

By the Committee on Financial Services and Representative
Bitner

1 A bill to be entitled
2 An act relating to insurance; creating s.
3 626.7355, F.S.; providing for temporary
4 customer representative's licenses; specifying
5 qualifications; limiting use of such licenses;
6 specifying responsibility for acts of the
7 licensee; requiring submission of certain
8 information; limiting functions of licensees;
9 specifying term of license; prohibiting
10 renewability; requiring appointment;
11 authorizing administrative actions against
12 licensees; providing an effective date.

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

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16 Section 1. Section 626.7355, Florida Statutes, is
17 created to read:

18 626.7355 Temporary license as customer representative
19 pending examination.--

20 (1) The department shall issue a temporary customer
21 representative's license with respect to a person who has
22 applied for such license upon finding that the person:

23 (a) Has filed an application for a customer
24 representative's license or a limited customer
25 representative's license and has paid any fees required under
26 s. 624.501(5) in connection with such application for a
27 customer representative's license or limited customer
28 representative's license.

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

30 (c) Is a bona fide resident of this state or is a
31 resident of another state sharing a common boundary with this

1 state. An individual who is a bona fide resident of this
2 state shall be deemed to meet the residence requirement of
3 this paragraph, notwithstanding the existence at the time of
4 application for license, of a license in his name on the
5 records of another state as a resident licensee of such other
6 state, if the applicant furnishes a letter of clearance
7 satisfactory to the department that his or her resident
8 licenses have been canceled or changed to a nonresident basis
9 and that he or she is in good standing.

10 (d) Has such business reputation as would reasonably
11 assure that the applicant will conduct his or her business as
12 a temporary customer representative fairly and in good faith
13 and without detriment to the public.

14 (e) Is employed at the time of application for
15 license, and at all times throughout the existence of the
16 temporary license, by only one general lines agency or
17 licensed general lines agent.

18 (f) Is supervised by one licensed and appointed
19 general lines agent who will oversee the work of the applicant
20 and be responsible for the applicant's acts under this
21 section. Any individual who is currently serving an
22 administrative probation imposed by the department shall not
23 be permitted to act as the designated supervising general
24 lines agent to supervise the activities of a temporary
25 licensee.

26 (g) Within the last 5 years, has not been convicted,
27 found guilty or pleaded nolo contendere to a felony or a crime
28 punishable by imprisonment of 1 year or more under the law of
29 any municipality, county, state, territory, or country,
30 whether or not a judgment of conviction has been entered.

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1 (h) Is not the subject of pending criminal,
2 administrative, or civil charges in any state or federal court
3 anywhere in the United States or its possessions or any other
4 country.

5 (i) Is not the subject of pending criminal probation
6 for a felony crime or any misdemeanor crimes which are
7 punishable by imprisonment of 1 year or more or participating
8 in a pre-trial intervention program or on administrative
9 probation by the department.

10 (2) There must be no more than one temporary customer
11 representative licensee in the general lines agency location
12 where the temporary licensee is housed and the temporary
13 licensee shall be housed wholly and completely within the
14 actual confines of the office of the agent or agency whom he
15 or she represents. Such agency must be in compliance with the
16 provisions of s. 626.592, commonly referred to as the Primary
17 Agent Law, for the most recent reporting period. No such
18 temporary licensee may be employed from any location except
19 where his or her designated supervising general lines agent
20 spends his or her full time. No general lines agency location
21 may employ more than two temporary customer representative
22 licensees in one calendar year.

23 (3) The temporary licensee cannot be the only person
24 conducting the business of insurance in the office at any
25 time.

26 (4) The applicant's employer and supervising general
27 lines agent shall be responsible for the acts of any licensee
28 under this section.

29 (5) The applicant shall furnish the following with his
30 application:

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1 (a) Evidence that the applicant is enrolled in a
2 customer representative educational qualification course which
3 has been approved by the department.

4 (b) A certificate of employment and a report as to the
5 applicant's integrity and moral character on a form prescribed
6 by the department and executed by the supervising general
7 lines insurance agent.

8 (6) Under the temporary license, the licensee shall
9 have the authority to handle only such classes of business as
10 his or her supervising general lines agent is licensed and
11 appointed to handle except as provided herein. A temporary
12 licensee shall not transact life or health insurance business
13 under this license.

14 (7) In no event shall a temporary licensee licensed
15 under this section perform any of the functions for which a
16 customer representative or general lines agent's license is
17 required after expiration of the temporary license without
18 having passed the written examination as for a regular
19 customer representative or general lines agent's license and
20 have subsequently been licensed and appointed as such by the
21 department.

22 (8) The temporary license shall be effective for a
23 period of 90 days, but shall be subject to earlier termination
24 at the request of the employer or if suspended or revoked by
25 the department.

26 (9) The department shall not issue a temporary
27 customer representative's license to any individual who has
28 ever held such a temporary license in this state.

29 (10) Applicants licensed as temporary customer
30 representatives pursuant to this section shall be appointed as
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1 such in accordance with the provisions of ss. 626.112 and
2 626.451.
3 (11) The temporary customer representative's license
4 shall expire 90 days after issuance. The effective date of
5 the license and appointment shall be the date the supervising
6 general lines agent certifies that the applicant is an
7 employee of the agent or agency, provided the applicant meets
8 the requirements for the license as provided in this section.
9 The application for license and supporting documentation shall
10 be mailed to the department within 48 hours after the
11 supervising agent certifies that the applicant is an employee
12 of the agent or agency for purposes of obtaining a license
13 under this section.
14 (12) The department shall have the authority to take
15 administrative action against the license of a temporary
16 licensee or supervising general lines insurance agent for
17 conduct which is a violation of any provision of this section
18 or other provisions of the Insurance Code or rules of the
19 department.
20 Section 2. This act shall take effect October 1, 1997.
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