

By the Committee on Banking and Insurance; and Senator
Holzendorf

311-1868-01

1 A bill to be entitled
2 An act relating to insurance; amending s.
3 624.318, F.S.; requiring access to records by
4 the department; repealing s. 624.501(11) and
5 (23), F.S.; repealing provisions establishing
6 specified fees; amending s. 626.112, F.S.;
7 prohibiting certain activities that constitute
8 solicitation of insurance by unlicensed
9 persons; amending s. 626.171, F.S.; revising
10 agent application requirements; amending s.
11 626.181, F.S.; extending a period of
12 eligibility for reappointment; creating s.
13 626.202, F.S.; requiring fingerprinting of
14 specified persons; amending s. 626.431, F.S.;
15 extending the nonappointment period to 48
16 months; amending s. 626.521, F.S.; requiring
17 certain information upon demand of the
18 department; amending s. 626.541, F.S.;
19 requiring notification to the department of
20 certain name changes and other information;
21 amending s. 626.5715, F.S.; removing a
22 requirement that the Department of Insurance
23 adopt rules to assure parity of regulation;
24 providing that the Insurance Code applies to
25 all transactions; amending s. 626.601, F.S.;
26 revising a confidentiality provision; amending
27 s. 626.611, F.S.; prohibiting the sale of
28 unregistered securities; amending ss. 626.741,
29 626.792, 626.835, F.S.; limiting the authority
30 of certain nonresident licenses to that granted
31 by the resident state; amending s. 626.8427,

1 F.S.; revising provisions governing the
2 duration of licenses; amending s. 626.856,
3 F.S.; revising the definition of the term
4 "company employee adjuster"; amending s.
5 626.872, F.S.; limiting the term of a temporary
6 adjuster's license; amending s. 626.873, F.S.;
7 revising a catchline regarding nonresident
8 company adjusters; amending s. 627.927;
9 limiting an experience requirement for surplus
10 lines agents; extending a renewal grace period;
11 creating s. 626.9531, F.S.; requiring the
12 identification of certain persons in
13 advertisements and other communications;
14 amending ss. 648.315, 648.38, 648.384, F.S.;
15 extending a period of eligibility for
16 reappointment; creating s. 626.9651, F.S.;
17 requiring the Department of Insurance to adopt
18 rules governing the use of a consumer's
19 nonpublic personal financial and health
20 information; providing standards for the rules;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (2) of section 624.318, Florida
26 Statutes, is amended to read:

27 624.318 Conduct of examination or investigation;
28 access to records; correction of accounts; appraisals.--

29 (2) Every person being examined or investigated, and
30 its officers, attorneys, employees, agents, and
31 representatives, shall make freely available to the department

1 or its examiners or investigators the accounts, records,
2 documents, files, information, assets, and matters in their
3 possession or control relating to the subject of the
4 examination or investigation. An agent who provides other
5 products or services or maintains customer information not
6 related to insurance must maintain records relating to
7 insurance products and transactions separately if necessary to
8 give the department access to such records. If records
9 relating to the insurance transactions are maintained by an
10 agent on premises owned or operated by a third party, the
11 agent and the third party must provide access to the records
12 by the department.

13 Section 2. Subsections (11) and (23) of section
14 624.501, are repealed.

15 Section 3. Subsection (1) of section 626.112, Florida
16 Statutes, is amended and subsection (8) is added to that
17 section to read:

18 626.112 License and appointment required; agents,
19 customer representatives, solicitors, adjusters, insurance
20 agencies, service representatives, managing general agents.--

21 (1)(a) No person may ~~shall~~ be, act as, or advertise or
22 hold himself or herself out to be an insurance agent, customer
23 representative, solicitor, or adjuster unless he or she is
24 currently licensed and appointed.

