

By Senator Diaz de la Portilla

36-822A-03

See HB 863

1                                   A bill to be entitled  
2           An act relating to insurance agents; amending  
3           ss. 624.04, 624.303, 624.313, 624.317, 624.504,  
4           624.506, 624.521, 626.022, 626.112, 626.321,  
5           626.733, 626.7354, 626.741, 626.753, 626.829,  
6           634.171, 634.420, 642.034, 642.036, and  
7           642.045, F.S.; deleting references to  
8           solicitors to conform to prior deletions;  
9           amending ss. 624.34, 626.202, and 626.601,  
10          F.S.; revising certain fingerprinting  
11          requirements; amending s. 624.501, F.S.;  
12          providing for a fee for certain late  
13          appointment filings; amending s. 626.015, F.S.;  
14          deleting a definition of administrative agent;  
15          amending s. 626.171, F.S.; revising applicant  
16          address requirements; specifying required  
17          background investigation information; amending  
18          ss. 626.175, 626.7355, 626.731, 626.785,  
19          626.831, 626.8414, 626.865, 626.866, 626.867,  
20          626.874, 626.9916, 648.34, and 648.355, F.S.;  
21          revising licensure eligibility criteria to  
22          specify United States citizenship or certain  
23          legal alien status; amending s. 626.207, F.S.;  
24          revising department rulemaking authority  
25          relating to applicant licensure; amending s.  
26          626.221, F.S.; revising appointment application  
27          filing time period requirements; amending s.  
28          626.2815, F.S.; requiring certain continuing  
29          education hour and subject requirements;  
30          deleting references to solicitors to conform to  
31          prior deletions; revising a continuing

1 education board member title; amending s.  
2 626.2816, F.S.; revising a cross-reference;  
3 clarifying a continuing education requirement;  
4 amending s. 626.2817, F.S.; deleting a  
5 prelicensure rule requirement; amending s.  
6 626.322, F.S.; clarifying the effect of insurer  
7 authorization of effectuation of certain  
8 appointments; amending s. 626.341, F.S.;  
9 including a department-designated person to  
10 administer appointment processes for certain  
11 appointment-related actions; amending s.  
12 626.371, F.S.; providing requirements for  
13 submittal and effective date of appointments;  
14 imposing a delinquent fee for certain  
15 notification failures; providing fee payment  
16 requirements; amending s. 626.381, F.S.;  
17 including a department-designated person to  
18 administer appointment processes for certain  
19 appointment-related actions; providing for a  
20 fee for certain late appointment filings;  
21 amending s. 626.451, F.S.; including a  
22 department-designated person to administer  
23 appointment processes for certain  
24 appointment-related actions; clarifying the  
25 effect of insurer authorization of effectuation  
26 of certain appointments; requiring licensee  
27 notification of the department of certain  
28 criminal proceedings; amending s. 626.461,  
29 F.S.; including a department-designated person  
30 to administer appointment processes for certain  
31 appointment-related actions; deleting

1 references to solicitors to conform to prior  
2 deletions; amending s. 626.471, F.S.; including  
3 a department-designated person to administer  
4 appointment processes for certain  
5 appointment-related actions; providing for  
6 termination of certain appointments; requiring  
7 notice of termination; amending s. 626.7315,  
8 F.S.; providing an exception to a prohibition  
9 against certain individuals receiving money on  
10 account of or for an insurer; amending ss.  
11 626.732, 626.7851, 626.8311, and 626.8417,  
12 F.S.; revising certain education subject  
13 requirements; amending s. 626.7351, F.S.;  
14 revising licensure eligibility criteria to  
15 specify United States citizenship or certain  
16 legal alien status; revising certain education  
17 subject requirements; providing additional  
18 education course requirements; amending s.  
19 626.797, F.S.; revising an association title;  
20 amending s. 626.869, F.S.; deleting a provision  
21 relating to limited licenses for certain  
22 adjusters; revising certain education  
23 requirements; amending s. 626.878, F.S.;  
24 specifying implementation requirements for the  
25 department's ethics rules; amending s.  
26 626.9541, F.S.; revising sliding as an unfair  
27 method of competition and unfair or deceptive  
28 act or practice; amending s. 632.634, F.S.;  
29 specifying registration of a society only upon  
30 department request; amending s. 648.27, F.S.;  
31 imposing a delinquent fee for certain

1 notification failures; providing fee payment  
2 requirements; deleting obsolete runner  
3 references; amending s. 648.382, F.S.;  
4 clarifying the effect of insurer authorization  
5 of effectuation of certain appointments;  
6 imposing a delinquent fee for certain  
7 notification failures; providing fee payment  
8 requirements; amending s. 648.383, F.S.;  
9 including a department-designated person to  
10 administer appointment processes for certain  
11 appointment-related actions; providing for a  
12 fee for certain late appointment filings;  
13 amending s. 648.50, F.S.; deleting obsolete  
14 runner references; repealing s. 626.032, F.S.,  
15 relating to continuing education and required  
16 designation of administrative agents; repealing  
17 s. 626.361, F.S., relating to the effective  
18 date of appointments; providing an effective  
19 date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Section 624.04, Florida Statutes, is  
24 amended to read:

25 624.04 "Person" defined.--"Person" includes an  
26 individual, insurer, company, association, organization,  
27 Lloyds, society, reciprocal insurer or interinsurance  
28 exchange, partnership, syndicate, business trust, corporation,  
29 agent, general agent, broker, ~~solicitor~~, service  
30 representative, adjuster, and every legal entity.

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1           Section 2. Subsection (2) of section 624.303, Florida  
2 Statutes, is amended to read:

3           624.303 Seal; certified copies as evidence.--

4           (2) All certificates executed by the department, other  
5 than licenses of agents, ~~solicitors~~, or adjusters or similar  
6 licenses or permits, shall bear its seal.

7           Section 3. Paragraph (a) of subsection (2) of section  
8 624.313, Florida Statutes, is amended to read:

9           624.313 Publications.--

10          (2) The department may prepare and have printed and  
11 published in pamphlet or book form the following:

12          (a) As needed, questions and answers for the use of  
13 persons applying for an examination for licensing as agents ~~or~~  
14 ~~solicitors~~ for property, casualty, surety, health, and  
15 miscellaneous insurers.

16          Section 4. Subsection (2) of section 624.317, Florida  
17 Statutes, is amended to read:

18          624.317 Investigation of agents, adjusters,  
19 administrators, service companies, and others.--If it has  
20 reason to believe that any person has violated or is violating  
21 any provision of this code, or upon the written complaint  
22 signed by any interested person indicating that any such  
23 violation may exist, the department shall conduct such  
24 investigation as it deems necessary of the accounts, records,  
25 documents, and transactions pertaining to or affecting the  
26 insurance affairs of any:

27          (2) Insurance agent or, customer representative, ~~or~~  
28 ~~solicitor~~, subject to the requirements of s. 626.601.

29          Section 5. Subsection (4) is added to section 624.34,  
30 Florida Statutes, to read:

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1           624.34 Authority of Department of Law Enforcement to  
2 accept fingerprints of, and exchange criminal history records  
3 with respect to, certain persons.--

4           (4) Fingerprints shall be provided in a manner that  
5 meets standards of the Department of Law Enforcement and the  
6 Federal Bureau of Investigation.

7           Section 6. Paragraph (b) of subsection (6) of section  
8 624.501, Florida Statutes, is amended, and subsection (28) is  
9 added to that section, to read:

10           624.501 Filing, license, appointment, and  
11 miscellaneous fees.--The department shall collect in advance,  
12 and persons so served shall pay to it in advance, fees,  
13 licenses, and miscellaneous charges as follows:

14           (6) Insurance representatives, property, marine,  
15 casualty, and surety insurance.

16           (b) ~~Solicitor's~~ or Customer representative's original  
17 appointment and biennial renewal or continuation thereof:

18	Appointment fee.....	\$42.00
19	State tax.....	12.00
20	County tax.....	6.00
21	Total.....	\$60.00

22           (28) Late filing of appointment renewals for agents,  
23 adjusters, and other insurance representatives, each  
24 appointment.....\$20.00

25           Section 7. Section 624.504, Florida Statutes, is  
26 amended to read:

27           624.504 Liability for state, county tax.--

28           (1) Each authorized insurer that uses insurance agents  
29 in this state shall be liable for and shall pay the state and  
30 county taxes required therefor under s. 624.501 or s. 624.505.

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1           ~~(2) Each insurance agent in this state that uses~~  
2 ~~solicitors shall be liable for and shall pay the state and~~  
3 ~~county taxes required therefor under s. 624.501.~~

4           Section 8. Subsection (1) of section 624.506, Florida  
5 Statutes, is amended to read:

6           624.506 County tax; deposit and remittance.--

7           (1) The Insurance Commissioner and Treasurer shall  
8 deposit in the Agents ~~and Solicitors~~ County Tax Trust Fund all  
9 moneys accepted as county tax under this part. She or he shall  
10 keep a separate account for all moneys so collected for each  
11 county and, after deducting therefrom the service charges  
12 provided for in s. 215.20, shall remit the balance to the  
13 counties.

14           Section 9. Subsection (1) of section 624.521, Florida  
15 Statutes, is amended to read:

16           624.521 Deposit of certain tax receipts; refund of  
17 improper payments.--

18           (1) The Department of Insurance shall promptly deposit  
19 in the State Treasury to the credit of the Insurance  
20 Commissioner's Regulatory Trust Fund all "state tax" portions  
21 of agents' ~~and solicitors'~~ licenses collected under s. 624.501  
22 necessary to fund the Division of Insurance Fraud. The balance  
23 of the tax shall be credited to the General Fund. All moneys  
24 received by the Department of Insurance not in accordance with  
25 the provisions of this code or not in the exact amount as  
26 specified by the applicable provisions of this code shall be  
27 returned to the remitter. The records of the department shall  
28 show the date and reason for such return.

29           Section 10. Section 626.015, Florida Statutes, is  
30 amended to read:

31           626.015 Definitions.--As used in this part:

1           (1) "Adjuster" means a public adjuster as defined in  
2 s. 626.854, independent adjuster as defined in s. 626.855, or  
3 company employee adjuster as defined in s. 626.856.

