licensee or
 1469 appointee under this code.

1470 Section 24. Subsection (4) of section 626.730, Florida
 1471 Statutes, is amended to read:

1472 626.730 Purpose of license.-

1473 (4) This section does not prohibit ~~the~~ licensing, under a
 1474 limited license for credit insurance, a person who is as to
 1475 ~~motor vehicle physical damage and mechanical breakdown insurance~~
 1476 ~~or credit property insurance of any person~~ employed by or
 1477 associated with a motor vehicle sales or financing agency, a
 1478 retail sales establishment, or a consumer loan office, for the
 1479 purpose of insuring other than a consumer loan office owned by

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1480 ~~or affiliated with a financial institution as defined in s-~~
 1481 ~~655.005, with respect to insurance of the interest of such~~
 1482 ~~agency, establishment, or office~~ in a motor vehicle sold or
 1483 financed by it or in personal property if used as collateral for
 1484 a loan.

1485 (5) This section does not apply ~~with respect~~ to the
 1486 interest of a real estate mortgagee in or as to insurance
 1487 covering such interest or in the real estate subject to such
 1488 mortgage.

1489 Section 25. Section 626.732, Florida Statutes, is amended
 1490 to read:

1491 626.732 Requirement as to knowledge, experience, or
 1492 instruction.-

1493 (1) Except as provided in subsection (4) ~~(3)~~, an no
 1494 applicant for a license as a general lines agent ~~or personal~~
 1495 ~~lines agent~~, except for a chartered property and casualty
 1496 underwriter (CPCU), may not other than as to a limited license
 1497 ~~as to baggage and motor vehicle excess liability insurance,~~
 1498 ~~credit property insurance, credit insurance, in-transit and~~
 1499 ~~storage personal property insurance, or communications equipment~~
 1500 ~~property insurance or communication equipment inland marine~~
 1501 ~~insurance, shall~~ be qualified or licensed unless, within the 4
 1502 years immediately preceding the date the application for license
 1503 is filed with the department, the applicant has:

1504 (a) Taught or successfully completed classroom courses in
 1505 insurance, 3 hours of which must shall be on the subject matter
 1506 of ethics, ~~satisfactory to the department~~ at a school, college,
 1507 or extension division thereof, approved by the department. ~~The~~
 1508 ~~qualify for licensure as a personal lines agent, the applicant~~

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1509 ~~must complete a total of 52 hours of classroom courses in~~
 1510 ~~insurance;~~

1511 (b) Completed a correspondence course in insurance, 3 hours
 1512 of which ~~must shall~~ be on the subject matter of ethics,
 1513 satisfactory to the department and regularly offered by
 1514 accredited institutions of higher learning in this state, and
 1515 ~~have, except if he or she is applying for a limited license~~
 1516 ~~under s. 626.321, for licensure as a general lines agent, has~~
 1517 ~~had~~ at least 6 months of responsible insurance duties as a
 1518 substantially full-time bona fide employee in all lines of
 1519 property and casualty insurance set forth in the definition of
 1520 general lines agent under s. 626.015 ~~or, for licensure as a~~
 1521 ~~personal lines agent, has completed at least 3 months in~~
 1522 ~~responsible insurance duties as a substantially full-time~~
 1523 ~~employee in property and casualty insurance sold to individuals~~
 1524 ~~and families for noncommercial purposes;~~

1525 (c) ~~For licensure as a general lines agent, Completed at~~
 1526 ~~least 1 year in responsible insurance duties as a substantially~~
 1527 ~~full-time bona fide employee in all lines of property and~~
 1528 ~~casualty insurance, exclusive of aviation and wet marine and~~
 1529 ~~transportation insurances but not exclusive of boats of less~~
 1530 ~~than 36 feet in length or aircraft not held out for hire, as set~~
 1531 ~~forth in the definition of a general lines agent under s.~~
 1532 ~~626.015, but~~ without the education requirement described
 1533 ~~mentioned in paragraph (a) or paragraph (b) or, for licensure as~~
 1534 ~~a personal lines agent, has completed at least 6 months in~~
 1535 ~~responsible insurance duties as a substantially full-time~~
 1536 ~~employee in property and casualty insurance sold to individuals~~
 1537 ~~and families for noncommercial purposes without the education~~

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1538 ~~requirement in paragraph (a) or paragraph (b);~~

1539 (d) ~~1. For licensure as a general lines agent, Completed at~~
 1540 ~~least 1 year of responsible insurance duties as a licensed and~~
 1541 ~~appointed customer representative or limited customer~~
 1542 ~~representative in commercial or personal lines of property and~~
 1543 ~~casualty insurance and 40 hours of classroom courses approved by~~
 1544 ~~the department covering the areas of property, casualty, surety,~~
 1545 ~~health, and marine insurance; or~~

1546 ~~2. For licensure as a personal lines agent, completed at~~
 1547 ~~least 6 months of responsible duties as a licensed and appointed~~
 1548 ~~customer representative or limited customer representative in~~
 1549 ~~property and casualty insurance sold to individuals and families~~
 1550 ~~for noncommercial purposes and 20 hours of classroom courses~~
 1551 ~~approved by the department which are related to property and~~
 1552 ~~casualty insurance sold to individuals and families for~~
 1553 ~~noncommercial purposes;~~

1554 (e) ~~1. For licensure as a general lines agent, Completed at~~
 1555 ~~least 1 year of responsible insurance duties as a licensed and~~
 1556 ~~appointed service representative in either commercial or~~
 1557 ~~personal lines of property and casualty insurance and 80 hours~~
 1558 ~~of classroom courses approved by the department covering the~~
 1559 ~~areas of property, casualty, surety, health, and marine~~
 1560 ~~insurance; ~~or~~~~

1561 ~~2. For licensure as a personal lines agent, completed at~~
 1562 ~~least 6 months of responsible insurance duties as a licensed and~~
 1563 ~~appointed service representative in property and casualty~~
 1564 ~~insurance sold to individuals and families for noncommercial~~
 1565 ~~purposes and 40 hours of classroom courses approved by the~~
 1566 ~~department related to property and casualty insurance sold to~~

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1567 ~~individuals and families for noncommercial purposes, or~~
 1568 (2) Except as provided under subsection (4), an applicant
 1569 for a license as a personal lines agent, except for a chartered
 1570 property and casualty underwriter (CPCU), may not be qualified
 1571 or licensed unless, within the 4 years immediately preceding the
 1572 date the application for license is filed with the department,
 1573 the applicant has:

1574 (a) Taught or successfully completed classroom courses in
 1575 insurance, 3 hours of which must be on the subject matter of
 1576 ethics, at a school, college, or extension division thereof,
 1577 approved by the department. To qualify for licensure, the
 1578 applicant must complete a total of 52 hours of classroom courses
 1579 in insurance;

1580 (b) Completed a correspondence course in insurance, 3 hours
 1581 of which must be on the subject matter of ethics, satisfactory
 1582 to the department and regularly offered by accredited
 1583 institutions of higher learning in this state, and completed at
 1584 least 3 months of responsible insurance duties as a
 1585 substantially full-time employee in the area of property and
 1586 casualty insurance sold to individuals and families for
 1587 noncommercial purposes;

1588 (c) Completed at least 6 months of responsible insurance
 1589 duties as a substantially full-time employee in the area of
 1590 property and casualty insurance sold to individuals and families
 1591 for noncommercial purposes, but without the education
 1592 requirement described in paragraph (a) or paragraph (b);

1593 (d) Completed at least 6 months of responsible duties as a
 1594 licensed and appointed customer representative or limited
 1595 customer representative in property and casualty insurance sold

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1596 to individuals and families for noncommercial purposes and 20
 1597 hours of classroom courses approved by the department which are
 1598 related to property and casualty insurance sold to individuals
 1599 and families for noncommercial purposes;

1600 (e) Completed at least 6 months of responsible insurance
 1601 duties as a licensed and appointed service representative in
 1602 property and casualty insurance sold to individuals and families
 1603 for noncommercial purposes and 40 hours of classroom courses
 1604 approved by the department related to property and casualty
 1605 insurance sold to individuals and families for noncommercial
 1606 purposes; or

1607 ~~(f) For licensure as a personal lines agent,~~ Completed at
 1608 least 3 years of responsible duties as a licensed and appointed
 1609 customer representative in property and casualty insurance sold
 1610 to individuals and families for noncommercial purposes.