25 (b) Except as provided in subsection (6) or in
26 applicable department rules, and in addition to other conduct
27 described in this chapter with respect to particular types of
28 agents, a license as an insurance agent, service
29 representative, solicitor, customer representative, or limited
30 customer representative is required in order to engage in the
31 solicitation of insurance. For purposes of this requirement,

1 as applicable to any of the license types described in this
2 section, the solicitation of insurance is the attempt to
3 persuade any person to purchase an insurance product by:
4 1. Describing the benefits or terms of insurance
5 coverage, including premiums or rates of return;
6 2. Distributing an invitation to contract to
7 prospective purchasers;
8 3. Making general or specific recommendations as to
9 insurance products;
10 4. Completing orders or applications for insurance
11 products; or
12 5. Comparing insurance products, advising as to
13 insurance matters, or interpreting policies or coverages.
14
15 However, an employee leasing company licensed pursuant to
16 chapter 468 which is seeking to enter into a contract with an
17 employer that identifies products and services offered to
18 employees may deliver proposals for the purchase of employee
19 leasing services to prospective clients of the employee
20 leasing company setting forth the terms and conditions of
21 doing business; classify employees as permitted by s. 468.529;
22 collect information from prospective clients and other sources
23 as necessary to perform due diligence on the prospective
24 client and to prepare a proposal for services; provide and
25 receive enrollment forms, plans, and other documents; and
26 discuss or explain in general terms the conditions,
27 limitations, options, or exclusions of insurance benefit plans
28 available to the client or employees of the employee leasing
29 company were the client to contract with the employee leasing
30 company. Any advertising materials or other documents
31 describing specific insurance coverages must identify and be

1 from a licensed insurer or its licensed agent or a licensed
2 and appointed agent employed by the employee leasing company.
3 The employee leasing company may not advise or inform the
4 prospective business client or individual employees of
5 specific coverage provisions, exclusions, or limitations of
6 particular plans. As to clients for which the employee leasing
7 company is providing services pursuant to s. 468.525(4), the
8 employee leasing company may engage in activities permitted by
9 ss. 626.041, 626.051, and 626.062, subject to the restrictions
10 specified in those sections. If a prospective client requests
11 more specific information concerning the insurance provided by
12 the employee leasing company, the employee leasing company
13 must refer the prospective business client to the insurer or
14 its licensed agent or to a licensed and appointed agent
15 employed by the employee leasing company.

16 (8) No insurance agent, insurance agency, or other
17 person licensed under the Insurance Code may pay any fee or
18 other consideration to an unlicensed person other than an
19 insurance agency for the referral of prospective purchasers to
20 an insurance agent which is in any way dependent upon whether
21 the referral results in the purchase of an insurance product.

22 Section 4. Subsections (2) and (5) of section 626.171,
23 Florida Statutes, are amended to read:

24 626.171 Application for license.--

25 (2) In the application, the applicant shall set forth:

26 (a) His or her full name, age, social security number,
27 residence, and place of business, ~~and occupation for the~~
28 ~~5-year period preceding the date of application.~~

29 ~~(b) His or her qualifications for the license, as~~
30 ~~follows:~~

31

1 ~~1. What efforts he or she has made or intends to make~~
2 ~~to become familiar with the insurance laws of this state and~~
3 ~~with the provisions of the contracts to be negotiated.~~

4 ~~2. What insurance experience he or she has had, if~~
5 ~~any.~~

6 ~~3. What insurance instruction he or she has had or~~
7 ~~expects to receive.~~

8 ~~4. What approved insurance courses he or she~~
9 (b) Proof that he or she has completed or is in the
10 process of completing any required prelicensing course ~~which~~
11 ~~may be used to meet any educational requirements.~~

12 (c) Whether he or she has been refused or has
13 voluntarily surrendered or has had suspended or revoked a
14 license to solicit insurance by the department or by the
15 supervising officials of any state.

16 (d) Whether any insurer or any managing general agent
17 claims the applicant is indebted under any agency contract or
18 otherwise and, if so, the name of the claimant, the nature of
19 the claim, and the applicant's defense thereto, if any.