4           ~~(2) "Administrative agent" means a life agent or~~  
5 ~~health agent who+~~

6           ~~(a) Is employed by a full-time licensed life agent or~~  
7 ~~health agent who shall supervise and be accountable for the~~  
8 ~~actions of the administrative agent.~~

9           ~~(b) Performs primarily administrative functions.~~

10          ~~(c) Receives no insurance commissions.~~

11          ~~(d) Does not solicit or transact business outside of~~  
12 ~~the confines of an insurance agency office.~~

13          (2)~~(3)~~ "Agent" means a general lines agent, life  
14 agent, health agent, or title agent, or all such agents, as  
15 indicated by context. The term "agent" includes an insurance  
16 producer or producer, but does not include a customer  
17 representative, limited customer representative, or service  
18 representative.

19          (3)~~(4)~~ "Appointment" means the authority given by an  
20 insurer or employer to a licensee to transact insurance or  
21 adjust claims on behalf of an insurer or employer.

22          (4)~~(5)~~ "Customer representative" means an individual  
23 appointed by a general lines agent or agency to assist that  
24 agent or agency in transacting the business of insurance from  
25 the office of that agent or agency.

26          (5)~~(6)~~ "Department" means the Department of Insurance.

27          (6)~~(7)~~ "General lines agent" means an agent  
28 transacting any one or more of the following kinds of  
29 insurance:

30           (a) Property insurance.

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1 (b) Casualty insurance, including commercial liability  
2 insurance underwritten by a risk retention group, a commercial  
3 self-insurance fund as defined in s. 624.462, or a workers'  
4 compensation self-insurance fund established pursuant to s.  
5 624.4621.

6 (c) Surety insurance.

7 (d) Health insurance, when transacted by an insurer  
8 also represented by the same agent as to property or casualty  
9 or surety insurance.

10 (e) Marine insurance.

11 (7)~~(8)~~ "Health agent" means an agent representing a  
12 health maintenance organization or, as to health insurance  
13 only, an insurer transacting health insurance.

14 (8)~~(9)~~ "Home state" means the District of Columbia and  
15 any state or territory of the United States in which an  
16 insurance agent maintains his or her principal place of  
17 residence and is licensed to act as an insurance agent.

18 (9)~~(10)~~ "Insurance agency" means a business location  
19 at which an individual, firm, partnership, corporation,  
20 association, or other entity, other than an employee of the  
21 individual, firm, partnership, corporation, association, or  
22 other entity and other than an insurer as defined by s. 624.03  
23 or an adjuster as defined by subsection (1), engages in any  
24 activity or employs individuals to engage in any activity  
25 which by law may be performed only by a licensed insurance  
26 agent.

27 (10)~~(11)~~ "License" means a document issued by the  
28 department authorizing a person to be appointed to transact  
29 insurance or adjust claims for the kind, line, or class of  
30 insurance identified in the document.

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1           (11)~~(12)~~ "Life agent" means an individual representing  
2 an insurer as to life insurance and annuity contracts,  
3 including agents appointed to transact life insurance,  
4 fixed-dollar annuity contracts, or variable contracts by the  
5 same insurer.

6           (12)~~(13)~~ "Limited customer representative" means a  
7 customer representative appointed by a general lines agent or  
8 agency to assist that agent or agency in transacting only the  
9 business of private passenger motor vehicle insurance from the  
10 office of that agent or agency. A limited customer  
11 representative is subject to the Florida Insurance Code in the  
12 same manner as a customer representative, unless otherwise  
13 specified.

14           (13)~~(14)~~ "Limited lines insurance" means those  
15 categories of business specified in ss. 626.321 and 635.011.

16           (14)~~(15)~~ "Line of authority" means a kind, line, or  
17 class of insurance an agent is authorized to transact.

18           (15)~~(16)~~(a) "Managing general agent" means any person  
19 managing all or part of the insurance business of an insurer,  
20 including the management of a separate division, department,  
21 or underwriting office, and acting as an agent for that  
22 insurer, whether known as a managing general agent, manager,  
23 or other similar term, who, with or without authority,  
24 separately or together with affiliates, produces directly or  
25 indirectly, or underwrites an amount of gross direct written  
26 premium equal to or more than 5 percent of the policyholder  
27 surplus as reported in the last annual statement of the  
28 insurer in any single quarter or year and also does one or  
29 more of the following:

- 30           1. Adjusts or pays claims.  
31           2. Negotiates reinsurance on behalf of the insurer.

1 (b) The following persons shall not be considered  
2 managing general agents:

3 1. An employee of the insurer.

4 2. A United States manager of the United States branch  
5 of an alien insurer.

6 3. An underwriting manager managing all the insurance  
7 operations of the insurer pursuant to a contract, who is under  
8 the common control of the insurer subject to regulation under  
9 ss. 628.801-628.803, and whose compensation is not based on  
10 the volume of premiums written.

11 4. Administrators as defined by s. 626.88.

12 5. The attorney in fact authorized by and acting for  
13 the subscribers of a reciprocal insurer under powers of  
14 attorney.

15 (16)~~(17)~~ "Resident" means an individual domiciled and  
16 residing in this state.

17 (17)~~(18)~~ "Service representative" means an individual  
18 employed by an insurer or managing general agent for the  
19 purpose of assisting a general lines agent in negotiating and  
20 effecting insurance contracts when accompanied by a licensed  
21 general lines agent. A service representative shall not be  
22 simultaneously licensed as a general lines agent in this  
23 state. This subsection does not apply to life insurance.

24 (18)~~(19)~~ "Uniform application" means the uniform  
25 application of the National Association of Insurance  
26 Commissioners for nonresident agent licensing, effective  
27 January 15, 2001, or subsequent versions adopted by rule by  
28 the department.

29 Section 11. Subsection (1) of section 626.022, Florida  
30 Statutes, is amended to read:

31 626.022 Scope of part.--

1           (1) This part applies as to insurance agents,  
2 ~~solicitors~~, service representatives, adjusters, and insurance  
3 agencies; as to any and all kinds of insurance; and as to  
4 stock insurers, mutual insurers, reciprocal insurers, and all  
5 other types of insurers, except that:

6           (a) It does not apply as to reinsurance, except that  
7 ss. 626.011-626.031, ss. 626.102-626.181, ss. 626.191-626.211,  
8 ss. 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss.  
9 626.541-626.591, and ss. 626.601-626.711 shall apply as to  
10 reinsurance intermediaries as defined in s. 626.7492.

11           (b) The applicability of this chapter as to fraternal  
12 benefit societies shall be as provided in chapter 632.

13           (c) It does not apply to a bail bond agent, as defined  
14 in s. 648.25, except as provided in chapter 648 or chapter  
15 903.

16           (d) This part does not apply to a certified public  
17 accountant licensed under chapter 473 who is acting within the  
18 scope of the practice of public accounting, as defined in s.  
19 473.302, provided that the activities of the certified public  
20 accountant are limited to advising a client of the necessity  
21 of obtaining insurance, the amount of insurance needed, or the  
22 line of coverage needed, and provided that the certified  
23 public accountant does not directly or indirectly receive or  
24 share in any commission or, referral fee, ~~or solicitor's fee~~.

25           Section 12. Paragraph (a) of subsection (7) of section  
26 626.112, Florida Statutes, is amended to read:

27           626.112 License and appointment required; agents,  
28 customer representatives, adjusters, insurance agencies,  
29 service representatives, managing general agents.--

30           (7)(a) No individual, firm, partnership, corporation,  
31 association, or any other entity shall act in its own name or

1 under a trade name, directly or indirectly, as an insurance  
2 agency, when required to be licensed by this subsection,  
3 unless it complies with s. 626.172 with respect to possessing  
4 an insurance agency license for each place of business at  
5 which it engages in any activity which may be performed only  
6 by a licensed insurance agent ~~or solicitor~~.

7 Section 13. Paragraph (a) of subsection (2) and  
8 subsection (5) of section 626.171, Florida Statutes, are  
9 amended to read:

10 626.171 Application for license.--

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

12 (a) His or her full name, age, social security number,  
13 residence address, ~~and place of business address~~, and mailing  
14 address.

15 (5) An application for a license as an agent, customer  
16 representative, adjuster, insurance agency, service  
17 representative, managing general agent, or reinsurance  
18 intermediary must be accompanied by a set of the individual  
19 applicant's fingerprints, or, if the applicant is not an  
20 individual, by a set of the fingerprints of the sole  
21 proprietor, majority owner, partners, officers, and directors,  
22 on a form adopted by rule of the department and accompanied by  
23 the fingerprint processing fee set forth in s. 624.501. For  
24 the purposes of this subsection, background investigations  
25 shall include, but not be limited to, fingerprinting for all  
26 purposes and checks under this subsection, statewide criminal  
27 records checks through the Department of Law Enforcement, and  
28 federal criminal records checks through the Federal Bureau of  
29 Investigation and may include local criminal records checks  
30 through local law enforcement agencies.The fingerprints shall  
31

1 be taken ~~certified~~ by a law enforcement agency or other  
2 department-approved entity officer.

3 Section 14. Subsection (1) of section 626.175, Florida  
4 Statutes, is amended to read:

5 626.175 Temporary licensing.--

6 (1) The department may issue a nonrenewable temporary  
7 license for a period not to exceed 6 months authorizing  
8 appointment of a general lines insurance agent or a life  
9 agent, or an industrial fire or burglary agent, subject to the  
10 conditions described in this section. The fees paid for a  
11 temporary license and appointment shall be as specified in s.  
12 624.501. Fees paid shall not be refunded after a temporary  
13 license has been issued.

14 (a) An applicant for a temporary license must be:

15 1. A natural person at least 18 years of age.

16 2. A United States citizen or legal alien who  
17 possesses work authorization from the United States  
18 Immigration and Naturalization Service.