1611 (3)(2) If where an applicant's qualifications as required
 1612 under subsection (1) or subsection (2) in paragraph (1)(b) or
 1613 paragraph (1)(e) are based in part upon the periods of
 1614 employment in at responsible insurance duties ~~prescribed~~
 1615 ~~therein~~, the applicant shall submit with the license application
 1616 ~~for license~~, on a form prescribed by the department, an the
 1617 affidavit of his or her employer setting forth the period of
 1618 such employment, that the employment same was substantially
 1619 full-time, and giving a brief abstract of the nature of the
 1620 duties performed by the applicant.

1621 (4)(3) An individual who was or became qualified to sit for
 1622 an agent's, customer representative's, or adjuster's examination
 1623 at or during the time he or she was employed by the department
 1624 or office and who, while so employed, was employed in

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 1625 responsible insurance duties as a full-time bona fide employee
 1626 ~~may shall be permitted to~~ take an examination if application for
 1627 such examination is made within 90 days after the date of
 1628 termination of ~~his or her~~ employment with the department or
 1629 office.

1630 ~~(5)(4)~~ Classroom and correspondence courses under
 1631 subsections (1) and (2) ~~subsection (1)~~ must include instruction
 1632 on the subject matter of unauthorized entities engaging in the
 1633 business of insurance. The scope of the topic of unauthorized
 1634 entities must ~~shall~~ include the Florida Nonprofit Multiple-
 1635 Employer Welfare Arrangement Act and the Employee Retirement
 1636 Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates
 1637 to the provision of health insurance by employers and the
 1638 regulation thereof.

1639 (6) This section does not apply to an individual holding
 1640 only a limited license for travel insurance, motor vehicle
 1641 rental insurance, credit insurance, in-transit and storage
 1642 personal property insurance, or portable electronics insurance.

1643 Section 26. Section 626.8411, Florida Statutes, is amended
 1644 to read:

1645 626.8411 Application of Florida Insurance Code provisions
 1646 to title insurance agents or agencies.—

1647 (1) The following provisions of part II, ~~as~~ applicable to
 1648 general lines agents or agencies, ~~also~~ apply to title insurance
 1649 agents or agencies:

1650 (a) Section 626.734, relating to liability of certain
 1651 agents.

1652 ~~(b) Section 626.175, relating to temporary licenses.~~

1653 ~~(b)(e)~~ (b) Section 626.747, relating to branch agencies.

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 1654 (c) Section 626.749, relating to place of business in
 1655 residence.

1656 (d) Section 626.753, relating to sharing of commissions.

1657 (e) Section 626.754, relating to rights of agent following
 1658 termination of appointment.

1659 (2) The following provisions of part I do not apply to
 1660 title insurance agents or title insurance agencies:

1661 (a) Section 626.112(7), relating to licensing of insurance
 1662 agencies.

1663 (b) Section 626.231, relating to eligibility for
 1664 examination.

1665 (c) Section 626.572, relating to rebating, when allowed.

1666 (d) Section 626.172, relating to agent in full-time charge.

1667 Section 27. Section 626.8418, Florida Statutes, is amended
 1668 to read:

1669 626.8418 Application for title insurance agency license.—
 1670 ~~Before~~ ~~Prior~~ ~~to~~ doing business in this state as a title
 1671 insurance agency, ~~the a title insurance agency must meet all of~~
 1672 ~~the following requirements:~~

1673 ~~(1) The applicant must~~ file with the department an
 1674 application for a license as a title insurance agency, on
 1675 ~~printed~~ forms furnished by the department, which include that
 1676 ~~includes~~ all of the following:

1677 ~~(1)(a)~~ The name of each majority owner, partner, officer,
 1678 and director of the agency.

1679 ~~(2)(b)~~ The residence address of each person required to be
 1680 listed under subsection (1) paragraph (a).

1681 ~~(3)(e)~~ The name of the agency and its principal business
 1682 address.

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1683 ~~(4)(d)~~ The location of each agency office and the name
 1684 under which each agency office conducts or will conduct
 1685 business.

1686 ~~(5)(e)~~ The name of each agent to be in full-time charge of
 1687 an agency office and the identification ~~specification~~ of such
 1688 ~~which~~ office.

1689 ~~(6)(f)~~ Such additional information as the department
 1690 requires by rule to ascertain the trustworthiness and competence
 1691 of persons required to be listed on the application and to
 1692 ascertain that such persons meet the requirements of this code.

1693 ~~(2)~~ The applicant must have deposited with the department
 1694 securities of the type eligible for deposit under s. 625.52 and
 1695 having at all times a market value of not less than \$35,000. In
 1696 place of such deposit, the title insurance agency may post a
 1697 surety bond of like amount payable to the department for the
 1698 benefit of any appointing insurer damaged by a violation by the
 1699 title insurance agency of its contract with the appointing
 1700 insurer. If a properly documented claim is timely filed with the
 1701 department by a damaged title insurer, the department may remit
 1702 an appropriate amount of the deposit or the proceeds that are
 1703 received from the surety in payment of the claim. ~~The required~~
 1704 ~~deposit or bond must be made by the title insurance agency, and~~
 1705 ~~a title insurer may not provide the deposit or bond directly or~~
 1706 ~~indirectly on behalf of the title insurance agency. The deposit~~
 1707 ~~or bond must secure the performance by the title insurance~~
 1708 ~~agency of its duties and responsibilities under the issuing~~
 1709 ~~agency contracts with each title insurer for which it is~~
 1710 ~~appointed. The agency may exchange or substitute other~~
 1711 ~~securities of like quality and value for securities on deposit,~~

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1712 ~~may receive the interest and other income accruing on such~~
 1713 ~~securities, and may inspect the deposit at all reasonable times.~~
 1714 ~~Such deposit or bond must remain unimpaired as long as the title~~
 1715 ~~insurance agency continues in business in this state and until 1~~
 1716 ~~year after termination of all title insurance agency~~
 1717 ~~appointments held by the title insurance agency. The title~~
 1718 ~~insurance agency is entitled to the return of the deposit or~~
 1719 ~~bond together with accrued interest after such year has passed,~~
 1720 ~~if no claim has been made against the deposit or bond. If a~~
 1721 ~~surety bond is unavailable generally, the department may adopt~~
 1722 ~~rules for alternative methods to comply with this subsection.~~
 1723 ~~With respect to such alternative methods for compliance, the~~
 1724 ~~department must be guided by the past business performance and~~
 1725 ~~good reputation and character of the proposed title insurance~~
 1726 ~~agency. A surety bond is deemed to be unavailable generally if~~
 1727 ~~the prevailing annual premium exceeds 25 percent of the~~
 1728 ~~principal amount of the bond.~~

1729 Section 28. Section 626.8548, Florida Statutes, is created
 1730 to read:

1731 626.8548 "All-lines adjuster" defined.—An "all-lines
 1732 adjuster" is a person who is self-employed or employed by an
 1733 insurer, a wholly owned subsidiary of an insurer, or an
 1734 independent adjusting firm or other independent adjuster, and
 1735 who undertakes on behalf of an insurer or other insurers under
 1736 common control or ownership to ascertain and determine the
 1737 amount of any claim, loss, or damage payable under an insurance
 1738 contract or undertakes to effect settlement of such claim, loss,
 1739 or damage. The term does not apply to life insurance or annuity
 1740 contracts.

