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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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