19 (b)(a)1. In the case of a general lines agent, the  
20 department may issue a temporary license to an employee, a  
21 family member, a business associate, or a personal  
22 representative of a licensed general lines agent for the  
23 purpose of continuing or winding up the business affairs of  
24 the agent or agency in the event the licensed agent has died  
25 or become unable to perform his or her duties because of  
26 military service or illness or other physical or mental  
27 disability, subject to the following conditions:

28 a. No other individual connected with the agent's  
29 business may be licensed as a general lines agent.

1           b. The proposed temporary licensee shall be qualified  
2 for a regular general lines agent license under this code  
3 except as to residence, examination, education, or experience.

4           c. Application for the temporary license shall have  
5 been made by the applicant upon statements and affidavit filed  
6 with the department on forms prescribed and furnished by the  
7 department.

8           d. Under a temporary license and appointment, the  
9 licensee shall not represent any insurer not last represented  
10 by the agent being replaced and shall not be licensed or  
11 appointed as to any additional kind, line, or class of  
12 insurance other than those covered by the last existing agency  
13 appointments of the replaced agent. If an insurer withdraws  
14 from the agency during the temporary license period, the  
15 temporary licensee may be appointed by another similar insurer  
16 but only for the period remaining under the temporary license.

17           2. A regular general lines agent license may be issued  
18 to a temporary licensee upon meeting the qualifications for a  
19 general lines agent license under s. 626.731.

20           (c)~~(b)~~ In the case of a life agent, the department may  
21 issue a temporary license:

22           1. To the executor or administrator of the estate of a  
23 deceased individual licensed and appointed as a life agent at  
24 the time of death;

25           2. To a surviving next of kin of the deceased  
26 individual, if no administrator or executor has been appointed  
27 and qualified; however, any license and appointment under this  
28 subparagraph shall be canceled upon issuance of a license to  
29 an executor or administrator under subparagraph 1.; or

30           3. To an individual otherwise qualified to be licensed  
31 as an agent who has completed the educational or training

1 requirements prescribed in s. 626.7851 and has successfully  
2 sat for the required examination prior to termination of such  
3 6-month period. The department may issue this temporary  
4 license only in the case of a life agent to represent an  
5 insurer of the industrial or ordinary-combination class.

6 (d)~~(c)~~ In the case of a limited license authorizing  
7 appointment as an industrial fire or burglary agent, the  
8 department may issue a temporary license to an individual  
9 otherwise qualified to be licensed as an agent who has  
10 completed the educational or training requirements prescribed  
11 in s. 626.732 and has successfully sat for the required  
12 examination prior to termination of the 6-month period.

13 Section 15. Section 626.202, Florida Statutes, is  
14 amended to read:

15 626.202 Fingerprinting requirements.--If there is a  
16 change in ownership or control of any entity licensed under  
17 this chapter, or if a new partner, officer, or director is  
18 employed or appointed, a set of fingerprints of the new owner,  
19 partner, officer, or director must be filed with the  
20 department within 30 days after the change. The acquisition of  
21 10 percent or more of the voting securities of a licensed  
22 entity is considered a change of ownership or control. The  
23 fingerprints must be taken ~~certified~~ by a law enforcement  
24 agency or other department-approved entity officer and be  
25 accompanied by the fingerprint processing fee in s. 624.501.

26 Section 16. Subsection (1) of section 626.207, Florida  
27 Statutes, is amended to read:

28 626.207 Department rulemaking authority; waiting  
29 periods for applicants; penalties against licensees.--

30 (1) The department shall adopt rules establishing  
31 specific waiting periods for applicants to become eligible for



1 licensure as provided in the Florida Insurance Code following  
2 ~~denial, suspension, or revocation pursuant to s. 626.611, s.~~  
3 ~~626.621, s. 626.8437, s. 626.844, s. 626.935, s. 626.9917, s.~~  
4 ~~634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.~~  
5 ~~634.423, s. 642.041, or s. 642.043.~~ The purpose of the waiting  
6 periods is to provide sufficient time to demonstrate  
7 reformation of character and rehabilitation. The waiting  
8 periods shall vary based on the type of conduct and the length  
9 of time since the conduct occurred and shall also be based on  
10 the probability that the propensity to commit illegal conduct  
11 has been overcome. The waiting periods may be adjusted based  
12 on aggravating and mitigating factors established by rule and  
13 consistent with this purpose.

14 Section 17. Paragraphs (e), (f), and (g) of subsection  
15 (2) of section 626.221, Florida Statutes, are amended to read:

16 626.221 Examination requirement; exemptions.--

17 (2) However, no such examination shall be necessary in  
18 any of the following cases:

19 (e) An individual who qualified as a managing general  
20 agent, service representative, customer representative, or  
21 all-lines adjuster by passing a general lines agent's  
22 examination and subsequently was licensed and appointed and  
23 has been actively engaged in all lines of property and  
24 casualty insurance may, upon filing an application for  
25 appointment, be licensed and appointed as a general lines  
26 agent for the same kinds of business without taking another  
27 examination if he or she holds any such currently effective  
28 license referred to in this paragraph or held the license  
29 within 48 ~~24~~ months prior to the date of filing the  
30 application with the department.

31

1 (f) A person who has been licensed and appointed by  
2 the department as a public adjuster or independent adjuster,  
3 or licensed and appointed either as an agent or company  
4 adjuster as to all property, casualty, and surety insurances,  
5 may be licensed and appointed as a company adjuster as to any  
6 of such insurances, or as an independent adjuster or public  
7 adjuster, without additional written examination if an  
8 application for appointment is filed with the department  
9 within 48 ~~24~~ months following the date of cancellation or  
10 expiration of the prior appointment.

11 (g) A person who has been licensed by the department  
12 as an adjuster for motor vehicle, property and casualty,  
13 workers' compensation, and health insurance may be licensed as  
14 such an adjuster without additional written examination if his  
15 or her application for appointment is filed with the  
16 department within 48 ~~24~~ months after cancellation or  
17 expiration of the prior license.

18 Section 18. Paragraphs (a), (c), and (d) of subsection  
19 (3), paragraphs (a), (b), (c), (d), (g), (h), and (i) of  
20 subsection (4), and paragraph (b) of subsection (6) of section  
21 626.2815, Florida Statutes, are amended to read:

22 626.2815 Continuing education required; application;  
23 exceptions; requirements; penalties.--

24 (3)(a) Each person subject to the provisions of this  
25 section must, except as set forth in paragraphs (b) and (c),  
26 complete a minimum of 24 ~~28~~ hours of continuing education  
27 courses every 2 years in basic or higher-level courses  
28 prescribed by this section or in other courses approved by the  
29 department. Each person subject to the provisions of this  
30 section must complete, as part of his or her ~~their~~ required  
31 number of continuing education hours, 3 hours of continuing

1 education, approved by the department, every 2 years on the  
2 subject matter of ethics and a minimum of 2 hours of  
3 continuing education, approved by the department, every 2  
4 years on the subject matter of unauthorized entities engaging  
5 in the business of insurance. The scope of the topic of  
6 unauthorized entities shall include the Florida Nonprofit  
7 Multiple Employer Welfare Arrangement Act and the Employee  
8 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as  
9 it relates to the provision of health insurance by employers  
10 to their employees and the regulation thereof.

11 (c) A licensee who has been licensed for 25 years or  
12 more and is a CLU or a CPCU or has a Bachelor of Science  
13 degree in risk management or insurance with evidence of 18 or  
14 more semester hours in upper-level insurance-related courses  
15 must complete 12 ~~14~~ hours of continuing education courses  
16 every 2 years in courses prescribed by this section or in  
17 other courses approved by the department, except, for  
18 compliance periods beginning January 1, 1998, the licensees  
19 described in this paragraph shall be required to complete 10  
20 hours of continuing education courses every 2 years.

21 (d) Any person who holds a license as a customer  
22 representative, limited customer representative,  
23 ~~administrative agent,~~ title agent, motor vehicle physical  
24 damage and mechanical breakdown insurance agent, crop or hail  
25 and multiple-peril crop insurance agent, or as an industrial  
26 fire insurance or burglary insurance agent and who is not a  
27 licensed life or health insurance agent, shall be required to  
28 complete 12 ~~14~~ hours of continuing education courses every 2  
29 years, except, for compliance periods beginning on January 1,  
30 1998, each licensee subject to this paragraph shall be  
31

1 required to complete 10 hours of continuing education courses  
2 every 2 years.

3 (4) The following courses may be completed in order to  
4 meet the continuing education course requirements:

5 (a) Any part of the Life Underwriter Training Council  
6 Life Course Curriculum: 24 ~~28~~ hours; Health Course: 12 ~~14~~  
7 hours.

8 (b) Any part of the American College "CLU" diploma  
9 curriculum: 24 ~~28~~ hours.

10 (c) Any part of the Insurance Institute of America's  
11 program in general insurance: 12 ~~14~~ hours.

12 (d) Any part of the American Institute for Property  
13 and Liability Underwriters' Chartered Property Casualty  
14 Underwriter (CPCU) professional designation program: 24 ~~28~~  
15 hours.

16 (g) In the case of title agents, completion of the  
17 Certified Land Closer (CLC) professional designation program  
18 and receipt of the designation: 24 ~~28~~ hours.

19 (h) In the case of title agents, completion of the  
20 Certified Land Searcher (CLS) professional designation program  
21 and receipt of the designation: 24 ~~28~~ hours.

22 (i) Any insurance-related course which is approved by  
23 the department and taught by an accredited college or  
24 university per credit hour granted: 12 ~~14~~ hours.

25 (6)

26 (b) The board members shall be appointed as follows:

27 1. Seven members representing agents of which at least  
28 one must be a representative from each of the following  
29 organizations: the Florida Association of Insurance Agents;  
30 the Florida Association of Insurance and Financial Advisors  
31 ~~Life Underwriters~~; the Professional Insurance Agents of

1 Florida, Inc.; the Florida Association of Health Underwriters;  
2 the Specialty Agents' Association; the Latin American Agents'  
3 Association; and the National Association of Insurance Women.  
4 Such board members must possess at least a bachelor's degree  
5 or higher from an accredited college or university with major  
6 coursework in insurance, risk management, or education or  
7 possess the designation of CLU, CPCU, CHFC, CFP, AAI, or CIC.  
8 In addition, each member must possess 5 years of classroom  
9 instruction experience or 5 years of experience in the  
10 development or design of educational programs or 10 years of  
11 experience as a licensed resident agent. Each organization may  
12 submit to the department a list of recommendations for  
13 appointment. If one organization does not submit a list of  
14 recommendations, the Insurance Commissioner may select more  
15 than one recommended person from a list submitted by other  
16 eligible organizations.