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1741 Section 29. Section 626.855, Florida Statutes, is amended
1742 to read:

1743 626.855 "Independent adjuster" defined.—An "independent
1744 adjuster" means a ~~is any~~ person licensed as an all-lines
1745 adjuster who is self-appointed self-employed or appointed and is
1746 ~~associated with or~~ employed by an independent adjusting firm or
1747 other independent adjuster, and who undertakes on behalf of an
1748 insurer to ascertain and determine the amount of any claim,
1749 loss, or damage payable under an insurance contract or
1750 undertakes to effect settlement of such claim, loss, or damage.

1751 Section 30. Section 626.856, Florida Statutes, is amended
1752 to read:

1753 626.856 "Company employee adjuster" defined.—A "company
1754 employee adjuster" means is a person licensed as an all-lines
1755 adjuster who is appointed and employed on an insurer's staff of
1756 adjusters or a wholly owned subsidiary of the insurer, and who
1757 undertakes on behalf of such insurer or other insurers under
1758 common control or ownership to ascertain and determine the
1759 amount of any claim, loss, or damage payable under a contract of
1760 insurance, or undertakes to effect settlement of such claim,
1761 loss, or damage.

1762 Section 31. Section 626.858, Florida Statutes, is repealed.

1763 Section 32. Section 626.8584, Florida Statutes, is amended
1764 to read:

1765 626.8584 "Nonresident all-lines independent adjuster"
1766 defined.—A "nonresident all-lines independent adjuster" means is
1767 a person who:

- 1768 (1) Is not a resident of this state;
1769 (2) Is a currently licensed as an independent adjuster in

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1770 his or her state of residence for all lines of insurance except
1771 life and annuities ~~the type or kinds of insurance for which the~~
1772 ~~licensee intends to adjust claims in this state or, if a~~
1773 resident of a state that does not license ~~such independent~~
1774 adjusters, meets the qualifications ~~has passed the department's~~
1775 ~~adjuster examination as~~ prescribed in s. 626.8734(1)(b); and

1776 (3) Is licensed as an all-lines adjuster and self-appointed
1777 or appointed and a self-employed independent adjuster or
1778 ~~associated with or~~ employed by an independent adjusting firm or
1779 other independent adjuster, by an insurer admitted to do
1780 business in this state or a wholly-owned subsidiary of an
1781 insurer admitted to do business in this state, or by other
1782 insurers under the common control or ownership of such insurer.

1783 Section 33. Section 626.863, Florida Statutes, is amended
1784 to read:

1785 626.863 Claims referrals to licensed independent adjusters
1786 ~~required; insurers' responsibility.—~~

1787 (1) An insurer may ~~shall~~ not knowingly refer any claim or
1788 loss for adjustment in this state to any person purporting to be
1789 or acting as an independent adjuster unless the person is
1790 currently licensed as an all-lines adjuster and appointed as an
1791 independent adjuster under this code.

1792 (2) Before referring any claim or loss, the insurer shall
1793 ascertain from the department whether the proposed independent
1794 adjuster is currently licensed as an all-lines adjuster and
1795 appointed as an independent adjuster ~~such~~. Having ~~one~~
1796 ascertained that a particular person is so licensed and
1797 appointed, the insurer may assume that he or she will continue
1798 to be so licensed and appointed until the insurer has knowledge,

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1799 or receives information from the department, to the contrary.
 1800 (3) This section does not apply to catastrophe or emergency
 1801 adjusters as provided ~~for~~ in this part.
 1802 Section 34. Section 626.864, Florida Statutes, is amended
 1803 to read:
 1804 626.864 Adjuster license types.—
 1805 (1) A qualified individual may be licensed ~~and appointed~~ as
 1806 ~~either:~~
 1807 (a) A public adjuster; or
 1808 (b) An all-lines independent adjuster; ~~or~~
 1809 ~~(c) A company employee adjuster.~~
 1810 (2) The same individual may ~~shall~~ not be concurrently
 1811 licensed ~~appointed~~ as a public adjuster and an all-lines
 1812 adjuster ~~to more than one of the adjuster types referred to in~~
 1813 ~~subsection (1).~~
 1814 (3) An all-lines adjuster may be appointed as an
 1815 independent adjuster or company employee adjuster, but not both
 1816 concurrently.
 1817 Section 35. Paragraph (e) is added to subsection (1) of
 1818 section 626.865, Florida Statutes, to read:
 1819 626.865 Public adjuster's qualifications, bond.—
 1820 (1) The department shall issue a license to an applicant
 1821 for a public adjuster's license upon determining that the
 1822 applicant has paid the applicable fees specified in s. 624.501
 1823 and possesses the following qualifications:
 1824 (e) Is licensed as a public adjuster apprentice under s.
 1825 626.8651 and complies with the requirements of that license
 1826 throughout the licensure period.
 1827 Section 36. Section 626.866, Florida Statutes, is amended

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1828 to read:
 1829 626.866 All-lines adjuster ~~Independent adjuster's~~
 1830 qualifications.—The department shall issue ~~a license to an~~
 1831 ~~applicant for an~~ all-lines adjuster ~~independent adjuster's~~
 1832 license to an applicant upon determining that the applicable
 1833 license fee specified in s. 624.501 has been paid and that the
 1834 applicant possesses the following qualifications:
 1835 (1) Is a natural person at least 18 years of age.
 1836 (2) Is a United States citizen or legal alien who possesses
 1837 work authorization from the United States Bureau of Citizenship
 1838 and Immigration Services and a bona fide resident of this state.
 1839 (3) Is trustworthy and has such business reputation as
 1840 would reasonably assure that the applicant will conduct his or
 1841 her business as insurance adjuster fairly and in good faith and
 1842 without detriment to the public.
 1843 (4) Has had sufficient experience, training, or instruction
 1844 concerning the adjusting of damage or loss under insurance
 1845 contracts, other than life and annuity contracts, is
 1846 sufficiently informed as to the terms and the effects of the
 1847 provisions of such types of contracts, and possesses adequate
 1848 knowledge of the insurance laws of this state relating to such
 1849 contracts as to enable and qualify him or her to engage in the
 1850 business of insurance adjuster fairly and without injury to the
 1851 public or any member thereof with whom he or she may have
 1852 relations as an insurance adjuster and to adjust all claims in
 1853 accordance with the policy or contract and the insurance laws of
 1854 this state.
 1855 (5) Has passed any required written examination or has met
 1856 one of the exemptions prescribed under s. 626.221.

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1857 Section 37. Section 626.867, Florida Statutes, is repealed.

1858 Section 38. Section 626.869, Florida Statutes, is amended
1859 to read:

1860 626.869 License, adjusters; continuing education.-

1861 (1) Having An applicant for a license as an all-lines
1862 adjuster qualifies the licensee to adjust may qualify and his or
1863 her license when issued may cover adjusting in any one of the
1864 following classes of insurance:-

1865 (a) all lines of insurance except life and annuities.

