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CS/CS/HB 1133, Engrossed 1

2015 Legislature

1  
2 An act relating to the Division of Insurance Agent and  
3 Agency Services; amending s. 626.015, F.S.; revising  
4 the definition of "general lines agent," to remove  
5 certain restrictions regarding health insurance;  
6 amending s. 626.0428, F.S.; revising licensure  
7 requirements of certain agents in charge of an  
8 agency's place of business; amending s. 626.221, F.S.;  
9 revising examination requirements for applicants for a  
10 license as a general lines agent, personal lines  
11 agent, or all-lines adjuster; creating examination  
12 requirements and qualifications for exemption from  
13 examinations for personal lines agents, life agents,  
14 and health agents; revising examination requirements  
15 for applicants qualifying for license transfer and  
16 applicants that hold a comparable license in another  
17 state; amending s. 626.241, F.S.; revising the scope  
18 of license examinations for agents and adjusters;  
19 amending s. 626.2817, F.S.; revising requirements of  
20 certain prelicensure education courses for insurance  
21 agents and other licensees; amending s. 626.311, F.S.;  
22 conforming provisions to changes made by the act;  
23 amending s. 626.732, F.S.; revising requirements  
24 relating to knowledge, experience, and instruction for  
25 applicants for a license as a general lines or  
26 personal lines agent; amending s. 626.7351, F.S.;



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

27 | revising qualifications for a customer  
28 | representative's license; amending s. 626.7354, F.S.;  
29 | deleting a prohibition on a customer representative's  
30 | compensation including commissions but prohibiting the  
31 | compensation from being based primarily on  
32 | commissions; amending s. 626.748, F.S.; requiring  
33 | agents to maintain certain records for a specified  
34 | time period after policy expiration; amending s.  
35 | 626.753, F.S.; authorizing certain agents and customer  
36 | representatives to share commissions; amending ss.  
37 | 626.7851 and 626.8311, F.S.; revising requirements  
38 | relating to the knowledge, experience, or instruction  
39 | for life agents and health agents, respectively;  
40 | amending s. 626.9541, F.S.; providing that certain  
41 | provisions relating to illegal dealings in premiums  
42 | are applicable notwithstanding any other provision of  
43 | law; amending s. 627.4553, F.S.; requiring an  
44 | insurance agent to provide and retain certain  
45 | information upon surrender of an annuity or life  
46 | insurance policy under certain circumstances; defining  
47 | the term "surrender"; amending s. 631.341, F.S.;  
48 | authorizing certain notices of insolvency to be  
49 | delivered to policyholders by certain methods;  
50 | providing an effective date.

51

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



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

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54 Section 1. Paragraph (d) of subsection (5) of section  
55 626.015, Florida Statutes, is amended to read:

56 626.015 Definitions.—As used in this part:

57 (5) "General lines agent" means an agent transacting any  
58 one or more of the following kinds of insurance:

59 (d) Health insurance, ~~when transacted by an insurer also~~  
60 ~~represented by the same agent as to property or casualty or~~  
61 ~~surety insurance.~~

62 Section 2. Paragraph (a) of subsection (4) of section  
63 626.0428, Florida Statutes, is amended to read:

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

66 (4) (a) Each place of business established by an agent or  
67 agency, firm, corporation, or association must be in the active  
68 full-time charge of a licensed and appointed agent holding the  
69 required agent licenses to transact at least two of the lines of  
70 insurance being handled at the location. If only one line of  
71 insurance is handled at the location, the agent in charge must  
72 hold the required agent license to transact that line of  
73 insurance.

74 Section 3. Paragraphs (k) and (l) of subsection (2) of  
75 section 626.221, Florida Statutes, are redesignated as  
76 paragraphs (n) and (o), respectively, and amended, subsection  
77 (1) and paragraphs (g) through (l) of subsection (2) are  
78 amended, and new paragraphs (k), (l), and (m) are added to



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

79 subsection (2) of that section, to read:

80 626.221 Examination requirement; exemptions.—

81 (1) The department shall not issue any license as agent,  
 82 ~~customer representative,~~ or adjuster to any individual who has  
 83 not qualified for, taken, and passed to the satisfaction of the  
 84 department a written examination of the scope prescribed in s.  
 85 626.241.

86 (2) However, an examination is not necessary for any of  
 87 the following:

88 (g) An applicant for a license as a life or health agent  
 89 who has received the designation of chartered life underwriter  
 90 (CLU) from the American College of Financial Services Life  
 91 ~~Underwriters and has been engaged in the insurance business~~  
 92 ~~within the past 4 years,~~ except that the applicant may be  
 93 examined on pertinent provisions of this code.

94 (h) An applicant for license as a general lines agent,  
 95 personal lines agent, or all-lines ~~customer representative, or~~  
 96 adjuster who has received the designation of chartered property  
 97 and casualty underwriter (CPCU) from the American Institute for  
 98 Chartered Property Casualty and Liability ~~Underwriters and has~~  
 99 ~~been engaged in the insurance business within the past 4 years,~~  
 100 except that the applicant may be examined on pertinent  
 101 provisions of this code.