17         2. Two members representing insurance companies at  
18 least one of whom must represent a Florida Domestic Company  
19 and one of whom must represent the Florida Insurance Council.  
20 Such board members must be employed within the training  
21 department of the insurance company. At least one such member  
22 must be a member of the Society of Insurance Trainers and  
23 Educators.

24         3. One member representing the general public who is  
25 not directly employed in the insurance industry. Such board  
26 member must possess a minimum of a bachelor's degree or higher  
27 from an accredited college or university with major coursework  
28 in insurance, risk management, training, or education.

29         4. One member, appointed by the Insurance  
30 Commissioner, who represents the department.

31

1           Section 19. Subsections (2) and (3) of section  
2 626.2816, Florida Statutes, are amended to read:

3           626.2816 Regulation of continuing education for  
4 licensees, course providers, instructors, school officials,  
5 and monitor groups.--

6           (2) The department shall adopt rules establishing  
7 standards for the approval, regulation, and operation of the  
8 continuing education programs and for the discipline of  
9 licensees, course providers, instructors, school officials,  
10 and monitor groups. The standards must be designed to ensure  
11 that such course providers, instructors, school officials, and  
12 monitor groups have the knowledge, competence, and integrity  
13 to fulfill the educational objectives of ss. 626.2815,  
14 626.869(4)~~(5)~~, 648.385, and 648.386.

15           (3) The department shall adopt rules establishing a  
16 process by which compliance with the continuing education  
17 requirements of ss. 626.2815, 626.869(4)~~(5)~~, 648.385, and  
18 648.386 can be determined, the establishment of a continuing  
19 education compliance period ~~requirement cycle~~ for licensees,  
20 and forms necessary to implement such a process.

21           Section 20. Subsection (3) of section 626.2817,  
22 Florida Statutes, is amended to read:

23           626.2817 Regulation of course providers, instructors,  
24 school officials, and monitor groups involved in prelicensure  
25 education for insurance agents and other licensees.--

26           (3) The department shall adopt rules to establish a  
27 process for determining compliance with the prelicensure  
28 requirements of this chapter and chapter 648 ~~and shall~~  
29 ~~establish a prelicensure cycle for insurance agents and other~~  
30 ~~licensees~~. The department shall adopt rules prescribing the  
31 forms necessary to administer the prelicensure requirements.

1           Section 21. Paragraphs (a) and (e) of subsection (1)  
2 of section 626.321, Florida Statutes, are amended to read:

3           626.321 Limited licenses.--

4           (1) The department shall issue to a qualified  
5 individual, or a qualified individual or entity under  
6 paragraphs (c), (d), (e), and (i), a license as agent  
7 authorized to transact a limited class of business in any of  
8 the following categories:

9           (a) Motor vehicle physical damage and mechanical  
10 breakdown insurance.--License covering insurance against only  
11 the loss of or damage to any motor vehicle which is designed  
12 for use upon a highway, including trailers and semitrailers  
13 designed for use with such vehicles. Such license also covers  
14 insurance against the failure of an original or replacement  
15 part to perform any function for which it was designed. The  
16 applicant for such a license shall pass a written examination  
17 covering motor vehicle physical damage insurance and  
18 mechanical breakdown insurance. No individual while so  
19 licensed shall hold a license as an agent ~~or solicitor~~ as to  
20 any other or additional kind or class of insurance coverage  
21 except as to a limited license for credit life and disability  
22 insurances as provided in paragraph (e).

23           (e) Credit life or disability insurance.--License  
24 covering only credit life or disability insurance. The license  
25 may be issued only to an individual employed by a life or  
26 health insurer as an officer or other salaried or commissioned  
27 representative, to an individual employed by or associated  
28 with a lending or financial institution or creditor, or to a  
29 lending or financial institution or creditor, and may  
30 authorize the sale of such insurance only with respect to  
31 borrowers or debtors of such lending or financing institution

1 or creditor. However, only the individual or entity whose tax  
2 identification number is used in receiving or is credited with  
3 receiving the commission from the sale of such insurance shall  
4 be the licensed agent of the insurer. No individual while so  
5 licensed shall hold a license as an agent ~~or solicitor~~ as to  
6 any other or additional kind or class of life or health  
7 insurance coverage. An entity holding a limited license under  
8 this paragraph is also authorized to sell credit insurance and  
9 credit property insurance. An entity applying for a license  
10 under this section:

11 1. Is required to submit only one application for a  
12 license under s. 626.171. The requirements of s. 626.171(5)  
13 shall only apply to the officers and directors of the entity  
14 submitting the application.

15 2. Is required to obtain a license for each office,  
16 branch office, or place of business making use of the entity's  
17 business name by applying to the department for the license on  
18 a simplified form developed by rule of the department for this  
19 purpose.

20 3. Is not required to pay any additional application  
21 fees for a license issued to the offices or places of business  
22 referenced in subsection (2), but is required to pay the  
23 license fee as prescribed in s. 624.501, be appointed under s.  
24 626.112, and pay the prescribed appointment fee under s.  
25 624.501. The license obtained under this paragraph shall be  
26 posted at the business location for which it was issued so as  
27 to be readily visible to prospective purchasers of such  
28 coverage.

29 Section 22. Section 626.322, Florida Statutes, is  
30 amended to read:

31



1           626.322 License, appointment; certain military  
2 installations.--A natural person, not a resident of this  
3 state, may be licensed and appointed to represent an  
4 authorized life insurer domiciled in this state or an  
5 authorized foreign life insurer which maintains a regional  
6 home office in this state, provided such person represents  
7 such insurer exclusively at a United States military  
8 installation located in a foreign country. The department may,  
9 upon request of the applicant and the insurer on application  
10 forms furnished by the department and upon payment of fees as  
11 prescribed in s. 624.501, issue a license and appointment to  
12 such person. By authorizing the effectuation of an appointment  
13 for a license, the insurer is thereby certifying ~~shall certify~~  
14 to the department that the applicant has the necessary  
15 training to hold himself or herself out as a life insurance  
16 representative, and the insurer shall further certify that it  
17 is willing to be bound by the acts of such applicant within  
18 the scope of his or her employment. Appointments shall be  
19 continued as prescribed in s. 626.381 and upon payment of a  
20 fee as prescribed in s. 624.501, unless sooner terminated.  
21 Such fees received shall be credited to the Insurance  
22 Commissioner's Regulatory Trust Fund as provided for in s.  
23 624.523.

24           Section 23. Section 626.341, Florida Statutes, is  
25 amended to read:

26           626.341 Additional appointments; general lines, life,  
27 and health agents.--

28           (1) At any time while a licensee's license is in  
29 force, an insurer may apply to the department or person  
30 designated by the department to administer the appointment  
31 process on behalf of a licensee for an additional appointment

1 as general lines agent or life or health agent for an  
2 additional insurer or insurers. The application for  
3 appointment shall set forth all information the department may  
4 require. Upon receipt of the appointment and payment of the  
5 applicable appointment taxes and fees, the department may  
6 issue the additional appointment without, in its discretion,  
7 further investigation concerning the applicant.

8 (2) A life or health agent with an appointment in  
9 force may solicit applications for policies of insurance on  
10 behalf of an insurer with respect to which he or she is not an  
11 appointed life or health agent, unless otherwise provided by  
12 contract, if such agent simultaneously with the submission to  
13 such insurer of the application for insurance solicited by him  
14 or her requests the insurer to appoint him or her as agent.  
15 However, no commissions shall be paid by such insurer to the  
16 agent until such time as an additional appointment with  
17 respect to such insurer has been received by the department or  
18 person designated by the department to administer the  
19 appointment process pursuant to the provisions of subsection  
20 (1).

21 Section 24. Section 626.371, Florida Statutes, is  
22 amended to read:

23 626.371 Payment of fees, taxes for appointment period  
24 without appointment.--

25 (1) All appointments shall be submitted to the  
26 department on a monthly basis no later than 45 days after the  
27 date of appointment. All appointments shall be effective as of  
28 the date requested on the appointment form.

29 (2) If, upon application and qualification for an  
30 appointment and such investigation as the department may make,  
31 it appears to the department that an individual who was

1 formerly licensed ~~appointed~~ has been actively engaged or is  
2 currently actively engaged as such an appointee, but without  
3 being appointed as required, the department may, if it finds  
4 that such failure to be appointed was an inadvertent error on  
5 the part of the insurer or employer so represented,  
6 nevertheless issue or authorize the issuance of the  
7 appointment as applied for but subject to the condition that,  
8 before the appointment is issued, all fees and taxes which  
9 would have been due had the applicant been so appointed during  
10 such current and prior periods, together with a continuation  
11 fee for such current and prior terms of appointment, shall be  
12 paid to the department.

13 (3) Failure to notify the department within the  
14 required time period shall result in the appointing entity  
15 being assessed a delinquent fee of \$250. Delinquent fees shall  
16 be paid by the appointing entity and shall not be charged to  
17 the appointee.

18 Section 25. Subsections (3) and (4) of section  
19 626.381, Florida Statutes, are amended to read:

20 626.381 Renewal, continuation, reinstatement, or  
21 termination of appointment.--

22 (3) Renewal of an appointment which is received on a  
23 date set forth by the department or person designated by the  
24 department to administer the appointment process in the  
25 succeeding month may be renewed by the department without  
26 penalty and shall be effective as of the day the appointment  
27 would have expired.