1866 (b) Motor vehicle physical damage insurance.

1867 (c) Property and casualty insurance.

1868 (d) Workers' compensation insurance.

1869 (e) Health insurance.

1870

1871 ~~No examination on workers' compensation insurance or health~~
1872 ~~insurance shall be required for public adjusters.~~

1873 (2) All individuals who on October 1, 1990, hold an
1874 adjuster's license and appointment limited to fire and allied
1875 lines, including marine or casualty or boiler and machinery, may
1876 remain licensed and appointed under the limited license and may
1877 renew their appointment, but a ~~no~~ license or appointment that
1878 which has been terminated, not renewed, suspended, or revoked
1879 may not shall be reinstated, and ~~no~~ new or additional licenses
1880 or appointments may not shall be issued.

1881 (3) All individuals who on October 1, 2012, hold an
1882 adjuster's license and appointment limited to motor vehicle
1883 physical damage and mechanical breakdown, property and casualty,
1884 workers' compensation, or health insurance may remain licensed
1885 and appointed under such limited license and may renew their

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1886 appointment, but a license that has been terminated, suspended,
1887 or revoked may not be reinstated, and new or additional licenses
1888 may not be issued. The applicant's application for license shall
1889 specify which of the foregoing classes of business the
1890 application for license is to cover.

1891 (4)(a) An Any individual holding a license as a public
1892 adjuster or an all-lines a company employee adjuster must
1893 complete all continuing education requirements as specified in
1894 s. 626.2815. or independent adjuster for 24 consecutive months
1895 or longer must, beginning in his or her birth month and every 2
1896 years thereafter, have completed 24 hours of courses, 2 hours of
1897 which relate to ethics, in subjects designed to inform the
1898 licensee regarding the current insurance laws of this state, so
1899 as to enable him or her to engage in business as an insurance
1900 adjuster fairly and without injury to the public and to adjust
1901 all claims in accordance with the policy or contract and the
1902 laws of this state.

1903 (b) Any individual holding a license as a public adjuster
1904 for 24 consecutive months or longer, beginning in his or her
1905 birth month and every 2 years thereafter, must have completed 24
1906 hours of courses, 2 hours of which relate to ethics, in subjects
1907 designed to inform the licensee regarding the current laws of
1908 this state pertaining to all lines of insurance other than life
1909 and annuities, the current laws of this state pertaining to the
1910 duties and responsibilities of public adjusters as set forth in
1911 this part, and the current rules of the department applicable to
1912 public adjusters and standard or representative policy forms
1913 used by insurers, other than forms for life insurance and
1914 annuities, so as to enable him or her to engage in business as

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1915 ~~an adjuster fairly and without injury to the public and to~~
 1916 ~~adjust all claims in accordance with the policy or contract and~~
 1917 ~~laws of this state. In order to receive credit for continuing~~
 1918 ~~education courses, public adjusters must take courses that are~~
 1919 ~~specifically designed for public adjusters and approved by the~~
 1920 ~~department, provided, however, no continuing education course~~
 1921 ~~shall be required for public adjusters for workers' compensation~~
 1922 ~~insurance or health insurance.~~

1923 ~~(c) The department shall adopt rules necessary to implement~~
 1924 ~~and administer the continuing education requirements of this~~
 1925 ~~subsection. For good cause shown, the department may grant an~~
 1926 ~~extension of time during which the requirements imposed by this~~
 1927 ~~section may be completed, but such extension of time may not~~
 1928 ~~exceed 1 year.~~

1929 ~~(d) A nonresident public adjuster must complete the~~
 1930 ~~continuing education requirements provided by this section;~~
 1931 ~~provided, a nonresident public adjuster may meet the~~
 1932 ~~requirements of this section if the continuing education~~
 1933 ~~requirements of the nonresident public adjuster's home state are~~
 1934 ~~determined to be substantially comparable to the requirements of~~
 1935 ~~this state's continuing education requirements and if the~~
 1936 ~~resident's state recognizes reciprocity with this state's~~
 1937 ~~continuing education requirements. A nonresident public adjuster~~
 1938 ~~whose home state does not have such continuing education~~
 1939 ~~requirements for adjusters, and who is not licensed as a~~
 1940 ~~nonresident adjuster in a state that has continuing education~~
 1941 ~~requirements and reciprocates with this state, must meet the~~
 1942 ~~continuing education requirements of this section.~~

1943 (5) The regulation of continuing education for licensees,

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1944 course providers, instructors, school officials, and monitor
 1945 groups shall be as provided ~~for~~ in s. 626.2816.

1946 Section 39. Paragraph (c) of subsection (2) of section
 1947 626.8697, Florida Statutes, is amended to read:

1948 626.8697 Grounds for refusal, suspension, or revocation of
 1949 adjusting firm license.—

1950 (2) The department may, in its discretion, deny, suspend,
 1951 revoke, or refuse to continue the license of any adjusting firm
 1952 if it finds that any of the following applicable grounds exist
 1953 with respect to the firm or any owner, partner, manager,
 1954 director, officer, or other person who is otherwise involved in
 1955 the operation of the firm:

1956 (c) Violation of an ~~any~~ order or rule of the department,
 1957 office, or commission.

1958 Section 40. Subsections (1) and (5) of section 626.872,
 1959 Florida Statutes, are amended to read:

1960 626.872 Temporary license.—

1961 (1) The department may, ~~in its discretion,~~ issue a
 1962 temporary license as an all-lines independent adjuster ~~or as a~~
 1963 ~~company employee adjuster,~~ subject to the following conditions:

1964 (a) The applicant must be an employee of an adjuster
 1965 currently licensed by the department, ~~an employee of an~~
 1966 ~~authorized insurer, or an employee of an established adjusting~~
 1967 ~~firm or corporation~~ who which is supervised by a currently
 1968 licensed all-lines independent adjuster.

1969 ~~(b) The application must be accompanied by a certificate of~~
 1970 ~~employment and a report as to the applicant's integrity and~~
 1971 ~~moral character on a form prescribed by the department and~~
 1972 ~~executed by the employer.~~

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1973 ~~(b)(e)~~ The applicant must be a natural person of at least
 1974 18 years of age, ~~must be~~ a bona fide resident of this state,
 1975 ~~must be~~ trustworthy, and ~~must have a such~~ business reputation
 1976 ~~that as~~ would reasonably ensure ~~assure~~ that the applicant will
 1977 conduct his or her business as an adjuster fairly and in good
 1978 faith and without detriment to the public.

1979 ~~(c)(d)~~ The applicant's employer is responsible for the
 1980 adjustment acts of the temporary ~~any~~ licensee ~~under this~~
 1981 ~~section~~.

1982 ~~(d)(e)~~ The applicable license fee ~~specified~~ must be paid
 1983 before issuance of the temporary license.

1984 ~~(e)(f)~~ The temporary license is ~~shall be~~ effective for a
 1985 ~~period of~~ 1 year, but is subject to earlier termination at the
 1986 request of the employer, ~~or~~ if the licensee fails to take an
 1987 examination as an all-lines independent adjuster ~~or company~~
 1988 ~~employee adjuster~~ within 6 months after issuance of the
 1989 temporary license, or if the temporary license is suspended or
 1990 revoked by the department.

1991 (5) The department may ~~shall~~ not issue a temporary license
 1992 as an all-lines independent adjuster ~~or as a company employee~~
 1993 ~~adjuster to an any~~ individual who has ~~ever~~ held such a license
 1994 in this state.

