

By Representative Bitner

1 A bill to be entitled
2 An act relating to insurance; amending ss.
3 626.022, 626.041, 626.051, 626.062, F.S.;
4 providing an exception from certain insurance
5 licensing requirements for certified public
6 accountants acting within the scope of their
7 profession; providing an effective date.

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

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11 Section 1. Paragraph (d) is added to subsection (1) of
12 section 626.022, Florida Statutes, 1998 Supplement, to read:

13 626.022 Scope of part.--

14 (1) This part applies as to insurance agents,
15 solicitors, service representatives, adjusters, and insurance
16 agencies; as to any and all kinds of insurance; and as to
17 stock insurers, mutual insurers, reciprocal insurers, and all
18 other types of insurers, except that:

19 (d) It does not apply to a certified public accountant
20 licensed in this state who is acting within the scope of the
21 practice of public accounting, as defined in chapter 473.

22 Section 2. Subsection (2) of section 626.041, Florida
23 Statutes, is amended to read:

24 626.041 "General lines agent" defined.--

25 (2) With respect to any such insurances, no person
26 shall, unless licensed as an agent:

27 (a) Solicit insurance or procure applications
28 therefor;

29 (b) In this state receive or receipt for any money on
30 account of or for any insurer, or receive or receipt for money
31 from other persons to be transmitted to any insurer for a

1 policy, contract, or certificate of insurance or any renewal
2 thereof, although such policy, certificate, or contract is not
3 signed by him or her as agent or representative of the
4 insurer;

5 (c) Directly or indirectly represent himself or
6 herself to be an agent of any insurer or as an agent, to
7 collect or forward any insurance premium, or to solicit,
8 negotiate, effect, procure, receive, deliver, or forward,
9 directly or indirectly, any insurance contract or renewal
10 thereof or any endorsement relating to an insurance contract,
11 or attempt to effect the same, of property or insurable
12 business activities or interests, located in this state;

13 (d) In this state engage or hold himself or herself
14 out as engaging in the business of analyzing or abstracting
15 insurance policies or of counseling or advising or giving
16 opinions (other than as a licensed attorney at law or
17 certified public accountant) relative to insurance or
18 insurance contracts, for fee, commission, or other
19 compensation, other than as a salaried bona fide full-time
20 employee so counseling and advising his or her employer
21 relative to the insurance interests of the employer and of the
22 subsidiaries or business affiliates of the employer. This
23 prohibition does not apply to a certified public accountant
24 licensed in this state who is acting within the scope of the
25 practice of public accounting as defined in chapter 473;

26 (e) In anywise directly or indirectly make or cause to
27 be made, or attempt to make or cause to be made, any contract
28 of insurance for or on account of any insurer;

29 (f) If a member of a partnership or association, or a
30 stockholder, officer, or agent of a corporation which holds an
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1 agency appointment from any insurer, solicit, negotiate, or in
2 any way directly or indirectly effect insurance contracts; or
3 (g) Receive or transmit applications for suretyship,
4 or receive for delivery bonds founded on applications
5 forwarded from this state, or otherwise procure suretyship to
6 be effected by a surety insurer upon the bonds of persons in
7 this state or upon bonds given to persons in this state.

8 Section 3. Subsection (2) of section 626.051, Florida
9 Statutes, 1998 Supplement, is amended to read:

10 626.051 "Life agent" defined.--

11 (2) Except as provided in s. 626.112(6), with respect
12 to any such insurances or contracts, no person shall, unless
13 licensed as an agent:

14 (a) Solicit insurance or annuities or procure
15 applications; or

16 (b) In this state engage or hold himself or herself
17 out as engaging in the business of analyzing or abstracting
18 insurance policies or of counseling or advising or giving
19 opinions to persons relative to insurance or insurance
20 contracts other than:

21 1. As a consulting actuary advising an insurer; ~~or~~

22 2. As to the counseling and advising of labor unions,
23 associations, trustees, employers or other business entities,
24 the subsidiaries and affiliates of each, relative to their
25 interests and those of their members or employees under
26 insurance benefit plans; ~~or~~

27 3. As a certified public accountant licensed in this
28 state who is acting within the scope of public accounting as
29 defined in chapter 473.

30 Section 4. Subsection (2) of section 626.062, Florida
31 Statutes, 1998 Supplement, is amended to read:

1 626.062 "Health agent" defined.--
2 (2) Except as provided in s. 626.112(6), with respect
3 to such insurance, no person shall, unless licensed as an
4 agent:
5 (a) Solicit insurance or procure applications; or
6 (b) In this state engage or hold himself or herself
7 out as engaging in the business of analyzing or abstracting
8 insurance policies or of counseling or advising or giving
9 opinions to persons relative to insurance contracts other
10 than:
11 1. As a consulting actuary advising insurers; ~~or~~
12 2. As to the counseling and advising of labor unions,
13 associations, trustees, employers or other business entities,
14 the subsidiaries and affiliates of each, relative to their
15 interests and those of their members or employees under
16 insurance benefit plans; ~~or-~~
17 3. As a certified public accountant acting within the
18 scope of the practice of public accounting as defined in
19 chapter 473.

20 Section 5. This act shall take effect July 1, 1999.

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23 SENATE SUMMARY

24 Exempts from certain insurance licensing requirements
25 certified public accountants who are acting within the
26 scope of their profession.
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