28 (4) Renewal of an appointment which is received by the  
29 department or person designated by the department to  
30 administer the appointment process after the date set by the  
31 department may be accepted and effectuated by the department

1 in its discretion if an additional appointment, late filing,  
2 continuation, and reinstatement fee accompanies the renewal  
3 pursuant to s. 624.501. Late filing fees shall be paid by the  
4 appointing entity and shall not be charged to the appointee.

5 Section 26. Subsections (1), (2), and (3) of section  
6 626.451, Florida Statutes, are amended, and subsection (7) is  
7 added to that section, to read:

8 626.451 Appointment of agent or other  
9 representative.--

10 (1) Each appointing entity or person designated by the  
11 department to administer the appointment process appointing an  
12 agent, adjuster, service representative, customer  
13 representative, or managing general agent in this state shall  
14 file the appointment with the department and, at the same  
15 time, pay the applicable appointment fee and taxes. Every  
16 appointment shall be subject to the prior issuance of the  
17 appropriate agent's, adjuster's, service representative's,  
18 customer representative's, or managing general agent's  
19 license.

20 (2) By authorizing the effectuation of an appointment  
21 for a licensee, the appointing entity is thereby certifying to  
22 the department that an investigation of the licensee has been  
23 made ~~As a part of each appointment there shall be a certified~~  
24 ~~statement or affidavit of an appropriate officer or official~~  
25 ~~of the appointing entity stating what investigation the~~  
26 ~~appointing entity has made concerning the proposed appointee~~  
27 ~~and his or her background and that in the appointing entity's~~  
28 ~~opinion and to the best of its knowledge and belief, the~~  
29 licensee is of good as to the moral character and reputation,  
30 is fit to engage in the insurance business fitness, and  
31 ~~reputation of the proposed appointee and any other information~~

1 the department may reasonably require the appointing entity to  
2 provide the department relative to the proposed appointee.

3 (3) By authorizing the effectuation of ~~in~~ the  
4 appointment of an agent, adjuster, service representative,  
5 customer representative, or managing general agent the  
6 appointing entity is thereby certifying to the department  
7 ~~shall also certify therein~~ that it is willing to be bound by  
8 the acts of the agent, adjuster, service representative,  
9 customer representative, or managing general agent, within the  
10 scope of the licensee's ~~his or her~~ employment.

11 (7) Each licensee shall advise the department in  
12 writing within 30 days after having been found guilty of or  
13 having pleaded guilty or nolo contendere to a felony or a  
14 crime punishable by imprisonment of 1 year or more under the  
15 laws of the United States, any state of the United States, or  
16 any other country, without regard to whether a judgment of  
17 conviction has been entered by the court having jurisdiction  
18 of such cases.

19 Section 27. Section 626.461, Florida Statutes, is  
20 amended to read:

21 626.461 Continuation of appointment of agent or other  
22 representative.--Subject to renewal or continuation by the  
23 appointing entity, the appointment of the agent, adjuster,  
24 ~~solicitor~~, service representative, customer representative, or  
25 managing general agent shall continue in effect until the  
26 person's license is revoked or otherwise terminated, unless  
27 written notice of earlier termination of the appointment is  
28 filed with the department or person designated by the  
29 department to administer the appointment process by either the  
30 appointing entity or the appointee.

31

1           Section 28. Subsections (4) and (5) of section  
2 626.471, Florida Statutes, are amended to read:

3           626.471 Termination of appointment.--

4           (4) An appointee may terminate the appointment at any  
5 time by giving written or electronic notice thereof to the  
6 appointing entity, ~~and filing a copy of the notice with the~~  
7 department, or person designated by the department to  
8 administer the appointment process. The department shall  
9 immediately terminate the appointment and notify the  
10 appointing entity of such termination. Such termination shall

11 be subject to the appointee's contract rights, if any.

12           (5) Upon receiving notice of termination, the  
13 department or person designated by the department to  
14 administer the appointment process shall terminate the  
15 appointment.

16           Section 29. Subsection (5) of section 626.601, Florida  
17 Statutes, is amended to read:

18           626.601 Improper conduct; inquiry; fingerprinting.--

19           (5) If the department, after investigation, has reason  
20 to believe that a licensee may have been found guilty of or  
21 pleaded guilty or nolo contendere to a felony or a crime  
22 related to the business of insurance in this or any other  
23 state or jurisdiction, the department may require the licensee  
24 to file with the department a complete set of his or her  
25 fingerprints, which shall be accompanied by the fingerprint  
26 processing fee set forth in s. 624.501. The fingerprints shall  
27 be taken ~~certified~~ by an authorized law enforcement agency or  
28 other department-approved entity ~~officer~~.

29           Section 30. Paragraph (b) of subsection (1) of section  
30 626.731, Florida Statutes, is amended to read:

31

1           626.731 Qualifications for general lines agent's  
2 license.--

3           (1) The department shall not grant or issue a license  
4 as general lines agent to any individual found by it to be  
5 untrustworthy or incompetent or who does not meet each of the  
6 following qualifications:

7           (b) The applicant is a United States citizen or legal  
8 alien who possesses work authorization from the United States  
9 Immigration and Naturalization Service and is a bona fide  
10 resident of this state. An individual who is a bona fide  
11 resident of this state shall be deemed to meet the residence  
12 requirement of this paragraph, notwithstanding the existence  
13 at the time of application for license of a license in his or  
14 her name on the records of another state as a resident  
15 licensee of such other state, if the applicant furnishes a  
16 letter of clearance satisfactory to the department that the  
17 resident licenses have been canceled or changed to a  
18 nonresident basis and that he or she is in good standing.

19           Section 31. Subsection (2) of section 626.7315,  
20 Florida Statutes, is amended to read:

21           626.7315 Prohibition against the unlicensed  
22 transaction of general lines insurance.--With respect to any  
23 line of authority as defined in s. 626.015(7), no individual  
24 shall, unless licensed as a general lines agent:

25           (2) Except as provided in s. 626.0428(1), in this  
26 state, receive or issue a receipt for any money on account of  
27 or for any insurer, or receive or issue a receipt for money  
28 from other persons to be transmitted to any insurer for a  
29 policy, contract, or certificate of insurance or any renewal  
30 thereof, even though the policy, certificate, or contract is  
31

1 not signed by him or her as agent or representative of the  
2 insurer;

3 Section 32. Paragraphs (a) and (b) of subsection (1)  
4 of section 626.732, Florida Statutes, are amended to read:

5 626.732 Requirement as to knowledge, experience, or  
6 instruction.--

7 (1) Except as provided in subsection (3), no applicant  
8 for a license as a general lines agent, except for a chartered  
9 property and casualty underwriter (CPCU), other than as to a  
10 limited license as to baggage and motor vehicle excess  
11 liability insurance, credit property insurance, credit  
12 insurance, in-transit and storage personal property insurance,  
13 or communications equipment property insurance or  
14 communication equipment inland marine insurance, shall be  
15 qualified or licensed unless within the 4 years immediately  
16 preceding the date the application for license is filed with  
17 the department the applicant has:

18 (a) Taught or successfully completed classroom courses  
19 in insurance, 3 hours of which shall be on the subject matter  
20 of ethics, satisfactory to the department at a school,  
21 college, or extension division thereof, approved by the  
22 department;

23 (b) Completed a correspondence course in insurance, 3  
24 hours of which shall be on the subject matter of ethics,  
25 satisfactory to the department and regularly offered by  
26 accredited institutions of higher learning in this state and,  
27 except if he or she is applying for a limited license under s.  
28 626.321, has had at least 6 months of responsible insurance  
29 duties as a substantially full-time bona fide employee in all  
30 lines of property and casualty insurance set forth in the  
31 definition of general lines agent under s. 626.015;



1           Section 33. Section 626.733, Florida Statutes, is  
2 amended to read:

3           626.733 Agency firms and corporations; special  
4 requirements.--If a sole proprietorship, partnership,  
5 corporation, or association holds an agency contract, all  
6 members thereof who solicit, negotiate, or effect insurance  
7 contracts, and all officers and stockholders of the  
8 corporation who solicit, negotiate, or effect insurance  
9 contracts, are required to qualify and be licensed  
10 individually as agents, ~~solicitors,~~ or customer  
11 representatives; and all of such agents must be individually  
12 appointed as to each property and casualty insurer entering  
13 into an agency contract with such agency. Each such appointing  
14 insurer as soon as known to it shall comply with this section  
15 and shall determine and require that each agent so associated  
16 in or so connected with such agency is likewise appointed as  
17 to the same such insurer and for the same type and class of  
18 license. However, no insurer is required to comply with the  
19 provisions of this section if such insurer satisfactorily  
20 demonstrates to the department that the insurer has issued an  
21 aggregate net written premium, in an agency, in an amount of  
22 \$25,000 or less.

23           Section 34. Paragraph (a) of subsection (2) and  
24 subsection (3) of section 626.7351, Florida Statutes, are  
25 amended to read:

26           626.7351 Qualifications for customer representative's  
27 license.--The department shall not grant or issue a license as  
28 customer representative to any individual found by it to be  
29 untrustworthy or incompetent, or who does not meet each of the  
30 following qualifications:

31

1           (2)(a) The applicant is a United States citizen or  
2 legal alien who possesses work authorization from the United  
3 States Immigration and Naturalization Service and is a bona  
4 fide resident of this state and will actually reside in the  
5 state at least 6 months out of the year. An individual who is  
6 a bona fide resident of this state shall be deemed to meet the  
7 residence requirements of this subsection, notwithstanding the  
8 existence at the time of application for license of a license  
9 in his or her name on the records of another state as a  
10 resident licensee of the other state, if the applicant  
11 furnishes a letter of clearance satisfactory to the department  
12 that the resident licenses have been canceled or changed to a  
13 nonresident basis and that he or she is in good standing.

14           (3) Within the 2 years next preceding the date the  
15 application for license was filed with the department, the  
16 applicant has completed a course in insurance, 3 hours of  
17 which shall be on the subject matter of ethics, approved by  
18 the department or has had at least 6 months' experience in  
19 responsible insurance duties as a substantially full-time  
20 employee. Courses must include instruction on the subject  
21 matter of unauthorized entities engaging in the business of  
22 insurance. The scope of the topic of unauthorized entities  
23 shall include the Florida Nonprofit Multiple-Employer Welfare  
24 Arrangement Act and the Employee Retirement Income Security  
25 Act, 29 U.S.C. ss. 1001 et seq., as such acts relate to the  
26 provision of health insurance by employers and the regulation  
27 of such insurance.