1995 Section 41. Section 626.873, Florida Statutes, is repealed.

1996 Section 42. Section 626.8734, Florida Statutes, is amended
 1997 to read:

1998 626.8734 Nonresident all-lines adjuster license independent
 1999 ~~adjuster's~~ qualifications.-

2000 (1) The department shall, ~~upon application therefor,~~ issue
 2001 a license to an applicant for a nonresident all-lines adjuster

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2002 ~~independent adjuster's~~ license upon determining that the
 2003 applicant has paid the applicable license fees required under s.
 2004 624.501 and:

2005 (a) Is a natural person at least 18 years of age.

2006 (b) Has passed to the satisfaction of the department a
 2007 written Florida all-lines adjuster ~~independent adjuster's~~
 2008 examination of the scope prescribed in s. 626.241(6); however,
 2009 the requirement for the examination does not apply to ~~any of the~~
 2010 ~~following~~:

2011 1. An applicant who is licensed as an all-lines a resident
 2012 ~~independent~~ adjuster in his or her home state if of residence
 2013 ~~when that state has entered into~~ requires the passing of a
 2014 ~~written examination in order to obtain the license and a~~
 2015 ~~reciprocal agreement with the appropriate official of that state~~
 2016 ~~has been entered into by the department; or~~

2017 2. An applicant who is licensed as a nonresident all-lines
 2018 ~~independent~~ adjuster in a state other than his or her home state
 2019 ~~of residence when the state of licensure requires the passing of~~
 2020 ~~a written examination in order to obtain the license and a~~
 2021 ~~reciprocal agreement with the appropriate official of the state~~
 2022 ~~of licensure has been entered into with by~~ the department.

2023 (c) Is licensed as an all-lines adjuster and is self-
 2024 appointed or appointed and employed by an independent adjusting
 2025 firm or other independent adjuster, or is an employee of an
 2026 insurer admitted to do business in this state or other insurers
 2027 under the common control or ownership of such insurer self-
 2028 ~~employed or associated with or employed by an independent~~
 2029 ~~adjusting firm or other independent adjuster.~~ Applicants
 2030 licensed as nonresident all-lines independent adjusters under

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 2031 this section must be appointed as an independent adjuster or
 2032 company employee adjuster ~~such~~ in accordance with ~~the provisions~~
 2033 ~~of ss. 626.112 and 626.451~~. Appointment fees ~~as in the amount~~
 2034 specified in s. 624.501 must be paid to the department in
 2035 advance. The appointment of a nonresident independent adjuster
 2036 ~~continues shall continue~~ in force until suspended, revoked, or
 2037 otherwise terminated, but is subject to biennial renewal or
 2038 continuation by the licensee in accordance with ~~procedures~~
 2039 ~~prescribed in s. 626.381~~ for licensees in general.

(d) Is trustworthy and has such business reputation as
 2040 would reasonably ensure ~~assure~~ that he or she will conduct his
 2041 or her business as a nonresident all-lines independent adjuster
 2042 fairly and in good faith and without detriment to the public.

(e) Has had sufficient experience, training, or instruction
 2043 concerning the adjusting of damages or losses under insurance
 2044 contracts, other than life and annuity contracts; is
 2045 sufficiently informed as to the terms and effects of ~~the~~
 2046 ~~provisions of~~ those types of insurance contracts; and possesses
 2047 adequate knowledge of the laws of this state relating to such
 2048 contracts as to enable and qualify him or her to engage in the
 2049 business of insurance adjuster fairly and without injury to the
 2050 public or any member thereof with whom he or she may have
 2051 business as an all-lines independent adjuster.

(2) The applicant must ~~shall~~ furnish the following with his
 2052 or her application:

(a) A complete set of his or her fingerprints. The
 2053 applicant's fingerprints must be certified by an authorized law
 2054 enforcement officer.

(b) If currently licensed as an all-lines a resident

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 2060 ~~independent~~ adjuster in the applicant's home state of residence,
 2061 a certificate or letter of authorization from the licensing
 2062 authority of the applicant's home state of residence, stating
 2063 that the applicant holds a current license to act as an all-
 2064 lines independent adjuster. ~~The~~ ~~Such~~ certificate or letter of
 2065 authorization must be signed by the insurance commissioner, or
 2066 his or her deputy or the appropriate licensing official, and
 2067 must disclose whether the adjuster has ever had a any license or
 2068 eligibility to hold any license declined, denied, suspended,
 2069 revoked, or placed on probation or whether an administrative
 2070 fine or penalty has been levied against the adjuster and, if so,
 2071 the reason for the action. Such certificate or letter is not
 2072 required if the nonresident applicant's licensing status can be
 2073 verified through the Producer Database maintained by the
 2074 National Association of Insurance Commissioners, its affiliates,
 2075 or subsidiaries.

(c) If the applicant's home state of residence does not
 2076 require licensure as an all-lines independent adjuster and the
 2077 applicant has been licensed as a resident insurance adjuster,
 2078 agent, broker, or other insurance representative in his or her
 2079 home state of residence or any other state within the past 3
 2080 years, a certificate or letter of authorization from the
 2081 licensing authority stating that the applicant holds or has held
 2082 a license to act as an insurance adjuster, agent, or other
 2083 insurance representative. The certificate or letter of
 2084 authorization must be signed by the insurance commissioner, or
 2085 his or her deputy or the appropriate licensing official, and
 2086 must disclose whether the adjuster, agent, or other insurance
 2087 representative has ever had a any license or eligibility to hold

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 2089 any license declined, denied, suspended, revoked, or placed on
 2090 probation or whether an administrative fine or penalty has been
 2091 levied against the adjuster and, if so, the reason for the
 2092 action. Such certificate or letter is not required if the
 2093 nonresident applicant's licensing status can be verified through
 2094 the Producer Database maintained by the National Association of
 2095 Insurance Commissioners, its affiliates, or subsidiaries.

(3) The usual and customary records pertaining to
 2096 transactions under the license of a nonresident all-lines
 2097 ~~independent~~ adjuster must be retained for at least 3 years after
 2098 completion of the adjustment and ~~must~~ be made available in this
 2099 state to the department upon request. The failure of a
 2100 nonresident all-lines independent adjuster to properly maintain
 2101 records and make them available to the department upon request
 2102 constitutes grounds for the immediate suspension of the license
 2103 issued under this section.

(4) ~~After licensure as a nonresident independent adjuster,~~
 2106 As a condition of doing business in this state as a nonresident
 2107 independent adjuster, the appointee must ~~licensee must~~ annually
 2108 ~~on or before January 1, on a form prescribed by the department,~~
 2109 submit an affidavit to the department certifying that the
 2110 licensee is familiar with and understands the insurance laws and
 2111 administrative rules of this state and the provisions of the
 2112 contracts negotiated or to be negotiated. Compliance with this
 2113 filing requirement is a condition precedent to the issuance,
 2114 continuation, reinstatement, or renewal of a nonresident
 2115 independent adjuster's appointment.

2116 Section 43. Section 626.8736, Florida Statutes, is amended
 2117 to read:

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 2118 626.8736 Nonresident independent or public adjusters;
 2119 service of process.-

(1) Each licensed nonresident ~~independent or~~ public
 2120 adjuster or all-lines adjuster appointed as an independent
 2121 adjuster shall appoint the Chief Financial Officer and his or
 2122 her successors in office as his or her attorney to receive
 2123 service of legal process issued against ~~such the nonresident~~
 2124 ~~independent or public~~ adjuster in this state, upon causes of
 2125 action arising within this state out of transactions under his
 2126 license and appointment. Service upon the Chief Financial
 2127 Officer as attorney constitutes ~~shall constitute~~ effective legal
 2128 service upon the nonresident independent or public adjuster.

