

1 A bill to be entitled
 2 An act relating to insurance; creating s.
 3 626.2816, F.S.; requiring continuing education
 4 course providers and related personnel to be
 5 approved by the Department of Insurance;
 6 providing for the adoption of rules related to
 7 continuing education; amending s. 626.601,
 8 F.S.; providing for the department to
 9 investigate alleged improper conduct by
 10 continuing education course providers and
 11 related personnel; amending s. 626.681, F.S.;
 12 authorizing the Department of Insurance to
 13 impose an administrative penalty on continuing
 14 education course providers and related
 15 personnel under certain circumstances; amending
 16 s. 627.7295, F.S.; providing that certain
 17 restrictions on issuance of private passenger
 18 motor vehicle insurance do not apply if the
 19 policy is paid by payroll deduction or by
 20 automatic electronic funds transfer; providing
 21 an effective date.

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

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 25 Section 1. Section 626.2816, Florida Statutes, is
 26 created to read:
 27 626.2816 Regulation of continuing education for
 28 licensees, course providers, instructors, school officials and
 29 monitor groups.--
 30 (1) Continuing education course providers,
 31 instructors, school officials and monitor groups must be

1 approved by the department before offering continuing
2 education courses pursuant to s. 626.2815.

3 (2) The department shall adopt rules establishing
4 standards for the approval, regulation, and operation of the
5 continuing education programs and for the discipline of
6 licensees, course providers, instructors, school officials and
7 monitor groups. The standards must be designed to ensure that
8 such course providers, instructors, school officials and
9 monitor groups have the knowledge, competence and integrity to
10 fulfill the educational objectives of ss. 626.2815,
11 626.869(5), 648.385, and 648.386.

12 (3) The department shall adopt rules establishing a
13 process by which compliance with the continuing education
14 requirements of ss. 626.2815, 626.869(5), 648.385, and 648.386
15 can be determined, the establishment of a continuing education
16 requirement cycle for licensees, and forms necessary to
17 implement such a process.

18 Section 2. Subsection (1) of section 626.601, Florida
19 Statutes, is amended to read:

20 626.601 Improper conduct; inquiry; fingerprinting.--

21 (1) The department may, upon its own motion, and
22 shall, upon a written complaint signed by any interested
23 person and filed with the department, inquire into any alleged
24 improper conduct of any licensed agent, solicitor, adjuster,
25 service representative, managing general agent, continuing
26 education course provider, instructor, school official or
27 monitor group, or claims investigator under this code.

28 Section 3. Section 626.681, Florida Statutes, is
29 amended to read:

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1 626.681 Administrative fine in lieu of suspension,
2 revocation, or refusal of license,or appointment, or
3 disapproval.--

4 (1) Except as to insurance agencies, if the department
5 finds that one or more grounds exist for the suspension,
6 revocation, or refusal to renew or continue any license or
7 appointment issued under this chapter, or disapproval of a
8 continuing education course provider, instructor, school
9 official or monitor groups the department may, in its
10 discretion, in lieu of such suspension, revocation, ~~or~~
11 refusal, or disapproval, and except on a second offense or
12 when such suspension, revocation, or refusal is mandatory,
13 impose upon the licensee,or appointee, course provider,
14 instructor, school official or monitor group an administrative
15 penalty in an amount up to \$500 or, if the department has
16 found willful misconduct or willful violation on the part of
17 the licensee,or appointee, course provider, instructor,
18 school official or monitor group up to \$2,500. The
19 administrative penalty may, in the discretion of the
20 department, be augmented by an amount equal to any commissions
21 received by or accruing to the credit of the licensee or
22 appointee in connection with any transaction as to which the
23 grounds for suspension, revocation, or refusal related.

24 (2) With respect to insurance agencies, if the
25 department finds that one or more grounds exist for the
26 suspension, revocation, or refusal to renew or continue any
27 license issued under this chapter, the department may, in its
28 discretion, in lieu of such suspension, revocation, or
29 refusal, impose upon the licensee an administrative penalty in
30 an amount not to exceed \$10,000 per violation. The
31 administrative penalty may, in the discretion of the

1 department, be augmented by an amount equal to any commissions
2 received by or accruing to the credit of the licensee in
3 connection with any transaction as to which the grounds for
4 suspension, revocation, or refusal related.

5 (3) The department may allow the licensee,~~or~~
6 appointee, or continuing education course provider,
7 instructor, school official or monitor group a reasonable
8 period, not to exceed 30 days, within which to pay to the
9 department the amount of the penalty so imposed. If the
10 licensee,~~or~~ appointee, course provider, instructor, school
11 official or monitor group fails to pay the penalty in its
12 entirety to the department within the period so allowed, the
13 license,~~or~~ appointments, or approval of that person ~~the~~
14 ~~licensee or appointee~~ shall stand suspended or revoked or
15 renewal or continuation shall be refused, as the case may be,
16 upon expiration of such period.

17 Section 4. Subsection (7) of section 627.7295, Florida
18 Statutes, is amended to read:

19 627.7295 Motor vehicle insurance contracts.--

20 (7) A policy of private passenger motor vehicle
21 insurance or a binder for such a policy may be initially
22 issued in this state only if the insurer or agent has
23 collected from the insured an amount equal to 2 months'
24 premium. An insurer, agent, or premium finance company may
25 not directly or indirectly take any action resulting in the
26 insured having paid from the insured's own funds an amount
27 less than the 2 months' premium required by this subsection.
28 This subsection applies without regard to whether the premium
29 is financed by a premium finance company or is paid pursuant
30 to a periodic payment plan of an insurer or an insurance
31 agent. This subsection does not apply if an insured or member

1 of the insured's family is renewing or replacing a policy or a
2 binder for such policy written by the same insurer or a member
3 of the same insurer group. This subsection does not apply to
4 an insurer that issues private passenger motor vehicle
5 coverage primarily to active duty or former military personnel
6 or their dependents. This subsection does not apply if the
7 policy is paid pursuant to a payroll deduction plan or an
8 automatic electronic funds transfer payment plan.This
9 subsection and subsection (4) do not apply if an insured has
10 had a policy in effect for at least 6 months, the insured's
11 agent is terminated by the insurer that issued the policy, and
12 the insured obtains coverage on the policy's renewal date with
13 a new company through the terminated agent.

14 Section 5. This act shall take effect July 1, 1998.
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