28           Section 35. Subsection (2) of section 626.7354,  
29 Florida Statutes, is amended to read:

30           626.7354 Customer representative's powers; agent's or  
31 agency's responsibility.--

1           (2) A customer representative may engage in  
2 transacting insurance with customers who have been solicited  
3 by any agent, ~~solicitor,~~ or customer representative in the  
4 same agency, and may engage in transacting insurance with  
5 customers who have not been so solicited to the extent and  
6 under conditions that are otherwise consistent with this part  
7 and with the insurer's contract with the agent appointing him  
8 or her.

9           Section 36. Paragraph (c) of subsection (1) of section  
10 626.7355, Florida Statutes, is amended to read:

11           626.7355 Temporary license as customer representative  
12 pending examination.--

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

16           (c) Is a United States citizen or legal alien who  
17 possesses work authorization from the United States  
18 Immigration and Naturalization Service and is a bona fide  
19 resident of this state or is a resident of another state  
20 sharing a common boundary with this state. An individual who  
21 is a bona fide resident of this state shall be deemed to meet  
22 the residence requirement of this paragraph, notwithstanding  
23 the existence at the time of application for license, of a  
24 license in his or her name on the records of another state as  
25 a resident licensee of such other state, if the applicant  
26 furnishes a letter of clearance satisfactory to the department  
27 that his or her resident licenses have been canceled or  
28 changed to a nonresident basis and that he or she is in good  
29 standing.

30           Section 37. Subsection (3) of section 626.741, Florida  
31 Statutes, is amended to read:

1           626.741 Nonresident agents; licensing and  
2 restrictions.--

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

1 any of the grounds exist as for suspension or revocation of  
2 license as set forth in ss. 626.611 and 626.621.

3 Section 38. Paragraph (a) of subsection (1) of section  
4 626.753, Florida Statutes, is amended to read:

5 626.753 Sharing commissions; penalty.--

6 (1)(a) An agent may divide or share in commissions  
7 ~~only with his or her own employed solicitors~~ and with other  
8 agents appointed and licensed to write the same kind or kinds  
9 of insurance.

10 Section 39. Paragraph (b) of subsection (1) of section  
11 626.785, Florida Statutes, is amended to read:

12 626.785 Qualifications for license.--

13 (1) The department shall not grant or issue a license  
14 as life agent to any individual found by it to be  
15 untrustworthy or incompetent, or who does not meet the  
16 following qualifications:

17 (b) Must be a United States citizen or legal alien who  
18 possesses work authorization from the United States  
19 Immigration and Naturalization Service and a bona fide  
20 resident of this state.

21 Section 40. Subsections (1) and (2) of section  
22 626.7851, Florida Statutes, are amended to read:

23 626.7851 Requirement as to knowledge, experience, or  
24 instruction.--No applicant for a license as a life agent,  
25 except for a chartered life underwriter (CLU), shall be  
26 qualified or licensed unless within the 4 years immediately  
27 preceding the date the application for a license is filed with  
28 the department he or she has:

29 (1) Successfully completed 40 hours of classroom  
30 courses in insurance, 3 hours of which shall be on the subject  
31 matter of ethics,satisfactory to the department at a school

1 or college, or extension division thereof, or other authorized  
2 course of study, approved by the department. Courses must  
3 include instruction on the subject matter of unauthorized  
4 entities engaging in the business of insurance, to include the  
5 Florida Nonprofit Multiple-Employer Welfare Arrangement Act  
6 and the Employee Retirement Income Security Act, 29 U.S.C. ss.  
7 1001 et seq., as it relates to the provision of life insurance  
8 by employers to their employees and the regulation thereof;

9 (2) Successfully completed a correspondence course in  
10 insurance, 3 hours of which shall be on the subject matter of  
11 ethics, satisfactory to the department and regularly offered  
12 by accredited institutions of higher learning in this state,  
13 approved by the department. Courses must include instruction  
14 on the subject matter of unauthorized entities engaging in the  
15 business of insurance, to include the Florida Nonprofit  
16 Multiple-Employer Welfare Arrangement Act and the Employee  
17 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as  
18 it relates to the provision of life insurance by employers to  
19 their employees and the regulation thereof;

20 Section 41. Subsection (2) of section 626.829, Florida  
21 Statutes, is amended to read:

22 626.829 "Health agent" defined.--

23 (2) Any person who acts for an insurer, or on behalf  
24 of a licensed representative of an insurer, to solicit  
25 applications for or to negotiate and effectuate health  
26 insurance contracts, whether or not he or she is appointed as  
27 an agent, subagent, ~~solicitor~~, or canvasser or by any other  
28 title, shall be deemed to be a health agent and shall be  
29 qualified, licensed, and appointed as a health agent.

30 Section 42. Paragraph (b) of subsection (1) of section  
31 626.831, Florida Statutes, is amended to read:

1           626.831 Qualifications for license.--

2           (1) The department shall not grant or issue a license  
3 as health agent as to any individual found by it to be  
4 untrustworthy or incompetent, or who does not meet the  
5 following qualifications:

6           (b) Must be a United States citizen or legal alien who  
7 possesses work authorization from the United States  
8 Immigration and Naturalization Service and a bona fide  
9 resident of this state.

10           Section 43. Subsections (1) and (2) of section  
11 626.8311, Florida Statutes, are amended to read:

12           626.8311 Requirement as to knowledge, experience, or  
13 instruction.--No applicant for a license as a health agent,  
14 except for a chartered life underwriter (CLU), shall be  
15 qualified or licensed unless within the 4 years immediately  
16 preceding the date the application for license is filed with  
17 the department he or she has:

18           (1) Successfully completed 40 hours of classroom  
19 courses in insurance, 3 hours of which shall be on the subject  
20 matter of ethics,satisfactory to the department at a school  
21 or college, or extension division thereof, or other authorized  
22 course of study, approved by the department. Courses must  
23 include instruction on the subject matter of unauthorized  
24 entities engaging in the business of insurance, to include the  
25 Florida Nonprofit Multiple-Employer Welfare Arrangement Act  
26 and the Employee Retirement Income Security Act, 29 U.S.C. ss.  
27 1001 et seq., as it relates to the provision of health  
28 insurance by employers to their employees and the regulation  
29 thereof;

30           (2) Successfully completed a correspondence course in  
31 insurance, 3 hours of which shall be on the subject matter of

1 ethics,satisfactory to the department and regularly offered  
2 by accredited institutions of higher learning in this state,  
3 approved by the department. Courses must include instruction  
4 on the subject matter of unauthorized entities engaging in the  
5 business of insurance, to include the Florida Nonprofit  
6 Multiple-Employer Welfare Arrangement Act and the Employee  
7 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as  
8 it relates to the provision of health insurance by employers  
9 to their employees and the regulation thereof;

10 Section 44. Subsection (2) of section 626.8414,  
11 Florida Statutes, is amended to read:

12 626.8414 Qualifications for examination.--The  
13 department must authorize any natural person to take the  
14 examination for the issuance of a license as a title insurance  
15 agent if the person meets all of the following qualifications:

16 (2) The applicant must be a United States citizen or  
17 legal alien who possesses work authorization from the United  
18 States Immigration and Naturalization Service and a bona fide  
19 resident of this state. A person meets the residency  
20 requirement of this subsection, notwithstanding the existence  
21 at the time of application for license of a license in the  
22 applicant's name on the records of another state as a resident  
23 licensee of such other state, if the applicant furnishes a  
24 letter of clearance satisfactory to the department that the  
25 resident licenses have been canceled or changed to a  
26 nonresident basis and that the applicant is in good standing.

27 Section 45. Paragraph (a) of subsection (3) of section  
28 626.8417, Florida Statutes, is amended to read:

29 626.8417 Title insurance agent licensure;  
30 exemptions.--

31



1           (3) The department shall not grant or issue a license  
2 as title agent to any individual found by it to be  
3 untrustworthy or incompetent, who does not meet the  
4 qualifications for examination specified in s. 626.8414, or  
5 who does not meet the following qualifications:

6           (a) Within the 4 years immediately preceding the date  
7 of the application for license, the applicant must have  
8 completed a 40-hour classroom course in title insurance, 3  
9 hours of which shall be on the subject matter of ethics, as  
10 approved by the department, or must have had at least 12  
11 months of experience in responsible title insurance duties,  
12 while working in the title insurance business as a  
13 substantially full-time, bona fide employee of a title agency,  
14 title agent, title insurer, or attorney who conducts real  
15 estate closing transactions and issues title insurance  
16 policies but who is exempt from licensure pursuant to  
17 paragraph (4)(a). If an applicant's qualifications are based  
18 upon the periods of employment at responsible title insurance  
19 duties, the applicant must submit, with the application for  
20 license on a form prescribed by the department, the affidavit  
21 of the applicant and of the employer setting forth the period  
22 of such employment, that the employment was substantially full  
23 time, and giving a brief abstract of the nature of the duties  
24 performed by the applicant.

25           Section 46. Paragraph (b) of subsection (1) of section  
26 626.865, Florida Statutes, is amended to read:

27           626.865 Public adjuster's qualifications, bond.--

28           (1) The department shall issue a license to an  
29 applicant for a public adjuster's license upon determining  
30 that the applicant has paid the applicable fees specified in  
31 s. 624.501 and possesses the following qualifications:

1           (b) Is a United States citizen or legal alien who  
2 possesses work authorization from the United States  
3 Immigration and Naturalization Service and a bona fide  
4 resident of this state.

5           Section 47. Subsection (2) of section 626.866, Florida  
6 Statutes, is amended to read:

7           626.866 Independent adjuster's qualifications.--The  
8 department shall issue a license to an applicant for an  
9 independent adjuster's license upon determining that the  
10 applicable license fee specified in s. 624.501 has been paid  
11 and that the applicant possesses the following qualifications:

12           (2) Is a United States citizen or legal alien who  
13 possesses work authorization from the United States  
14 Immigration and Naturalization Service and a bona fide  
15 resident of this state.