(2) The appointment of the Chief Financial Officer for
 2130 service of process is ~~shall be~~ irrevocable ~~for~~ as long as there
 2131 could be any cause of action against the nonresident ~~independent~~
 2132 ~~or~~ public adjuster or all-lines adjuster appointed as an
 2133 independent adjuster arising out of his or her insurance
 2134 transactions in this state.

(3) Duplicate copies of legal process against the
 2136 nonresident ~~independent or~~ public adjuster or all-lines adjuster
 2137 appointed as an independent adjuster shall be served upon the
 2138 Chief Financial Officer by a person competent to serve a
 2139 summons.

(4) Upon receiving the service, the Chief Financial Officer
 2141 shall ~~forthwith~~ send one of the copies of the process, by
 2142 registered mail with return receipt requested, to the defendant
 2143 nonresident ~~independent or~~ public adjuster or all-lines adjuster
 2144 appointed as an independent adjuster at his or her last address
 2145 of record with the department.

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2147 (5) The Chief Financial Officer shall keep a record of the
2148 day and hour of service upon him or her of all legal process
2149 received under this section.

2150 Section 44. Subsection (1) of section 626.874, Florida
2151 Statutes, is amended to read:

2152 626.874 Catastrophe or emergency adjusters.-

2153 (1) In the event of a catastrophe or emergency, the
2154 department may issue a license, for the purposes and under the
2155 conditions ~~which it shall fix~~ and for the period of emergency as
2156 it shall determine, to persons who are residents or nonresidents
2157 of this state, who are at least 18 years of age, who are United
2158 States citizens or legal aliens who possess work authorization
2159 from the United States Bureau of Citizenship and Immigration
2160 Services, and who are not licensed adjusters under this part but
2161 who have been designated and certified to it as qualified to act
2162 as adjusters by all-lines independent resident adjusters, ~~or~~ by
2163 an authorized insurer, or by a licensed general lines agent to
2164 adjust claims, losses, or damages under policies or contracts of
2165 insurance issued by such insurers. The fee for the license is
2166 ~~shall be~~ as provided in s. 624.501(12)(c).

2167 Section 45. Subsection (1) of section 626.875, Florida
2168 Statutes, is amended to read:

2169 626.875 Office and records.-

2170 (1) Each appointed ~~Every licensed~~ independent adjuster and
2171 ~~every~~ licensed public adjuster must ~~shall have and~~ maintain in
2172 ~~this state~~ a place of business in this state which is accessible
2173 to the public and keep therein the usual and customary records
2174 pertaining to transactions under the license. This provision
2175 does ~~shall not be deemed to~~ prohibit maintenance of such an

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2176 office in the home of the licensee.

2177 Section 46. Section 626.876, Florida Statutes, is amended
2178 to read:

2179 626.876 Exclusive employment; public adjusters, independent
2180 adjusters.-

2181 (1) An ~~Ne~~ individual licensed and appointed as a public
2182 adjuster may not ~~shall~~ be ~~so~~ employed during the same period by
2183 more than one public adjuster or public adjuster firm or
2184 corporation.

2185 (2) An ~~Ne~~ individual licensed as an all-lines adjuster and
2186 appointed as an independent adjuster may not ~~shall~~ be ~~so~~
2187 employed during the same period by more than one independent
2188 adjuster or independent adjuster firm or corporation.

2189 Section 47. Subsections (5), (6), and (7) of section
2190 626.927, Florida Statutes, are amended to read:

2191 626.927 Licensing of surplus lines agent.-

2192 ~~(5) The applicant must file and thereafter maintain the~~
2193 ~~bond as required under s. 626.928.~~

2194 ~~(5)(6)~~ Examinations as to surplus lines, as required under
2195 subsections (1) and (2), are ~~shall be~~ subject to the provisions
2196 of part I as applicable to applicants for licenses in general.
2197 ~~No such examination shall be required as to persons who held a~~
2198 ~~Florida surplus lines agent's license as of January 1, 1959,~~
2199 ~~except when examinations subsequent to issuance of an initial~~
2200 ~~license are provided for in general under part I.~~

2201 ~~(6)(7)~~ An ~~Any~~ individual who has been licensed by the
2202 department as a surplus lines agent as provided in this section
2203 may be subsequently appointed without additional written
2204 examination if his or her application for appointment is filed

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2205 with the department within 48 months after next following the
 2206 date of cancellation or expiration of the prior appointment. The
 2207 department may, ~~in its discretion,~~ require an any individual to
 2208 take and successfully pass an examination as for original
 2209 issuance of license as a condition precedent to the
 2210 reinstatement or continuation of the licensee's current license
 2211 or reinstatement or continuation of the licensee's appointment.

2212 Section 48. Section 626.928, Florida Statutes, is repealed.

2213 Section 49. Section 626.933, Florida Statutes, is amended
 2214 to read:

2215 626.933 Collection of tax and service fee.—If the tax or
 2216 service fee payable by a surplus lines agent under the this
 2217 Surplus Lines Law is not so paid within the time prescribed, it
 2218 ~~the same~~ shall be recoverable in a suit brought by the
 2219 department against the surplus lines agent ~~and the surety or~~
 2220 ~~sureties on the bond filed by the surplus lines agent under s.~~
 2221 ~~626.928~~. The department may authorize the Florida Surplus Lines
 2222 Service Office to file suit on its behalf. All costs and
 2223 expenses incurred in a suit brought by the office which are not
 2224 recoverable from the agent or surety shall be borne by the
 2225 office.

2226 Section 50. Subsection (1) of section 626.935, Florida
 2227 Statutes, is amended to read:

2228 626.935 Suspension, revocation, or refusal of surplus lines
 2229 agent's license.—

2230 (1) The department shall deny an application for, suspend,
 2231 revoke, or refuse to renew the appointment of a surplus lines
 2232 agent and all other licenses and appointments held by the
 2233 licensee under this code, on ~~upon~~ any of the following grounds:

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2234 (a) Removal of the licensee's office from the licensee's
 2235 state of residence.

2236 (b) Removal of the accounts and records of his or her
 2237 surplus lines business from this state or the licensee's state
 2238 of residence during the period when such accounts and records
 2239 are required to be maintained under s. 626.930.

2240 (c) Closure of the licensee's office for ~~a period of~~ more
 2241 than 30 consecutive days.

2242 (d) Failure to make and file his or her affidavit or
 2243 reports when due as required by s. 626.931.

2244 (e) Failure to pay the tax or service fee on surplus lines
 2245 premiums, as provided ~~for~~ in the this Surplus Lines Law.

2246 ~~(f) Failure to maintain the bond as required by s. 626.928.~~

2247 (f)(g) Suspension, revocation, or refusal to renew or
 2248 continue the license or appointment as a general lines agent,
 2249 service representative, or managing general agent.

2250 (g)(h) Lack of qualifications as for an original surplus
 2251 lines agent's license.

2252 (h)(i) Violation of this Surplus Lines Law.

2253 (i)(j) For any other applicable cause for which the license
 2254 of a general lines agent could be suspended, revoked, or refused
 2255 under s. 626.611 or s. 626.621.