102 (i) An applicant for license as a general lines agent or  
 103 an all-lines adjuster who has received a degree in insurance  
 104 from an accredited institution of higher learning approved by



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

105 | the department, except that the applicant may be examined on  
106 | pertinent provisions of this code. Qualifying degrees must  
107 | indicate a minimum of 18 credit hours of insurance instruction,  
108 | including specific instruction in the areas of property,  
109 | casualty, health, and commercial insurance ~~customer~~  
110 | ~~representative who has earned the designation of Accredited~~  
111 | ~~Advisor in Insurance (AAI) from the Insurance Institute of~~  
112 | ~~America, the designation of Certified Insurance Counselor (CIC)~~  
113 | ~~from the Society of Certified Insurance Service Counselors, the~~  
114 | ~~designation of Accredited Customer Service Representative (ACSR)~~  
115 | ~~from the Independent Insurance Agents of America, the~~  
116 | ~~designation of Certified Professional Service Representative~~  
117 | ~~(CPSR) from the National Foundation for Certified Professional~~  
118 | ~~Service Representatives, the designation of Certified Insurance~~  
119 | ~~Service Representative (CISR) from the Society of Certified~~  
120 | ~~Insurance Service Representatives, or the designation of~~  
121 | ~~Certified Insurance Representative (CIR) from the National~~  
122 | ~~Association of Christian Catastrophe Insurance Adjusters. Also,~~  
123 | ~~an applicant for license as a customer representative who has~~  
124 | ~~earned an associate degree or bachelor's degree from an~~  
125 | ~~accredited college or university and has completed at least 9~~  
126 | ~~academic hours of property and casualty insurance curriculum, or~~  
127 | ~~the equivalent, or has earned the designation of Certified~~  
128 | ~~Customer Service Representative (CCSR) from the Florida~~  
129 | ~~Association of Insurance Agents, or the designation of~~  
130 | ~~Registered Customer Service Representative (RCSR) from a~~



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

131 ~~regionally accredited postsecondary institution in this state,~~  
 132 ~~or the designation of Professional Customer Service~~  
 133 ~~Representative (PCSR) from the Professional Career Institute,~~  
 134 ~~whose curriculum has been approved by the department and which~~  
 135 ~~includes comprehensive analysis of basic property and casualty~~  
 136 ~~lines of insurance and testing at least equal to that of~~  
 137 ~~standard department testing for the customer representative~~  
 138 ~~license. The department shall adopt rules establishing standards~~  
 139 ~~for the approval of curriculum.~~

140 (j) An applicant for license as an ~~a resident or~~  
 141 ~~nonresident~~ all-lines adjuster who has the designation of  
 142 Accredited Claims Adjuster (ACA) from a regionally accredited  
 143 postsecondary institution in this state, Associate in Claims  
 144 (AIC) from the Insurance Institute of America, Professional  
 145 Claims Adjuster (PCA) from the Professional Career Institute,  
 146 Professional Property Insurance Adjuster (PPIA) from the  
 147 HurriClaim Training Academy, Certified Adjuster (CA) from ALL  
 148 LINES Training, or Certified Claims Adjuster (CCA) from AE21  
 149 incorporated ~~the Association of Property and Casualty Claims~~  
 150 ~~Professionals~~ whose curriculum has been approved by the  
 151 department and which includes comprehensive analysis of basic  
 152 property and casualty lines of insurance and testing at least  
 153 equal to that of standard department testing for the all-lines  
 154 adjuster license. The department shall adopt rules establishing  
 155 standards for the approval of curriculum.

156 (k) An applicant for license as a personal lines agent who



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

157 has received a degree from an accredited institution of higher  
158 learning approved by the department, except that the applicant  
159 may be examined on pertinent provisions of this code. Qualifying  
160 degrees must indicate a minimum of 9 credit hours of insurance  
161 instruction, including specific instruction in the areas of  
162 property, casualty, and inland marine insurance.

163 (l) An applicant for license as a life agent who has  
164 received a degree from an accredited institution of higher  
165 learning approved by the department, except that the applicant  
166 may be examined on pertinent provisions of this code. Qualifying  
167 degrees must indicate a minimum of 9 credit hours of insurance  
168 instruction, including specific instruction in the areas of life  
169 insurance, annuities, and variable insurance products.

170 (m) An applicant for license as a health agent who has  
171 received a degree from an accredited institution of higher  
172 learning approved by the department, except that the applicant  
173 may be examined on pertinent provisions of this code. Qualifying  
174 degrees must indicate a minimum of 9 credit hours of insurance  
175 instruction, including specific instruction in the area of  
176 health insurance products.