20 (e) Proof that the applicant meets the requirements
21 for the type of license for which he or she is applying
22 ~~Whether the applicant will devote all or part of his or her~~
23 ~~efforts to acting as an insurance representative and, if part~~
24 ~~only, how much time will be devoted to such work and in what~~
25 ~~other business or businesses he or she is engaged or employed.~~

26 (f) Such other or additional information as the
27 department may deem proper to enable it to determine the
28 character, experience, ability, and other qualifications of
29 the applicant to hold himself or herself out to the public as
30 an insurance representative.

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1 (5) An application for a license as an agent, customer
2 representative, solicitor, adjuster, insurance agency, service
3 representative, managing general agent, or reinsurance
4 intermediary must, ~~or claims investigator shall~~ be accompanied
5 by a set of the individual applicant's fingerprints, or, if
6 the applicant is not an individual, by a set of the
7 fingerprints of the sole proprietor, majority owner, partners,
8 officers, and ~~or~~ directors, on a form adopted by rule of the
9 department and accompanied by the fingerprint processing fee
10 set forth in s. 624.501. The fingerprints shall be certified
11 by a law enforcement officer.

12 Section 5. Section 626.181, Florida Statutes, is
13 amended to read:

14 626.181 Number of applications for licensure
15 required.--After a license as agent, customer representative,
16 or adjuster has been issued to an individual, the same
17 individual shall not be required to take another examination
18 for a similar license, regardless, in the case of an agent, of
19 the number of insurers to be represented by him or her as
20 agent, unless:

21 (1) Specifically ordered by the department to complete
22 a new application for license; or

23 (2) During any period of 48 ~~24~~ months since the filing
24 of the original license application, such individual was not
25 appointed as an agent, customer representative, or adjuster,
26 unless the failure to be so appointed was due to military
27 service, in which event the period within which a new
28 application is not required may, in the discretion of the
29 department, be extended to 12 months following the date of
30 discharge from military service if the military service does
31 not exceed 3 years, but in no event to extend under this

1 clause for a period of more than 6 ~~4~~ years from the date of
2 filing of the original application for license.

3 Section 6. Section 626.202, Florida Statutes, is
4 created to read:

5 626.202 Fingerprinting requirements.--If there is a
6 change in ownership or control of any entity licensed under
7 this chapter, or if a new partner, officer, or director is
8 employed or appointed, a set of fingerprints of the new owner,
9 partner, officer, or director must be filed with the
10 department within 30 days after the change. The acquisition of
11 10 percent or more of a the voting securities of a licensed
12 entity is considered a change of ownership or control. The
13 fingerprints must be certified by a law enforcement officer
14 and be accompanied by the fingerprint processing fee in s.
15 624.501.

16 Section 7. Subsections (2) and (3) of section 626.431,
17 Florida Statutes, are amended to read:

18 626.431 Effect of expiration of license and
19 appointment.--

20 (2) When a licensee's last appointment for a
21 particular class of insurance has been terminated or not
22 renewed, the department must notify the licensee that his or
23 her eligibility for appointment as such an appointee will
24 expire unless he or she is appointed prior to expiration of
25 the 48-month ~~24-month~~ period referred to in subsection (3).

26 (3) An individual who fails to maintain an appointment
27 with an appointing entity writing the class of business listed
28 on his or her license during any 48-month ~~24-month~~ period
29 shall not be granted an appointment for that class of
30 insurance until he or she qualifies as a first-time applicant.

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1 Section 8. Subsection (2) of section 626.521, Florida
2 Statutes, is amended to read:

3 626.521 Character, credit reports.--

4 (2) If requested by the department ~~Within 60 days~~
5 ~~after such appointment or employment has been made or~~
6 ~~commenced~~, the insurer, manager, general agent, general lines
7 agent, or employer, as the case may be, shall furnish to the
8 department on a form furnished by the department, such
9 information as it may reasonably require relative to such
10 individual and investigation.