2256 Section 51. Paragraph (b) of subsection (1) of section
 2257 627.952, Florida Statutes, is amended to read:

2258 627.952 Risk retention and purchasing group agents.—

2259 (1) Any person offering, soliciting, selling, purchasing,
 2260 administering, or otherwise servicing insurance contracts,
 2261 certificates, or agreements for any purchasing group or risk
 2262 retention group to any resident of this state, either directly

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 2263 or indirectly, by the use of mail, advertising, or other means
 2264 of communication, shall obtain a license and appointment to act
 2265 as a resident general lines agent, if a resident of this state,
 2266 or a nonresident general lines agent if not a resident. Any such
 2267 person shall be subject to all requirements of the Florida
 2268 Insurance Code.

2269 (b) Any person required to be licensed and appointed under
 2270 ~~by~~ this subsection, in order to place business through Florida
 2271 eligible surplus lines carriers, must shall, if a resident of
 2272 this state, be licensed and appointed as a surplus lines agent.
 2273 ~~Any such person~~, If not a resident of this state, such person
 2274 must shall be licensed and appointed as a surplus lines agent in
 2275 her or his state of residence and ~~shall file and thereafter~~
 2276 maintain a fidelity bond in favor of the people of the State of
 2277 Florida executed by a surety company admitted in this state and
 2278 payable to the State of Florida; ~~provided, however, any~~
 2279 ~~activities carried out by such nonresident is pursuant to this~~
 2280 ~~part shall be limited to the provision of insurance for~~
 2281 purchasing groups. The bond must shall be continuous in form and
 2282 ~~maintained~~ in the amount of not less than \$50,000, aggregate
 2283 liability set out in s. 626.928. The bond must shall remain in
 2284 force and effect until the surety is released from liability by
 2285 the department or until the bond is canceled by the surety. The
 2286 surety may cancel the bond and be released from further
 2287 liability ~~thereunder~~ upon 30 days' prior written notice to the
 2288 department. The cancellation does shall not affect any liability
 2289 incurred or accrued ~~thereunder~~ before the termination of the 30-
 2290 day period. Upon receipt of a notice of cancellation, the
 2291 department shall immediately notify the agent.

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 2292 Section 52. Subsections (1) and (2) of section 635.051,
 2293 Florida Statutes, are amended to read:
 2294 635.051 Licensing and appointment of mortgage guaranty
 2295 insurance agents.-

2296 (1) Effective October 1, 2012, a person may not transact
 2297 mortgage guaranty insurance unless licensed and appointed as a
 2298 credit insurance agent in accordance with the applicable
 2299 provisions of the insurance code. Mortgage guaranty licenses
 2300 held by persons on October 1, 2012, shall be transferred to a
 2301 credit insurance agent license. Persons who wish to obtain a new
 2302 license identification card that reflects this change must
 2303 submit the \$5 fee as prescribed in s. 624.501(15). Agents of
 2304 mortgage guaranty insurers shall be licensed and appointed and
 2305 shall be subject to the same qualifications and requirements
 2306 applicable to general lines agents under the laws of this state,
 2307 except that:

2308 ~~(a) Particular preliminary specialized education or~~
 2309 ~~training is not required of an applicant for such an agent's~~
 2310 ~~license, and continuing education is not required for renewal of~~
 2311 ~~the agent's appointment if, as part of the application for~~
 2312 ~~license and appointment, the insurer guarantees that the~~
 2313 ~~applicant will receive the necessary training to enable him or~~
 2314 ~~her properly to hold himself or herself out to the public as a~~
 2315 ~~mortgage guaranty insurance agent and if the department, in its~~
 2316 ~~discretion, accepts such guaranty;~~

2317 ~~(b) The agent's license and appointment shall be a limited~~
 2318 ~~license, limited to the handling of mortgage guaranty insurance~~
 2319 ~~only; and~~

2320 ~~(c) An examination may be required of an applicant for such~~

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2321 a license if the insurer fails to provide the guaranty described
2322 in paragraph (a).

2323 (2) Any general lines agent licensed under chapter 626 is
2324 qualified to represent a mortgage guaranty insurer without
2325 additional licensure examination.

2326 Section 53. Subsection (2) of section 648.38, Florida
2327 Statutes, is amended to read:

2328 648.38 Licensure examination for bail bond agents; time;
2329 place; fees; scope.—

2330 (2) The department or a person designated by the department
2331 shall provide ~~mail written~~ notice of the time and place of the
2332 examination to each applicant for licensure required to take an
2333 examination who will be eligible to take the examination as of
2334 the examination date. The notice shall be e-mailed ~~so mailed,~~
2335 ~~postage prepaid, and addressed~~ to the applicant at the e-mail
2336 ~~his or her~~ address shown on his or her application for licensure
2337 ~~or at such other address as requested by the applicant in~~
2338 ~~writing filed with the department prior to the mailing of the~~
2339 ~~notice~~. Notice shall be deemed given when so mailed.

2340 Section 54. Section 648.385, Florida Statutes, is amended
2341 to read:

2342 648.385 Continuing education required; application;
2343 exceptions; requirements; penalties.—

2344 (1) The purpose of this section is to establish
2345 requirements and standards for continuing education courses for
2346 persons authorized to write bail bonds in this state.

2347 (2) ~~(a)~~ Each person subject to ~~the provisions of~~ this
2348 chapter must complete a minimum of 14 hours of continuing
2349 education courses every 2 years as specified in s. 626.2815 in

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2350 courses approved by the department. Compliance with continuing
2351 education requirements is a condition precedent to the issuance,
2352 continuation, or renewal of any appointment subject to the
2353 provisions of this chapter.

2354 ~~(b) A person teaching any approved course of instruction or~~
2355 ~~lecturing at any approved seminar and attending the entire~~
2356 ~~course or seminar shall qualify for the same number of classroom~~
2357 ~~hours as would be granted to a person taking and successfully~~
2358 ~~completing such course, seminar, or program. Credit shall be~~
2359 ~~limited to the number of hours actually taught unless a person~~
2360 ~~attends the entire course or seminar.~~

2361 ~~(c) For good cause shown, the department may grant an~~
2362 ~~extension of time during which the requirements imposed by this~~
2363 ~~section may be completed, but such extension of time may not~~
2364 ~~exceed 1 year.~~

2365 ~~(3) (a) Any bail-related course developed or sponsored by~~
2366 ~~any authorized insurer or recognized bail bond agents'~~
2367 ~~association, or any independent study program of instruction,~~
2368 ~~subject to approval by the department, qualifies for the~~
2369 ~~equivalency of the number of classroom hours assigned to such~~
2370 ~~course by the department. However, unless otherwise provided in~~
2371 ~~this section, continuing education credit may not be credited~~
2372 ~~toward meeting the requirements of this section unless the~~
2373 ~~course is provided by classroom instruction or results in a~~
2374 ~~monitored examination.~~

2375 ~~(b) Each person or entity sponsoring a course for~~
2376 ~~continuing education credit must furnish, within 30 days after~~
2377 ~~completion of the course, in a form satisfactory to the~~
2378 ~~department or its designee, a written and certified roster~~

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2379 ~~showing the name and license number of all persons successfully~~
 2380 ~~completing such course and requesting credit, accompanied by the~~
 2381 ~~required fee. The department shall refuse to issue, continue, or~~
 2382 ~~renew the appointment of any bail bond agent who has not had the~~
 2383 ~~continuing education requirements certified unless the agent has~~
 2384 ~~been granted an extension by the department.~~