177 (n) ~~(k)~~ An applicant qualifying for a license transfer  
178 under s. 626.292 ~~if the applicant:~~

179 ~~1. Has successfully completed the prelicensing examination~~  
180 ~~requirements in the applicant's previous home state which are~~  
181 ~~substantially equivalent to the examination requirements in this~~  
182 ~~state, as determined by the department;~~



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

183           ~~2. Has received the designation of chartered property and~~  
184 ~~casualty underwriter (CPCU) from the American Institute for~~  
185 ~~Property and Liability Underwriters and been engaged in the~~  
186 ~~insurance business within the past 4 years if applying to~~  
187 ~~transfer a general lines agent license; or~~

188           ~~3. Has received the designation of chartered life~~  
189 ~~underwriter (CLU) from the American College of Life Underwriters~~  
190 ~~and been engaged in the insurance business within the past 4~~  
191 ~~years if applying to transfer a life or health agent license.~~

192           ~~(o)-(1)~~ An applicant for a license as a nonresident agent  
193 if the applicant holds a comparable license in another state  
194 with similar examination requirements as this state;

195           ~~1. Has successfully completed prelicensing examination~~  
196 ~~requirements in the applicant's home state which are~~  
197 ~~substantially equivalent to the examination requirements in this~~  
198 ~~state, as determined by the department, as a requirement for~~  
199 ~~obtaining a resident license in his or her home state;~~

200           ~~2. Held a general lines agent license, life agent license,~~  
201 ~~or health agent license before a written examination was~~  
202 ~~required;~~

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

208           ~~4. Has received the designation of chartered life~~





ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

209 ~~underwriter (CLU) from the American College of Life Underwriters~~  
 210 ~~and been in the insurance business within the past 4 years, if~~  
 211 ~~an applicant for a nonresident license as a life agent or health~~  
 212 ~~agent.~~

213 Section 4. Subsections (1), (2), (3), and (8) of section  
 214 626.241, Florida Statutes, are amended to read:

215 626.241 Scope of examination.—

216 (1) Each examination for a license as an agent, ~~customer~~  
 217 ~~representative~~, or adjuster shall be of such scope as is deemed  
 218 by the department to be reasonably necessary to test the  
 219 applicant's ability and competence and knowledge of the kinds of  
 220 insurance and transactions to be handled under the license  
 221 applied for, of the duties and responsibilities of such a  
 222 licensee, and of the pertinent provisions of the laws of this  
 223 state.

224 (2) Examinations given applicants for license as a general  
 225 lines agent ~~or customer representative~~ shall cover all property,  
 226 casualty, and surety insurances, except as provided in  
 227 subsection (5) relative to limited licenses.

228 (3) Examinations given applicants for a life agent's  
 229 license shall cover life insurance, annuities, and variable  
 230 contracts ~~annuities~~.

231 (8) An examination for licensure as a personal lines agent  
 232 ~~shall consist of 100 questions and~~ shall be limited in scope to  
 233 the kinds of business transacted under such license.

234 Section 5. Section 626.2817, Florida Statutes, is amended



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

235 to read:

236 626.2817 Regulation of course providers, instructors, and  
237 school officials, ~~and monitor groups~~ involved in prelicensure  
238 education for insurance agents and other licensees.—

239 (1) Any course provider, instructor, or school official, ~~or~~  
240 ~~or monitor group~~ must be approved by and registered with the  
241 department before offering prelicensure education courses for  
242 insurance agents and other licensees.

243 (2) The department shall adopt rules establishing  
244 standards for the approval, registration, discipline, or removal  
245 from registration of course providers, instructors, and school  
246 officials, ~~and monitor groups~~. The standards must be designed to  
247 ensure that such persons have the knowledge, competence, and  
248 integrity to fulfill the educational objectives of the  
249 prelicensure requirements of this chapter and chapter 648 and to  
250 assure that insurance agents and licensees are competent to  
251 engage in the activities authorized under the license.

252 (3) A course provider shall not grant completion credit to  
253 any student who has not completed at least 75 percent of the  
254 required course hours of a department approved prelicensure  
255 course.

256 (4) The department shall adopt rules to establish a  
257 process for determining compliance with the prelicensure  
258 requirements of this chapter and chapter 648. The department  
259 shall adopt rules prescribing the forms necessary to administer  
260 the prelicensure requirements.



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

261 Section 6. Subsection (1) of section 626.311, Florida  
262 Statutes, is amended to read:

263 626.311 Scope of license.—

264 (1) Except as to personal lines agents and limited  
265 licenses, a general lines agent or customer representative shall  
266 qualify for all property, marine, casualty, and surety lines  
267 except bail bonds which require a separate license under chapter  
268 648. The license of a general lines agent ~~may~~ also covers ~~cover~~  
269 health insurance ~~if health insurance is included in the agent's~~  
270 ~~appointment by an insurer as to which the licensee is also~~  
271 ~~appointed as agent for property or casualty or surety insurance.~~

272 The license of a customer representative shall provide, in  
273 substance, that it covers all of such classes of insurance that  
274 his or her appointing general lines agent or agency is currently  
275 so authorized to transact under the general lines agent's  
276 license and appointments. No such license shall be issued  
277 limited to particular classes of insurance except for bail bonds  
278 which require a separate license under chapter 648 or for  
279 personal lines agents. Personal lines agents are limited to  
280 transacting business related to property and casualty insurance  
281 sold to individuals and families for noncommercial purposes.