11 Section 9. Section 626.541, Florida Statutes, is
12 amended to read:

13 626.541 Firm, corporate, and business names; officers;
14 associates; notice of changes.--

15 (1) Any licensed agent or adjuster doing business
16 under a firm or corporate name or under any business name
17 other than his or her own individual name shall, within 30
18 days after the initial transaction of insurance under such
19 business name, ~~annually on or before January 1~~ file with the
20 department, on forms furnished by it, a written statement of
21 the firm, corporate, or business name being so used, the
22 address of any office or offices or places of business making
23 use of such name, and the name and social security number of
24 each officer and director of the corporation and of each
25 individual associated in such firm or corporation as to the
26 insurance transactions thereof or in the use of such business
27 name.

28 (2) In the event of any change of such name, or of any
29 of the officers and directors, or of any of such addresses, or
30 in the personnel so associated, written notice of such change
31 must ~~shall~~ be filed with the department within 30 ~~60~~ days by

1 or on behalf of those licensees terminating any such firm,
2 corporate, or business name or continuing to operate
3 thereunder.

4 (3) Any licensed insurance agency shall, within 30
5 days after a change,~~promptly, but in no event later than~~
6 ~~annually on or before January 1,~~ notify the department of any
7 change in the information contained in the application filed
8 pursuant to s. 626.172.

9 Section 10. Section 626.5715, Florida Statutes, is
10 amended to read:

11 626.5715 Parity of regulation of insurance agents and
12 agencies.--The Insurance Code requirements apply equally to
13 all ~~department shall adopt rules to assure the parity of~~
14 ~~regulation in this state of~~ insurance transactions as between
15 an insurance agency owned by or an agent associated with a
16 federally chartered financial institution, an insurance agency
17 owned by or an agent associated with a state-chartered
18 financial institution, and an insurance agency owned by or an
19 agent associated with an entity that is not a financial
20 institution. Except as provided in the code, one ~~Such rules~~
21 ~~shall be limited to assuring that no~~ insurance agency or agent
22 is not subject to more stringent or less stringent regulation
23 than another insurance agency or agent on the basis of the
24 regulatory status of the entity that owns the agency or is
25 associated with the agent. For the purposes of this section,
26 a person is "associated with" another entity if the person is
27 employed by, retained by, under contract to, or owned or
28 controlled by the entity directly or indirectly. This section
29 does not apply with respect to a financial institution that is
30 prohibited from owning an insurance agency or that is

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1 prohibited from being associated with an insurance agent under
2 state or federal law.

3 Section 11. Subsection (6) of section 626.601, Florida
4 Statutes, is amended to read:

5 626.601 Improper conduct; inquiry; fingerprinting.--

6 (6) The complaint and any information obtained
7 pursuant to the investigation by the department are
8 confidential and are exempt from the provisions of s. 119.07,
9 unless the department files a formal administrative complaint,
10 emergency order, or consent order against the licensee, ~~or~~
11 ~~unless the licensee waives confidentiality~~. Nothing in this
12 subsection shall be construed to prevent the department from
13 disclosing the complaint or such information as it deems
14 necessary to conduct the investigation, to update the
15 complainant as to the status and outcome of the complaint, or
16 to share such information with any law enforcement agency.

17 Section 12. Subsection (16) is added to section
18 626.611, Florida Statutes, to read:

19 626.611 Grounds for compulsory refusal, suspension, or
20 revocation of agent's, title agency's, solicitor's,
21 adjuster's, customer representative's, service
22 representative's, or managing general agent's license or
23 appointment.--The department shall deny an application for,
24 suspend, revoke, or refuse to renew or continue the license or
25 appointment of any applicant, agent, title agency, solicitor,
26 adjuster, customer representative, service representative, or
27 managing general agent, and it shall suspend or revoke the
28 eligibility to hold a license or appointment of any such
29 person, if it finds that as to the applicant, licensee, or
30 appointee any one or more of the following applicable grounds
31 exist:

1 (16) Sale of an unregistered security that was
2 required to be registered, pursuant to chapter 517.