2385 Section 55. Subsection (1) of section 903.27, Florida
 2386 Statutes, is amended to read:

2387 903.27 Forfeiture to judgment.—

2388 (1) If the forfeiture is not paid or discharged by court
 2389 ~~order of a court of competent jurisdiction~~ within 60 days and
 2390 the bond is secured other than by money and bonds authorized
 2391 under ~~in~~ s. 903.16, the clerk of the circuit court for the
 2392 county where the order was made shall enter a judgment against
 2393 the surety for the amount of the penalty and issue execution.
 2394 However, if in any case in which the bond forfeiture has been
 2395 discharged by the court ~~of competent jurisdiction~~ conditioned
 2396 upon the payment by the surety of certain costs or fees as
 2397 allowed by statute, the amount for which judgment may be entered
 2398 may not exceed the amount of the unpaid fees or costs upon which
 2399 the discharge had been conditioned. Judgment for the full amount
 2400 of the forfeiture may ~~shall~~ not be entered if payment of a
 2401 lesser amount will satisfy the conditions to discharge the
 2402 forfeiture. Within 10 days, the clerk shall furnish the
 2403 ~~Department of Financial Services and the Office of Insurance~~
 2404 ~~Regulation of the Financial Services Commission with a certified~~
 2405 ~~copy of the judgment docket and shall furnish the surety company~~
 2406 ~~at its home office~~ a copy of the judgment at its home office,
 2407 which includes ~~shall include~~ the power of attorney number of the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2408 bond and the name of the executing agent. If the judgment is not
 2409 paid within 60 ~~35~~ days, the clerk shall furnish ~~the Department~~
 2410 ~~of Financial Services~~, the Office of Insurance Regulation, and
 2411 the sheriff of the county in which the bond was executed, or the
 2412 official responsible for operation of the county jail, ~~if other~~
 2413 ~~than the sheriff~~, two certified copies of the transcript of the
 2414 docket of the judgment and a certificate stating that the
 2415 judgment remains unsatisfied. ~~When and~~ If the judgment is
 2416 properly paid or a court ~~an~~ order to vacate the judgment has
 2417 been entered ~~by a court of competent jurisdiction~~, the clerk
 2418 shall immediately notify the sheriff, or the official
 2419 responsible for the operation of the county jail, ~~if other than~~
 2420 the sheriff, ~~and the Department of Financial Services and the~~
 2421 ~~Office of Insurance Regulation~~, if the ~~department and~~ office had
 2422 been previously notified of nonpayment, of such payment or order
 2423 to vacate the judgment. The clerk shall also immediately prepare
 2424 and record in the public records a satisfaction of the judgment
 2425 or record the order to vacate judgment. If the defendant is
 2426 returned to the county of jurisdiction of the court and,
 2427 ~~whenever~~ a motion to set aside the judgment is filed, the
 2428 operation of this section is tolled until the court makes a
 2429 disposition of the motion.

2430 Section 56. Except as otherwise expressly provided in this
 2431 act, this act shall take effect October 1, 2012.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12

Meeting Date

Topic Agent & Agency Bill

Bill Number 938
(if applicable)

Name Greg Thomas

Amendment Barcode _____
(if applicable)

Job Title Director of Agent & Agency Services

Address 200 E. Gaines St
Street

Phone 850 413-5401

Tallahassee FL 32399
City State Zip

E-mail greg.thomas@myfloridaho.com

Speaking: For Against Information

Representing DFS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-9-12

Meeting Date

waive in support of
strike-all amendment

Topic Agents

Name Joy Ryan

Job Title attorney

Address 204 S. Monroe St.

Street

Tallahassee, FL 32301

City

State

Zip

Bill Number SB 938

Amendment Barcode 537708
(if applicable)

DE by Richter
(if applicable)

Phone 681-6710

E-mail joy@blanklaw.com

Speaking: For Against Information

Representing ASURION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12

Meeting Date

Topic Insurance

Bill Number SB 938
(if applicable)

Name Teye Reeves

Amendment Barcode _____
(if applicable)

Job Title Policy Director

Address 136 S. Bronough ST
Street
Tallahassee 32301
City State Zip

Phone 850-521-1235

E-mail teye@flchamber.com

Speaking: For Against Information

Representing FL Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/9/12
Meeting Date

Topic Insurance Agents

Bill Number SB 938
(if applicable)

Name Laura Pearce

Amendment Barcode _____
(if applicable)

Job Title Vice Pres + General Counsel

Address _____
Street

Phone 850.566-8615

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Fla. Association of Insurance Agents

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget, *Chair*
Rules, *Vice Chair*
Agriculture
Banking and Insurance
Budget - Subcommittee on Finance and Tax
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Education Pre-K - 12
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

SENATOR JD ALEXANDER

17th District

January 6, 2012

Senator Garrett S. Richter, Chair
Committee on Banking & Insurance
322 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Senator Richter,

I respectfully request permission to be absent from the Committee on Banking & Insurance, Monday, January 9, 2012. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JD Alexander".

JD Alexander
Senator, District 17

Xc: Steve Burgess

REPLY TO:

- 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (863) 679-4847
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Regulation, *Vice Chair*
Banking and Insurance
Budget
Budget - Subcommittee on Health and Human Services
Appropriations
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Environmental Preservation and Conservation
Reapportionment
Rules - Subcommittee on Ethics and Elections

SENATOR ELEANOR SOBEL

31st District

January 9, 2012

Sen. Garrett Richter
Chair, Senate Committee on Banking and Insurance
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Richter:

I am writing you in hopes that you will excuse my absence from the Senate Committee on Banking and Insurance scheduled to meet January 9, 2012. I will be presenting a bill in a conflicting committee meeting at that time. Thank you for your understanding.

With Best Regards,

A handwritten signature in cursive script that reads "Eleanor Sobel".

Eleanor Sobel
State Senator
District 31

REPLY TO:

- The "Old" Library, First Floor, 2600 Hollywood Boulevard, Hollywood, Florida 33020 (954) 924-3693
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5097

Senate's Website: www.flisenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

CourtSmart Tag Report

Room: KN 412

Case:

Type:

Caption: Senate Banking and Insurance Committee

Judge:

Started: 1/9/2012 3:19:50 PM

Ends: 1/9/2012 3:37:00 PM **Length:** 00:17:11

3:20:22 PM s. 676 Workers' Compensation Certificate of Exemption
3:21:26 PM Senator Smith introduces bill
3:21:46 PM Jim Brainerd waived and support
3:22:11 PM Cam Fentriss waived and support
3:22:32 PM Andrew Sabolic waived and support
3:22:47 PM Call roll on s. 676
3:23:04 PM Call roll on s. 676
3:23:05 PM s.676 passed
3:23:27 PM s. 938 Insurance Agents
3:23:51 PM Senator Richter explains delete all
3:24:45 PM no questions
3:25:45 PM no questions
3:25:45 PM s.938 bill amended
3:26:34 PM Laura Pearce, Teye Reeves, Greg Thomas, Joy Ryan waived and support
3:27:28 PM Laura Pearce, Teye Reeves, Greg Thomas, Joy Ryan waived and support
3:27:28 PM Gavel returned to Senator Richter
3:28:04 PM Gavel returned to Senator Richter
3:28:04 PM Senator Gaetz recognized
3:28:19 PM s. 438 Consumer Finance charges
3:28:37 PM Senator Bennett recognized
3:28:47 PM Senator Bennett recognized
3:29:31 PM No questions
3:30:31 PM James Thompson waived and support
3:30:47 PM Dorene Barker waive and opposition
3:31:00 PM Alice Vickers spoke concerning s. 438
3:32:49 PM no questions for Alice Vickers
3:33:48 PM Senator Bennett recognized
3:33:57 PM Roll called on s. 438
3:34:55 PM s. 438 passed
3:35:16 PM Senator Fasano recognized