282 Section 7. Subsections (1) through (5) of section 626.732,  
283 Florida Statutes, are amended to read:

284 626.732 Requirement as to knowledge, experience, or  
285 instruction.—

286 (1) Except as provided in subsection (4), an applicant for



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

287 a license as a general lines agent, except for a chartered  
 288 property and casualty underwriter (CPCU), may not be qualified  
 289 or licensed unless, within the 4 years immediately preceding the  
 290 date the application for license is filed with the department,  
 291 the applicant has:

292 (a) Taught or successfully completed 200 hours of  
 293 coursework in property, casualty, surety, health, and marine  
 294 insurance approved by the department ~~classroom courses in~~  
 295 ~~insurance, 3 hours of which must be on the subject matter of~~  
 296 ~~ethics, at a school, college, or extension division thereof,~~  
 297 ~~approved by the department;~~

298 ~~(b) Completed a correspondence course in insurance, 3~~  
 299 ~~hours of which must be on the subject matter of ethics, which is~~  
 300 ~~regularly offered by accredited institutions of higher learning~~  
 301 ~~in this state or extensions thereof and approved by the~~  
 302 ~~department, and have at least 6 months of responsible insurance~~  
 303 ~~duties as a substantially full-time bona fide employee in all~~  
 304 ~~lines of property and casualty insurance set forth in the~~  
 305 ~~definition of general lines agent under s. 626.015;~~

306 (b)-(e) Completed at least 1 year in responsible insurance  
 307 duties as a substantially full-time bona fide employee in all  
 308 lines of property and casualty insurance as set forth in the  
 309 definition of a general lines agent under s. 626.015, but  
 310 without the education requirement described in paragraph (a) ~~or~~  
 311 ~~paragraph (b); or~~

312 (c)-(d) Completed at least 1 year of responsible insurance



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

313 | duties as a licensed and appointed customer representative,  
 314 | service representative, or personal lines agent ~~or limited~~  
 315 | ~~customer representative in commercial or personal lines of~~  
 316 | ~~property and casualty insurance~~ and 40 hours of coursework  
 317 | ~~classroom courses~~ approved by the department covering the areas  
 318 | of property, casualty, surety, health, and marine insurance; ~~or~~

319 | ~~(c) Completed at least 1 year of responsible insurance~~  
 320 | ~~duties as a licensed and appointed service representative in~~  
 321 | ~~commercial or personal lines of property and casualty insurance~~  
 322 | ~~and 80 hours of classroom courses approved by the department~~  
 323 | ~~covering the areas of property, casualty, surety, health, and~~  
 324 | ~~marine insurance.~~

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

331 | (a) Taught or successfully completed 60 hours of  
 332 | coursework in property, casualty, and inland marine insurance  
 333 | approved by the department ~~classroom courses in insurance, 3~~  
 334 | ~~hours of which must be on the subject matter of ethics, at a~~  
 335 | ~~school, college, or extension division thereof, approved by the~~  
 336 | ~~department. To qualify for licensure, the applicant must~~  
 337 | ~~complete a total of 52 hours of classroom courses in insurance;~~

338 | ~~(b) Completed a correspondence course in insurance, 3~~



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

339 ~~hours of which must be on the subject matter of ethics, which is~~  
340 ~~regularly offered by accredited institutions of higher learning~~  
341 ~~in this state or extensions thereof and approved by the~~  
342 ~~department, and completed at least 3 months of responsible~~  
343 ~~insurance duties as a substantially full-time employee in the~~  
344 ~~area of property and casualty insurance sold to individuals and~~  
345 ~~families for noncommercial purposes;~~

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

351 (c) ~~(d)~~ Completed at least 6 months of responsible  
352 insurance duties as a licensed and appointed customer  
353 representative, ~~or~~ limited customer representative, or service  
354 representative in property and casualty insurance ~~sold to~~  
355 ~~individuals and families for noncommercial purposes and 20 hours~~  
356 ~~of classroom courses approved by the department which are~~  
357 ~~related to property and casualty insurance sold to individuals~~  
358 ~~and families for noncommercial purposes;~~

359 ~~(e)~~ Completed at least 6 months of responsible insurance  
360 duties as a licensed and appointed service representative in  
361 property and casualty insurance sold to individuals and families  
362 for noncommercial purposes and 40 hours of classroom courses  
363 approved by the department related to property and casualty  
364 insurance sold to individuals and families for noncommercial



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

365 ~~purposes; or~~

366 ~~(f) Completed at least 3 years of responsible duties as a~~  
367 ~~licensed and appointed customer representative in property and~~  
368 ~~casualty insurance sold to individuals and families for~~  
369 ~~noncommercial purposes.~~

370 (3) If an applicant's qualifications as required under  
371 subsection (1) or subsection (2) are based in part upon periods  
372 of employment in responsible insurance duties, the applicant  
373 shall submit with the license application, ~~on a form prescribed~~  
374 ~~by the department,~~ an attestation affidavit of his or her  
375 employment ~~employer~~ setting forth the period of such employment,  
376 ~~that the employment was substantially full-time,~~ and giving a  
377 brief abstract of the nature of the duties performed ~~by the~~  
378 ~~applicant.~~

379 (4) An individual who was or became qualified to sit for  
380 an agent's, ~~customer representative's,~~ or adjuster's examination  
381 at or during the time he or she was employed by the department  
382 or office and who, while so employed, was employed in  
383 responsible insurance duties as a full-time bona fide employee  
384 may take an examination if application for such examination is  
385 made within 4 years ~~90 days~~ after the date of termination of  
386 employment with the department or office.