3 Section 13. Subsection (2) of section 626.741, Florida
4 Statutes, is amended to read:

5 626.741 Nonresident agents; licensing and
6 restrictions.--

7 (2) The department shall not, however, issue any
8 license and appointment to any nonresident who has an office
9 or place of business in this state, or who has any direct or
10 indirect pecuniary interest in any insurance agent, insurance
11 agency, or in any solicitor licensed as a resident of this
12 state; nor to any individual who does not, at the time of
13 issuance and throughout the existence of the Florida license,
14 hold a license as agent or broker issued by the state of his
15 or her residence; nor to any individual who is employed by any
16 insurer as a service representative or who is a managing
17 general agent in any state, whether or not also licensed in
18 another state as an agent or broker. The foregoing
19 requirement to hold a similar license in the applicant's state
20 of residence does not apply to customer representatives unless
21 the home state licenses residents of that state in a like
22 manner. The prohibition against having an office or place of
23 business in this state does not apply to customer
24 representatives who are required to conduct business solely
25 within the confines of the office of a licensed and appointed
26 Florida resident general lines agent in this state. The
27 authority of such nonresident license is limited to the
28 specific lines of authority granted in the license issued by
29 the agent's state of residence and further limited to the
30 specific lines authorized under the nonresident license issued
31 by this state.The department shall have discretion to refuse

1 to issue any license or appointment to a nonresident when it
2 has reason to believe that the applicant by ruse or subterfuge
3 is attempting to avoid the intent and prohibitions contained
4 in this subsection or to believe that any of the grounds exist
5 as for suspension or revocation of license as set forth in ss.
6 626.611 and 626.621.

7 Section 14. Subsection (6) of section 626.792, Florida
8 Statutes, is amended to read:

9 626.792 Nonresident agents.--

10 (6) The licensee shall, throughout the existence of
11 the Florida nonresident life license and appointment, hold a
12 license as a resident life agent in his or her state of
13 residence. The authority of the nonresident license is limited
14 to the specific lines of authority granted in the license
15 issued by the agent's state of residence and further limited
16 to the specific lines authorized under the nonresident license
17 issued by this state.

18 Section 15. Subsection (6) of section 626.835, Florida
19 Statutes, is amended to read:

20 626.835 Nonresident agents.--

21 (6) The licensee shall, throughout the existence of
22 his or her Florida nonresident health license and appointment,
23 hold a license as a resident health agent in his or her state
24 of residence. The authority of the nonresident license is
25 limited to the specific lines of authority granted in the
26 license issued by the agent's state of residence and further
27 limited to the specific lines authorized under the nonresident
28 license issued by this state.

29 Section 16. Section 626.8427, Florida Statutes, is
30 amended to read:

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1 626.8427 Number of applications for licensure
2 required; exemption; effect of expiration of license.--

3 (1) After a license as a title insurance agent has
4 been issued to a title insurance agent, the agent is not
5 required to file another license application for a similar
6 license, irrespective of the number of insurers to be
7 represented by the agent, unless:

8 (a) The agent is specifically ordered by the
9 department to complete a new application; or

10 (b) During any period of 48 ~~24~~ months since the filing
11 of the original license application, the agent was not
12 appointed, unless in the case of individuals the failure to be
13 so appointed was due to military service, in which event the
14 period within which a new application is not required may, in
15 the discretion of the Department of Insurance, be extended for
16 12 months following the date of discharge from military
17 service if the military service does not exceed 3 years, but
18 in no event shall the period be extended under this clause for
19 a period of more than 6 ~~4~~ years from the date of filing the
20 original application.

21 (2) The department shall not charge a fee for filing
22 an application for license with respect to any applicant for
23 license who is exempted under this section from filing an
24 application.

25 (3) Upon the expiration or termination of a title
26 insurance agent's appointment, the title insurance agent is
27 without authority conferred by the license and shall not
28 engage or attempt to engage in any activity requiring a title
29 insurance agent's license and appointment. The agent shall
30 not again be granted an appointment until he or she fully
31 qualifies therefor as provided in this chapter. An

1 application shall be required in all cases for qualification
2 of a new title insurance agent's license when application is
3 made after the expiration of 4 ~~2~~ years from the date of the
4 expiration or termination of the last appointment held by a
5 licensee.