16           Section 48. Subsection (2) of section 626.867, Florida  
17 Statutes, is amended to read:

18           626.867 Company employee adjuster's  
19 qualifications.--The department shall issue a license to an  
20 applicant for a company employee adjuster's license upon  
21 determining that the applicable license fee specified in s.  
22 624.501 has been paid and that the applicant possesses the  
23 following qualifications:

24           (2) Is a United States citizen or legal alien who  
25 possesses work authorization from the United States  
26 Immigration and Naturalization Service and a bona fide  
27 resident of this state.

28           Section 49. Section 626.869, Florida Statutes, is  
29 amended to read:

30           626.869 License, adjusters.--  
31

1           (1) An applicant for a license as an adjuster may  
2 qualify and his or her license when issued may cover adjusting  
3 in any one of the following classes of insurance:

4           (a) All lines of insurance except life and annuities.

5           (b) Motor vehicle physical damage insurance.

6           (c) Property and casualty insurance.

7           (d) Workers' compensation insurance.

8           (e) Health insurance.

9           (2) All individuals who on October 1, 1990, hold an  
10 adjuster's license and appointment limited to fire and allied  
11 lines, including marine or casualty or boiler and machinery,  
12 may remain licensed and appointed under the limited license  
13 and may renew their appointment, but no license or appointment  
14 which has been terminated, not renewed, suspended, or revoked  
15 shall be reinstated, and no new or additional licenses or  
16 appointments shall be issued.

17           ~~(3) With the exception of a public adjuster limited to~~  
18 ~~health insurance, a limited license set forth in subsection~~  
19 ~~(1) as an independent or public adjuster may only be issued to~~  
20 ~~and retained by an employee of an independent or public~~  
21 ~~adjusting firm which is supervised by a duly appointed~~  
22 ~~all-lines adjuster or an employee of an independent or public~~  
23 ~~adjuster licensed and appointed in all lines of insurance~~  
24 ~~other than life and annuity. The office of the limited lines~~  
25 ~~adjuster shall be in the office of the licensed all-lines~~  
26 ~~adjuster responsible for his or her supervision and~~  
27 ~~instruction.~~

28           (3)(4) The applicant's application for license shall  
29 specify which of the foregoing classes of business the  
30 application for license is to cover.

31

1           ~~(4)(5)~~ Any individual ~~person~~ holding a license for 24  
2 consecutive months or longer ~~and who engages in adjusting~~  
3 ~~workers' compensation insurance~~ must, beginning in his or her  
4 ~~their~~ birth month and every 2 years thereafter, have completed  
5 24 hours of courses, 2 hours of which relate to ethics, in  
6 subjects designed to inform the licensee regarding the current  
7 insurance ~~workers' compensation~~ laws of this state, so as to  
8 enable him or her to engage in business as an ~~a workers'~~  
9 ~~compensation~~ insurance adjuster fairly and without injury to  
10 the public and to adjust all claims in accordance with the  
11 policy or contract and the ~~workers' compensation~~ laws of this  
12 state. ~~In order to qualify as an eligible course under this~~  
13 ~~subsection, the course must:~~

14           ~~(a) Have a course outline approved by the department.~~

15           ~~(b) Be taught at a school training facility or other~~  
16 ~~location approved by the department.~~

17           ~~(c) Be taught by instructors with at least 5 years of~~  
18 ~~experience in the area of workers' compensation, general lines~~  
19 ~~of insurance, or other persons approved by the department.~~

20 ~~However, a member of The Florida Bar is exempt from the 5~~  
21 ~~years' experience requirement.~~

22           ~~(d) Furnish the attendee a certificate of completion.~~

23 ~~The course provider shall send a roster to the department in a~~  
24 ~~format prescribed by the department.~~

25           (5) The regulation of continuing education for  
26 licensees, course providers, instructors, school officials,  
27 and monitor groups shall be as provided for in s. 626.2816.

28           Section 50. Subsection (1) of section 626.874, Florida  
29 Statutes, is amended to read:

30           626.874 Catastrophe or emergency adjusters.--

31

1           (1) In the event of a catastrophe or emergency, the  
2 department may issue a license, for the purposes and under the  
3 conditions which it shall fix and for the period of emergency  
4 as it shall determine, to persons who are residents or  
5 nonresidents of this state, who are at least 18 years of age,  
6 who are United States citizens or legal aliens who possess  
7 work authorization from the United States Immigration and  
8 Naturalization Service, and who are not licensed adjusters  
9 under this part but who have been designated and certified to  
10 it as qualified to act as adjusters by independent resident  
11 adjusters or by an authorized insurer or by a licensed general  
12 lines agent to adjust claims, losses, or damages under  
13 policies or contracts of insurance issued by such insurers.  
14 The fee for the license shall be as provided in s.  
15 624.501(12)(c).

16           Section 51. Section 626.878, Florida Statutes, is  
17 amended to read:

18           626.878 Rules; code of ethics.--An adjuster shall  
19 subscribe to the code of ethics specified in the rules of the  
20 department. The rules shall implement the provisions of this  
21 part and specify the terms and conditions of contracts,  
22 including a right to cancel, and require practices necessary  
23 to ensure fair dealing, prohibit conflicts of interest, and  
24 ensure preservation of the rights of the claimant to  
25 participate in the adjustment of claims.

26           Section 52. Subsection (1) of section 626.797, Florida  
27 Statutes, is amended to read:

28           626.797 Code of ethics.--

29           (1) The department shall, after consultation with the  
30 Florida Association Of Insurance and Financial Advisors ~~Life~~  
31 ~~Underwriters~~, adopt a code of ethics, or continue any such

1 code heretofore so adopted, to govern the conduct of life  
2 agents in their relations with the public, other agents, and  
3 the insurers.

4 Section 53. Paragraph (z) of subsection (1) of section  
5 626.9541, Florida Statutes, is amended to read:

6 626.9541 Unfair methods of competition and unfair or  
7 deceptive acts or practices defined.--

8 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR  
9 DECEPTIVE ACTS.--The following are defined as unfair methods  
10 of competition and unfair or deceptive acts or practices:

11 (z) Sliding.--Sliding is the act or practice of:

12 1. Representing to the applicant that a specific  
13 ancillary coverage or product is required by law in  
14 conjunction with the purchase of ~~motor vehicle~~ insurance when  
15 such coverage or product is not required;

16 2. Representing to the applicant that a specific  
17 ancillary coverage or product is included in the ~~motor vehicle~~  
18 policy applied for without an additional charge when such  
19 charge is required; or

20 3. Charging an applicant for a specific ancillary  
21 coverage or product, in addition to the cost of the ~~motor~~  
22 ~~vehicle~~ insurance coverage applied for, without the informed  
23 consent of the applicant.

24 Section 54. Paragraph (f) is added to subsection (7)  
25 of section 626.9916, Florida Statutes, to read:

26 626.9916 Viatical settlement broker license required;  
27 application for license.--

28 (7) Upon the filing of a sworn application and the  
29 payment of the license fee and all other applicable fees under  
30 this act, the department shall investigate each applicant and  
31

1 may issue the applicant a license if the department finds that  
2 the applicant:

3 (f) If a natural person, is at least 18 years of age  
4 and a United States citizen or legal alien who possesses work  
5 authorization from the United States Immigration and  
6 Naturalization Service.

7 Section 55. Subsection (3) of section 632.634, Florida  
8 Statutes, is amended to read:

9 632.634 Licensing and appointment of agents.--

10 (3) Any agent, representative, or member of a society  
11 who in any preceding calendar year has solicited and procured  
12 life insurance benefit contracts on behalf of any society in a  
13 total amount of insurance less than \$50,000, or, in the case  
14 of any other kind or kinds of insurance benefit contracts  
15 which the society might write, on not more than 25  
16 individuals, shall be exempt from the agent licensing and  
17 appointment requirements of subsection (1). Upon request by  
18 the department, every society shall register, on forms  
19 prescribed by the department and on or before March 1 of each  
20 year, the name and residence address of each agent,  
21 representative, or member exempt under the provisions of this  
22 subsection and shall, within 30 days of termination of  
23 employment, notify the department of the termination. Any  
24 agent, representative, or member for which an exemption is  
25 claimed due to employment by the society subsequent to March 1  
26 shall be registered by the society with the department within  
27 10 days of the date of employment.

28 Section 56. Section 634.171, Florida Statutes, is  
29 amended to read:

30 634.171 Salesperson to be licensed and  
31 appointed.--Salespersons for motor vehicle service agreement

1 companies and insurers shall be licensed, appointed, renewed,  
2 continued, reinstated, or terminated as prescribed in chapter  
3 626 for insurance representatives in general. However, they  
4 shall be exempt from all other provisions of chapter 626  
5 including fingerprinting, photo identification, education, and  
6 examination provisions. License, appointment, and other fees  
7 shall be those prescribed in s. 624.501. A licensed and  
8 appointed salesperson shall be directly responsible and  
9 accountable for all acts of her or his employees and other  
10 representatives. Each service agreement company or insurer  
11 shall, on forms prescribed by the department, within 30 days  
12 after termination of the appointment, notify the department of  
13 such termination. No employee or salesperson of a motor  
14 vehicle service agreement company or insurer may directly or  
15 indirectly solicit or negotiate insurance contracts, or hold  
16 herself or himself out in any manner to be an insurance agent  
17 ~~or solicitor~~, unless so qualified, licensed, and appointed  
18 therefor under the Florida Insurance Code. A motor vehicle  
19 service agreement company is not required to be licensed as a  
20 salesperson to solicit, sell, issue, or otherwise transact the  
21 motor vehicle service agreements issued by the motor vehicle  
22 service agreement company.