387 (5) ~~Classroom and correspondence~~ Courses under subsections  
388 (1) and (2) must include instruction on the subject matter of  
389 unauthorized entities engaging in the business of insurance. ~~The~~  
390 ~~scope of the topic of unauthorized entities must include the~~



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

391 ~~Florida Nonprofit Multiple-Employer Welfare Arrangement Act and~~  
392 ~~the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001~~  
393 ~~et seq., as it relates to the provision of health insurance by~~  
394 ~~employers and the regulation thereof.~~

395 Section 8. Subsections (3) and (7) of section 626.7351,  
396 Florida Statutes, are amended to read:

397 626.7351 Qualifications for customer representative's  
398 license.—The department shall not grant or issue a license as  
399 customer representative to any individual found by it to be  
400 untrustworthy or incompetent, or who does not meet each of the  
401 following qualifications:

402 (3) Within 4 ~~the 2~~ years ~~next~~ preceding the date that the  
403 application for license was filed with the department, the  
404 applicant has earned the designation of Accredited Advisor in  
405 Insurance (AAI), Associate in General Insurance (AINS), or  
406 Accredited Customer Service Representative (ACSR) from the  
407 Insurance Institute of America; the designation of Certified  
408 Insurance Counselor (CIC) from the Society of Certified  
409 Insurance Service Counselors; the designation of Certified  
410 Professional Service Representative (CPSR) from the National  
411 Foundation for CPSR; the designation of Certified Insurance  
412 Service Representative (CISR) from the Society of Certified  
413 Insurance Service Representatives; the designation of Certified  
414 Insurance Representative (CIR) from All-Lines Training; the  
415 designation of Professional Customer Service Representative  
416 (PCSR) from the Professional Career Institute; the designation





ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

417 of Registered Customer Service Representative (RCSR) from a  
418 regionally accredited postsecondary institution in the state  
419 whose curriculum is approved by the department and includes  
420 comprehensive analysis of basic property and casualty lines of  
421 insurance and testing which demonstrates mastery of the subject;  
422 or a degree from an accredited institution of higher learning  
423 approved by the department when the degree includes a minimum of  
424 9 credit hours of insurance instruction, including specific  
425 instruction in the areas of property, casualty, and inland  
426 marine insurance. The department shall adopt rules establishing  
427 standards for the approval of curriculum ~~completed a course in~~  
428 ~~insurance, 3 hours of which shall be on the subject matter of~~  
429 ~~ethics, approved by the department or has had at least 6 months'~~  
430 ~~experience in responsible insurance duties as a substantially~~  
431 ~~full-time employee. Courses must include instruction on the~~  
432 ~~subject matter of unauthorized entities engaging in the business~~  
433 ~~of insurance. The scope of the topic of unauthorized entities~~  
434 ~~shall include the Florida Nonprofit Multiple Employer Welfare~~  
435 ~~Arrangement Act and the Employee Retirement Income Security Act,~~  
436 ~~29 U.S.C. ss. 1001 et seq., as such acts relate to the provision~~  
437 ~~of health insurance by employers and the regulation of such~~  
438 ~~insurance.~~

439 ~~(7) The applicant has passed any required examination for~~  
440 ~~license required under s. 626.221.~~

441 Section 9. Subsection (3) of section 626.7354, Florida  
442 Statutes, is amended to read:



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

443           626.7354 Customer representative's powers; agent's or  
444 agency's responsibility.—

445           (3) A customer representative shall be a salaried employee  
446 of the agent or agency. His or her compensation ~~shall not~~  
447 ~~include commissions and~~ shall not be primarily based on  
448 commissions or the production of applications, insurance, or  
449 premiums.

450           Section 10. Section 626.748, Florida Statutes, is amended  
451 to read:

452           626.748 Agent's records.—Every agent transacting any  
453 insurance policy must maintain in his or her office, or have  
454 readily accessible by electronic or photographic means, for a  
455 period of at least 5 years after policy expiration, such records  
456 of policies transacted by him or her as to enable the  
457 policyholders and department to obtain all necessary  
458 information, including daily reports, applications, change  
459 endorsements, or documents signed or initialed by the insured  
460 concerning such policies.

461           Section 11. Subsection (1) of section 626.753, Florida  
462 Statutes, is amended to read:

463           626.753 Sharing commissions; penalty.—

464           (1) (a) An agent may divide or share in commissions only  
465 with other agents appointed and licensed to write the same kind  
466 or kinds of insurance, or may divide commissions with a customer  
467 representative.

468           (b) This section shall not be construed to prevent the



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

469 payment or receipt of renewal commissions or other deferred  
 470 commissions or pensions to or by any person solely because such  
 471 person has ceased to hold a license to act as an insurance agent  
 472 or customer representative, and shall not prevent the payment of  
 473 renewal commissions or other deferred commissions to any  
 474 incorporated insurance agency solely because any of its  
 475 stockholders has ceased to hold a license to act as an insurance  
 476 agent or customer representative.

477 (c) A customer representative may share in commissions  
 478 with an agent.