6 Section 17. Section 626.856, Florida Statutes, is
7 amended to read:

8 626.856 "Company employee adjuster" defined.--A
9 "company employee adjuster" is a person employed on an
10 insurer's staff of adjusters or a wholly owned subsidiary of
11 the insurer, and who undertakes on behalf of such insurer or
12 other insurers under common control or ownership to ascertain
13 and determine the amount of any claim, loss, or damage payable
14 under a contract of insurance, or undertakes to effect
15 settlement of such claim, loss, or damage.

16 Section 18. Subsection (3) of section 626.872, Florida
17 Statutes, is amended to read:

18 626.872 Temporary license.--

19 (3) ~~In no event shall~~ An adjuster licensed under this
20 section may not adjust losses in this state after expiration
21 of the temporary license without having been issued ~~passed the~~
22 ~~written examination as for~~ a regular adjuster's license.

23 Section 19. Section 626.873, Florida Statutes, is
24 amended to read:

25 626.873 Nonresident ~~adjusters and nonresident~~ company
26 employee adjusters.--

27 (1) The department shall, upon application therefor,
28 issue a license to an applicant for a nonresident adjuster's
29 license upon determining that the applicant has paid the
30 applicable license fees required under s. 624.501 and:

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1 (a) Is a currently licensed insurance adjuster in his
2 or her home state, if such state requires a license.

3 (b) Is an employee of an insurer, or a wholly owned
4 subsidiary of an insurer, admitted to do business in this
5 state.

6 (c) Has filed a certificate or letter of authorization
7 from the insurance department of his or her home state, if
8 such state requires an adjuster to be licensed, stating that
9 he or she holds a current license or authorization to adjust
10 insurance losses. Such certificate or authorization must be
11 signed by the insurance commissioner, or his or her deputy, of
12 the adjuster's home state and must reflect whether or not the
13 adjuster has ever had his or her license or authorization in
14 the adjuster's home state suspended or revoked and, if such is
15 the case, the reason for such action.

16 (2) Any individual who holds a Florida nonresident
17 adjuster's license, upon becoming a resident of this state
18 may, for a period not to exceed 90 days, continue to adjust
19 claims in this state under his or her nonresident license and
20 appointment. Such individual must make application for
21 resident licensure and must become licensed as a resident
22 adjuster within 90 days of becoming a resident of this state.

23 (3) Upon becoming a resident of this state, an
24 individual who holds a Florida nonresident adjuster's license
25 is no longer eligible for licensure as a nonresident adjuster
26 if such individual fails to make application for a resident
27 license and become licensed as a resident adjuster within 90
28 days. Such individual may apply for a resident license
29 pursuant to s. 626.865, s. 626.866, or s. 626.867.

30 Section 20. Subsections (1) and (7) of section
31 626.927, Florida Statutes, are amended to read:

1 626.927 Licensing of surplus lines agent.--

2 (1) Any individual while licensed and appointed as a
3 resident general lines agent as to property, casualty, and
4 surety insurances, and who is deemed by the department to have
5 had sufficient experience in the insurance business to be
6 competent for the purpose, and who, within the 4 years
7 immediately preceding the date the application was submitted,
8 has a minimum of 1 year's experience working for a licensed
9 surplus lines agent or who has successfully completed 60 class
10 hours in surplus and excess lines in a course approved by the
11 department, may be licensed as a surplus lines agent, upon
12 taking and successfully passing a written examination as to
13 surplus lines, as given by the department.

14 (7) Any individual who has been licensed by the
15 department as a surplus lines agent as provided in this
16 section may be subsequently appointed without additional
17 written examination if his or her application for appointment
18 is filed with the department within 48 ~~24~~ months next
19 following the date of cancellation or expiration of the prior
20 appointment. The department may, in its discretion, require
21 any individual to take and successfully pass an examination as
22 for original issuance of license as a condition precedent to
23 the reinstatement or continuation of the licensee's current
24 license or reinstatement or continuation of the licensee's
25 appointment.