479 Section 12. Section 626.7851, Florida Statutes, is amended  
 480 to read:

481 626.7851 Requirement as to knowledge, experience, or  
 482 instruction.—An ~~No~~ applicant for a license as a life agent,  
 483 except for a chartered life underwriter (CLU), shall not be  
 484 qualified or licensed unless within the 4 years immediately  
 485 preceding the date the application for a license is filed with  
 486 the department he or she has:

487 (1) Successfully completed 40 hours of coursework  
 488 ~~classroom courses~~ in life insurance, annuities, and variable  
 489 contracts approved by the department, 3 hours of which shall be  
 490 on the subject matter of ethics, ~~satisfactory to the department~~  
 491 ~~at a school or college, or extension division thereof, or other~~  
 492 ~~authorized course of study, approved by the department.~~ Courses  
 493 must include instruction on the subject matter of unauthorized  
 494 entities engaging in the business of insurance, ~~to include the~~



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

495 ~~Florida Nonprofit Multiple-Employer Welfare Arrangement Act and~~  
496 ~~the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001~~  
497 ~~et seq., as it relates to the provision of life insurance by~~  
498 ~~employers to their employees and the regulation thereof;~~

499 (2) Successfully completed a minimum of 60 hours of  
500 coursework in multiple areas of insurance, which included life  
501 insurance, annuities, and variable contracts, approved by the  
502 department, 3 hours of which shall be on the subject matter of  
503 ethics. Courses must include instruction on the subject matter  
504 of unauthorized entities engaging in the business of insurance;

505 (3) Earned or maintained an active designation as  
506 Chartered Financial Consultant (ChFC) from the American College  
507 of Financial Services; or Fellow, Life Management Institute  
508 (FLMI) from the Life Management Institute ~~Successfully completed~~  
509 ~~a correspondence course in insurance, 3 hours of which shall be~~  
510 ~~on the subject matter of ethics, satisfactory to the department~~  
511 ~~and regularly offered by accredited institutions of higher~~  
512 ~~learning in this state or by independent programs of study,~~  
513 ~~approved by the department. Courses must include instruction on~~  
514 ~~the subject matter of unauthorized entities engaging in the~~  
515 ~~business of insurance, to include the Florida Nonprofit~~  
516 ~~Multiple-Employer Welfare Arrangement Act and the Employee~~  
517 ~~Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as~~  
518 ~~it relates to the provision of life insurance by employers to~~  
519 ~~their employees and the regulation thereof;~~

520 (4)-(3) Held an active license in life, or life and health,



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

521 insurance in another state. This provision may not be used  
522 ~~utilized~~ unless the other state grants reciprocal treatment to  
523 licensees formerly licensed in the state Florida; or

524 (5)~~(4)~~ Been employed by the department or office for at  
525 least 1 year, full time in life ~~or life and health~~ insurance  
526 regulatory matters and who was not terminated for cause, and  
527 application for examination is made within 4 years ~~90 days~~ after  
528 the date of termination of his or her employment with the  
529 department or office.

530 Section 13. Section 626.8311, Florida Statutes, is amended  
531 to read:

532 626.8311 Requirement as to knowledge, experience, or  
533 instruction.—An ~~No~~ applicant for a license as a health agent,  
534 except for a chartered life underwriter (CLU), shall not be  
535 qualified or licensed unless within the 4 years immediately  
536 preceding the date the application for license is filed with the  
537 department he or she has:

538 (1) Successfully completed 40 hours of coursework  
539 ~~classroom courses~~ in health insurance, approved by the  
540 department, 3 hours of which shall be on the subject matter of  
541 ~~ethics, satisfactory to the department at a school or college,~~  
542 ~~or extension division thereof, or other authorized course of~~  
543 ~~study, approved by the department.~~ Courses must include  
544 instruction on the subject matter of unauthorized entities  
545 engaging in the business of insurance, to include the Florida  
546 Nonprofit Multiple-Employer Welfare Arrangement Act and the



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

547 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et  
548 seq., as it relates to the provision of health insurance by  
549 employers to their employees and the regulation thereof;

550 (2) Successfully completed a minimum of 60 hours of  
551 coursework in multiple areas of insurance, which included health  
552 insurance, approved by the department, 3 hours of which shall be  
553 on the subject matter of ethics. Courses must include  
554 instruction on the subject matter of unauthorized entities  
555 engaging in the business of insurance;

556 (3) Earned or maintained an active designation as a  
557 Registered Health Underwriter (RHU), Chartered Healthcare  
558 Consultant (ChHC), or Registered Employee Benefits Consultant  
559 (REBC) from the American College of Financial Services;  
560 Certified Employee Benefit Specialist (CEBS) from the Wharton  
561 School of the University of Pennsylvania; or Health Insurance  
562 Associate (HIA) from America's Health Insurance Plans  
563 ~~Successfully completed a correspondence course in insurance, 3~~  
564 ~~hours of which shall be on the subject matter of ethics,~~  
565 ~~satisfactory to the department and regularly offered by~~  
566 ~~accredited institutions of higher learning in this state or by~~  
567 ~~independent programs of study, approved by the department.~~  
568 ~~Courses must include instruction on the subject matter of~~  
569 ~~unauthorized entities engaging in the business of insurance, to~~  
570 ~~include the Florida Nonprofit Multiple-Employer Welfare~~  
571 ~~Arrangement Act and the Employee Retirement Income Security Act,~~  
572 ~~29 U.S.C. ss. 1001 et seq., as it relates to the provision of~~



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

573 | ~~health insurance by employers to their employees and the~~  
574 | ~~regulation thereof;~~

575 |        ~~(4)~~(3) Held an active license in health, ~~or life and~~  
576 | ~~health,~~ insurance in another state. This provision may not be  
577 | utilized unless the other state grants reciprocal treatment to  
578 | licensees formerly licensed in Florida; or

579 |        ~~(5)~~(4) Been employed by the department or office for at  
580 | least 1 year, full time in health insurance regulatory matters  
581 | and who was not terminated for cause, and application for  
582 | examination is made within 4 years ~~90 days~~ after the date of  
583 | termination of his or her employment with the department or  
584 | office.

585 |        Section 14. Paragraph (o) of subsection (1) of section  
586 | 626.9541, Florida Statutes, is amended to read:

587 |        626.9541 Unfair methods of competition and unfair or  
588 | deceptive acts or practices defined.—

589 |        (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
590 | ACTS.—The following are defined as unfair methods of competition  
591 | and unfair or deceptive acts or practices:

592 |        (o) Illegal dealings in premiums; excess or reduced  
593 | charges for insurance.—

594 |        1. Knowingly collecting any sum as a premium or charge for  
595 | insurance, which is not then provided, or is not in due course  
596 | to be provided, subject to acceptance of the risk by the  
597 | insurer, by an insurance policy issued by an insurer as  
598 | permitted by this code.



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

599           2. Knowingly collecting as a premium or charge for  
600 insurance any sum in excess of or less than the premium or  
601 charge applicable to such insurance, in accordance with the  
602 applicable classifications and rates as filed with and approved  
603 by the office, and as specified in the policy; or, in cases when  
604 classifications, premiums, or rates are not required by this  
605 code to be so filed and approved, premiums and charges collected  
606 from a Florida resident in excess of or less than those  
607 specified in the policy and as fixed by the insurer.  
608 Notwithstanding any other provision of law, this provision shall  
609 not be deemed to prohibit the charging and collection, by  
610 surplus lines agents licensed under part VIII of this chapter,  
611 of the amount of applicable state and federal taxes, or fees as  
612 authorized by s. 626.916(4), in addition to the premium required  
613 by the insurer or the charging and collection, by licensed  
614 agents, of the exact amount of any discount or other such fee  
615 charged by a credit card facility in connection with the use of  
616 a credit card, as authorized by subparagraph (q)3., in addition  
617 to the premium required by the insurer. This subparagraph shall  
618 not be construed to prohibit collection of a premium for a  
619 universal life or a variable or indeterminate value insurance  
620 policy made in accordance with the terms of the contract.

621           3.a. Imposing or requesting an additional premium for a  
622 policy of motor vehicle liability, personal injury protection,  
623 medical payment, or collision insurance or any combination  
624 thereof or refusing to renew the policy solely because the





ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

625 insured was involved in a motor vehicle accident unless the  
626 insurer's file contains information from which the insurer in  
627 good faith determines that the insured was substantially at  
628 fault in the accident.

629       b. An insurer which imposes and collects such a surcharge  
630 or which refuses to renew such policy shall, in conjunction with  
631 the notice of premium due or notice of nonrenewal, notify the  
632 named insured that he or she is entitled to reimbursement of  
633 such amount or renewal of the policy under the conditions listed  
634 below and will subsequently reimburse him or her or renew the  
635 policy, if the named insured demonstrates that the operator  
636 involved in the accident was:

637       (I) Lawfully parked;

638       (II) Reimbursed by, or on behalf of, a person responsible  
639 for the accident or has a judgment against such person;

640       (III) Struck in the rear by another vehicle headed in the  
641 same direction and was not convicted of a moving traffic  
642 violation in connection with the accident;

643       (IV) Hit by a "hit-and-run" driver, if the accident was  
644 reported to the proper authorities within 24 hours after  
645 discovering the accident;

646       (V) Not convicted of a moving traffic violation in  
647 connection with the accident, but the operator of the other  
648 automobile involved in such accident was convicted of a moving  
649 traffic violation;

650       (VI) Finally adjudicated not to be liable by a court of



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

651 competent jurisdiction;

652 (VII) In receipt of a traffic citation which was dismissed  
653 or nolle prossed; or

654 (VIII) Not at fault as evidenced by a written statement  
655 from the insured establishing facts demonstrating lack of fault  
656 which are not rebutted by information in the insurer's file from  
657 which the insurer in good faith determines that the insured was  
658 substantially at fault.

659 c. In addition to the other provisions of this  
660 subparagraph, an insurer may not fail to renew a policy if the  
661 insured has had only one accident in which he or she was at  
662 fault within the current 3-year period. However, an insurer may  
663 nonrenew a policy for reasons other than accidents in accordance  
664 with s. 627.728. This subparagraph does not prohibit nonrenewal  
665 of a policy under which the insured has had three or more  
666 accidents, regardless of fault, during the most recent 3-year  
667 period.

668 4. Imposing or requesting an additional premium for, or  
669 refusing to renew, a policy for motor vehicle insurance solely  
670 because the insured committed a noncriminal traffic infraction  
671 as described in s. 318.14 unless the infraction is:

672 a. A second infraction committed within an 18-month  
673 period, or a third or subsequent infraction committed within a  
674 36-month period.