26 Section 21. Section 626.9531, Florida Statutes, is
27 created to read:

28 626.9531 Identification of insurers, agents, and
29 insurance contracts.--Advertising materials and other
30 communications developed by insurers regarding insurance
31 products shall clearly indicate that the communication relates

1 to insurance products. When soliciting or selling insurance
2 products, agents shall clearly indicate to prospective
3 insureds that they are acting as insurance agents with regard
4 to insurance products and identified insurers.

5 Section 22. Section 648.315, Florida Statutes, is
6 amended to read:

7 648.315 Number of applications for licensure
8 required.--After a license as a bail bond agent has been
9 issued to an individual, the same individual is not required
10 to file another application for a similar license unless:

11 (1) Specifically ordered by the department to complete
12 a new application; or

13 (2) A period of 48 ~~24~~ months transpires between the
14 time the licensee's last limited surety agent or professional
15 bail bond agent's appointment is terminated and the date an
16 application for a similar appointment is received by the
17 department.

18 Section 23. Subsection (10) of section 648.38, Florida
19 Statutes, is amended to read:

20 648.38 Licensure examination for bail bond agents;
21 time; place; fees; scope.--

22 (10) Any bail bond agent who successfully passes an
23 examination and is subsequently licensed as a bail bond agent
24 must be appointed within 48 ~~24~~ months after the date of
25 licensure or be subject to another examination unless failure
26 to be so appointed was due to military service, in which case
27 the period of time in which another examination is not
28 required may, in the department's discretion, be extended to
29 12 months following the date of discharge from military
30 service, if the military service does not exceed 3 years. An
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1 extension of more than 6 ~~4~~ years may not be granted under this
2 subsection.

3 Section 24. Subsection (2) of section 648.384, Florida
4 Statutes, is amended to read:

5 648.384 Effect of expiration of appointment; bail bond
6 agents and runners.--

7 (2) If a bail bond agent fails to maintain an
8 appointment with an insurer or if a runner fails to maintain
9 an appointment with an insurer, managing general agent, or
10 bail bond agent during any 48-month ~~24-month~~ period, the bail
11 bond agent or runner may not be granted a reappointment until
12 he or she qualifies as a first-time applicant.

13 Section 25. Section 626.9651, Florida Statutes, is
14 created to read:

15 626.9651 Privacy.--The department shall adopt rules
16 consistent with other provisions of the Florida Insurance Code
17 to govern the use of a consumer's nonpublic personal financial
18 and health information. These rules must be based on,
19 consistent with, and not more restrictive than the Privacy of
20 Consumer Financial and Health Information Regulation, adopted
21 September 26, 2000, by the National Association of Insurance
22 Commissioners; however, the rules must permit the use and
23 disclosure of nonpublic personal health information for
24 scientific, medical, or public policy research, in accordance
25 with federal law. In addition, these rules must be consistent
26 with, and not more restrictive than, the standards contained
27 in Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L. No.
28 106-102. If the department determines that a health insurer or
29 health maintenance organization is in compliance with, or is
30 actively undertaking compliance with, the consumer privacy
31 protection rules adopted by the United States Department of

1 Health and Human Services, in conformance with the Health
2 Insurance Portability and Affordability Act, that health
3 insurer or health maintenance organization is in compliance
4 with this section.

5 Section 26. This act shall take effect July 1, 2001.

6

7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 SB 2174

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11 Authorizes the Department of Insurance to promulgate rules
12 pertaining to a consumer's non-public personal financial and
13 health information consistent with model regulations.

14 Specifies the activities that constitute the "solicitation of
15 insurance" and requires licensure for persons to engage in
16 soliciting insurance.

17 Expands the amount of time specified licensees would have to
18 obtain reappointment.

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