675 b. A violation of s. 316.183, when such violation is a  
676 result of exceeding the lawful speed limit by more than 15 miles



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

677 per hour.

678         5. Upon the request of the insured, the insurer and  
679 licensed agent shall supply to the insured the complete proof of  
680 fault or other criteria which justifies the additional charge or  
681 cancellation.

682         6. No insurer shall impose or request an additional  
683 premium for motor vehicle insurance, cancel or refuse to issue a  
684 policy, or refuse to renew a policy because the insured or the  
685 applicant is a handicapped or physically disabled person, so  
686 long as such handicap or physical disability does not  
687 substantially impair such person's mechanically assisted driving  
688 ability.

689         7. No insurer may cancel or otherwise terminate any  
690 insurance contract or coverage, or require execution of a  
691 consent to rate endorsement, during the stated policy term for  
692 the purpose of offering to issue, or issuing, a similar or  
693 identical contract or coverage to the same insured with the same  
694 exposure at a higher premium rate or continuing an existing  
695 contract or coverage with the same exposure at an increased  
696 premium.

697         8. No insurer may issue a nonrenewal notice on any  
698 insurance contract or coverage, or require execution of a  
699 consent to rate endorsement, for the purpose of offering to  
700 issue, or issuing, a similar or identical contract or coverage  
701 to the same insured at a higher premium rate or continuing an  
702 existing contract or coverage at an increased premium without



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

703 meeting any applicable notice requirements.

704 9. No insurer shall, with respect to premiums charged for  
705 motor vehicle insurance, unfairly discriminate solely on the  
706 basis of age, sex, marital status, or scholastic achievement.

707 10. Imposing or requesting an additional premium for motor  
708 vehicle comprehensive or uninsured motorist coverage solely  
709 because the insured was involved in a motor vehicle accident or  
710 was convicted of a moving traffic violation.

711 11. No insurer shall cancel or issue a nonrenewal notice  
712 on any insurance policy or contract without complying with any  
713 applicable cancellation or nonrenewal provision required under  
714 the Florida Insurance Code.

715 12. No insurer shall impose or request an additional  
716 premium, cancel a policy, or issue a nonrenewal notice on any  
717 insurance policy or contract because of any traffic infraction  
718 when adjudication has been withheld and no points have been  
719 assessed pursuant to s. 318.14(9) and (10). However, this  
720 subparagraph does not apply to traffic infractions involving  
721 accidents in which the insurer has incurred a loss due to the  
722 fault of the insured.

723 Section 15. Section 627.4553, Florida Statutes, is amended  
724 to read:

725 627.4553 Recommendations to surrender.—

726 (1) If an insurance agent recommends the surrender of an  
727 annuity or life insurance policy containing a cash value and  
728 does not recommend that the proceeds from the surrender be used



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

729 to fund or purchase another annuity or life insurance policy,  
730 before execution of the surrender, the insurance agent, ~~or~~  
731 ~~insurance company if no agent is involved,~~ shall provide written  
732 ~~, on a form that satisfies the requirements of the rule adopted~~  
733 ~~by the department,~~ information relating to the annuity or policy  
734 to be surrendered. Such information shall include, but is not  
735 limited to, the amount of any estimated surrender charge, the  
736 loss of any minimum interest rate guarantees, the possibility  
737 ~~amount of any tax consequences resulting from the transaction,~~  
738 the amount of any forfeited death benefit, and a description of  
739 ~~the value of~~ any other investment performance guarantees being  
740 forfeited as a result of the transaction. The agent shall  
741 maintain a copy of the information and the date that the  
742 information was provided to the owner. This section also applies  
743 to a person performing insurance agent activities pursuant to an  
744 exemption from licensure under this part.

745 (2) For purposes of this section, the term "surrender"  
746 means the voluntary surrender, by the owner's request, of the  
747 annuity or life insurance policy before its maturity date, in  
748 exchange for the policy's current cash surrender value which  
749 results in a surrender or termination of the policy or contract.  
750 The term excludes any involuntary termination that is otherwise  
751 required by the terms of the policy contract and excludes all  
752 transactions other than a surrender, such as maturity, policy  
753 loan, lapse for nonpayment of premium, or withdrawal of policy



ENROLLED

CS/CS/HB 1133, Engrossed 1

2015 Legislature

754 or contract values, annuitization, or exercise of reduced-paid-  
755 up or extended-term nonforfeiture options.

756 Section 16. Subsection (2) of section 631.341, Florida  
757 Statutes, is amended to read:

758 631.341 Notice of insolvency to policyholders by insurer,  
759 general agent, or agent.—

760 (2) Unless, within 15 days subsequent to the date of such  
761 notice, all agents referred to in subsection (1) have either  
762 replaced or reinsured in a solvent authorized insurer the  
763 insurance coverages placed by or through such agent in the  
764 delinquent insurer, such agents shall then, by registered or  
765 certified mail, or by e-mail with delivery receipt required,  
766 send to the last known address of any policyholder a written  
767 notice of the insolvency of the delinquent insurer.

768 Section 17. This act shall take effect July 1, 2015.