23 Section 57. Section 634.420, Florida Statutes, is  
24 amended to read:

25 634.420 License and appointment of sales  
26 representatives.--Sales representatives for service warranty  
27 associations or insurers shall be licensed, appointed,  
28 renewed, continued, reinstated, or terminated in accordance  
29 with procedures as prescribed in chapter 626 for insurance  
30 representatives in general. However, they shall be exempt from  
31 all other provisions of chapter 626, including fingerprinting,



1 photo identification, education, and examination. License,  
2 appointment, and other fees shall be those prescribed in s.  
3 624.501. A licensed and appointed sales representative shall  
4 be directly responsible and accountable for all acts of the  
5 licensed sales representative's employees or other  
6 representatives. Each service warranty association or insurer  
7 shall, on forms prescribed by the department, within 30 days  
8 after termination of the appointment, notify the department of  
9 such termination. No employee or sales representative of a  
10 service warranty association or insurer may directly or  
11 indirectly solicit or negotiate insurance contracts, or hold  
12 herself or himself out in any manner to be an insurance agent  
13 ~~or solicitor~~, unless so qualified, licensed, and appointed  
14 therefor under the insurance code.

15 Section 58. Section 642.034, Florida Statutes, is  
16 amended to read:

17 642.034 License and appointment required.--No person  
18 may solicit, negotiate, sell, or execute legal expense  
19 insurance contracts on behalf of an insurer in this state  
20 unless such person is licensed and appointed as a sales  
21 representative or is licensed and appointed under the  
22 insurance code as a general lines agent ~~or solicitor~~. No  
23 person licensed and appointed as a legal expense insurance  
24 sales representative may solicit, negotiate, sell, or execute  
25 any other contract of insurance unless such person is duly  
26 licensed and appointed to do so under the provisions of  
27 chapter 626.

28 Section 59. Section 642.036, Florida Statutes, is  
29 amended to read:

30 642.036 Sales representatives to be licensed and  
31 appointed.--Sales representatives of legal expense insurers

1 shall be licensed, appointed, renewed, continued, reinstated,  
2 or terminated as prescribed in chapter 626 for insurance  
3 representatives in general, and shall pay the license and  
4 appointment fees prescribed in s. 624.501. No employee or  
5 sales representative of an insurer may directly or indirectly  
6 solicit or negotiate insurance contracts, or hold herself or  
7 himself out in any manner to be an insurance agent ~~or~~  
8 ~~solicitor~~, unless so qualified, licensed, and appointed  
9 therefor under the insurance code.

10 Section 60. Section 642.045, Florida Statutes, is  
11 amended to read:

12 642.045 Procedure for refusal, suspension, or  
13 revocation of license and appointment of sales representative;  
14 departmental action upon violation by licensed insurance agent  
15 ~~or solicitor~~.--

16 (1) If any sales representative is convicted by a  
17 court of a violation of any provision of ss. 642.011-642.049,  
18 the license and appointment of such individual shall thereby  
19 be deemed to be immediately revoked without any further  
20 procedure relative thereto by the department.

21 (2) Whenever it appears that any licensed insurance  
22 agent ~~or solicitor~~ has violated the provisions of ss.  
23 642.011-642.049, or if any grounds listed in s. 642.041 or s.  
24 642.043 exist as to such agent ~~or solicitor~~, the department  
25 may take such action as is authorized by the insurance code  
26 for a violation of the insurance code by such agent ~~or~~  
27 ~~solicitor~~, or such action as is authorized by this chapter for  
28 a violation of this chapter by a sales representative.

29 Section 61. Paragraph (b) of subsection (5) and  
30 subsection (9) of section 648.27, Florida Statutes, are  
31 amended to read:

1           648.27 Licenses and appointments; general.--

2           (5)

3           (b) The license of a temporary bail bond agent ~~or~~  
4 ~~runner~~ shall continue in force until suspended, revoked, or  
5 otherwise terminated.

6           (9) If, upon application for an appointment and such  
7 investigation as the department may make, it appears to the  
8 department that an individual has been actively engaged or is  
9 currently actively engaged in bail bond activities without  
10 being appointed as required, the department may, if it finds  
11 that such failure to be appointed is an error on the part of  
12 the insurer or employer so represented, issue or authorize the  
13 issuance of the appointment as applied for, but subject to the  
14 condition that, before the appointment is issued, all fees and  
15 taxes which would have been due had the applicant been so  
16 appointed during such current and prior periods, together with  
17 a continuation fee for such current and prior terms of  
18 appointment, shall be paid to the department. Failure to  
19 notify the department within the required time period shall  
20 result in the appointing entity being assessed a delinquent  
21 fee of \$250. Delinquent fees shall be paid by the appointing  
22 entity and shall not be charged to the appointee.

23           Section 62. Paragraph (b) of subsection (2) and  
24 subsection (6) of section 648.34, Florida Statutes, are  
25 amended to read:

26           648.34 Bail bond agents; qualifications.--

27           (2) To qualify as a bail bond agent, it must  
28 affirmatively appear at the time of application and throughout  
29 the period of licensure that the applicant has complied with  
30 the provisions of s. 648.355 and has obtained a temporary  
31 license pursuant to such section and:

1           (b) The applicant is a United States citizen or legal  
2 alien who possesses work authorization from the United States  
3 Immigration and Naturalization Service and is a resident of  
4 this state. An individual who is a resident of this state  
5 shall be deemed to meet the residence requirement of this  
6 paragraph, notwithstanding the existence, at the time of  
7 application for license, of a license in the applicant's name  
8 on the records of another state as a resident licensee of such  
9 other state, if the applicant furnishes a letter of clearance  
10 satisfactory to the department that his or her resident  
11 licenses have been canceled or changed to a nonresident basis  
12 and that he or she is in good standing.

13           (6) The provisions of s. 112.011 do not apply to bail  
14 bond agents ~~or runners~~ or to applicants for licensure as bail  
15 bond agents ~~or runners~~.

16           Section 63. Paragraph (b) of subsection (1) of section  
17 648.355, Florida Statutes, is amended to read:

18           648.355 Temporary limited license as limited surety  
19 agent or professional bail bond agent; pending examination.--

20           (1) The department may, in its discretion, issue a  
21 temporary license as a limited surety agent or professional  
22 bail bond agent, subject to the following conditions:

23           (b) The applicant is a United States citizen or legal  
24 alien who possesses work authorization from the United States  
25 Immigration and Naturalization Service and is a resident of  
26 this state. An individual who is a resident of this state  
27 shall be deemed to meet the residence requirement of this  
28 paragraph, notwithstanding the existence, at the time of  
29 application for temporary license, of a license in the  
30 individual's name on the records of another state as a  
31 resident licensee of such other state, if the applicant

1 furnishes a letter of clearance satisfactory to the department  
2 that the individual's resident licenses have been canceled or  
3 changed to a nonresident basis and that the individual is in  
4 good standing.

5 Section 64. Paragraph (a) of subsection (2) and  
6 subsection (3) of section 648.382, Florida Statutes, are  
7 amended, and subsection (6) is added to that section, to read:

8 648.382 Appointment of bail bond agents and temporary  
9 bail bond agents; effective date of appointment.--

10 (2) Prior to any appointment, an appropriate officer  
11 or official of the appointing insurer in the case of a bail  
12 bond agent or an insurer, managing general agent, or bail bond  
13 agent in the case of a temporary bail bond agent must submit:

14 (a) A certified statement or affidavit to the  
15 department stating what investigation has been made concerning  
16 the proposed appointee and the proposed appointee's background  
17 and the appointing person's opinion to the best of his or her  
18 knowledge and belief as to the moral character, fitness, and  
19 reputation of the proposed appointee. In lieu of such  
20 certified statement or affidavit, by authorizing the  
21 effectuation of an appointment for a licensee, the appointing  
22 insurer certifies to the department that such investigation  
23 has been made and that the results of the investigation and  
24 the appointing person's opinion are available for review by  
25 the department;

26 (3) By authorizing the effectuation of an appointment  
27 for a licensee, the appointing insurer certifies to the  
28 department ~~Prior to any appointment of a bail bond agent, the~~  
29 ~~appointing insurer must certify to the department that the~~  
30 ~~insurer will be bound by the acts of the bail bond agent~~  
31 ~~acting within the scope of his or her appointment, and, in the~~

1 case of a temporary bail bond agent, the appointing insurer,  
2 managing general agent, or bail bond agent, as the case may  
3 be, must certify to the department that he or she will  
4 supervise the temporary bail bond agent's activities.

5 (6) Failure to notify the department within the  
6 required time period shall result in the appointing entity  
7 being assessed a delinquent fee of \$250. Delinquent fees shall  
8 be paid by the appointing entity and shall not be charged to  
9 the appointee.

10 Section 65. Subsections (1) and (4) of section  
11 648.383, Florida Statutes, are amended to read:

12 648.383 Renewal, continuation, reinstatement, and  
13 termination of appointment; bail bond agents.--

14 (1) The appointment of a bail bond agent shall  
15 continue in force unless suspended, revoked, or otherwise  
16 terminated, subject to a renewal request filed by the  
17 appointing entity in the appointee's birth month and every 24  
18 months thereafter. A renewal request must be filed with the  
19 department or person designated by the department to  
20 administer the appointment process along with payment of the  
21 renewal appointment fee and taxes as prescribed in s. 624.501.

22 (4) If the information required under subsection (2)  
23 is received by the department after the date established by  
24 the department for renewal, the appointment may be renewed by  
25 the department if an additional appointment, late filing,  
26 continuation, and reinstatement fee accompanies the  
27 application as required under s. 624.501. Late filing fees  
28 shall be paid by the appointing entity and shall not be  
29 charged to the appointee.

30 Section 66. Subsections (1) and (3) of section 648.50,  
31 Florida Statutes, are amended to read:

1           648.50 Effect of suspension, revocation upon  
2 associated licenses and licensees.--

3           (1) Upon the suspension, revocation, or refusal to  
4 renew or continue any license or appointment or the  
5 eligibility to hold a license or appointment of a bail bond  
6 agent or, temporary bail bond agent, ~~or runner~~, the department  
7 shall at the same time likewise suspend or revoke all other  
8 licenses or appointments and the eligibility to hold any other  
9 such licenses or appointments which may be held by the  
10 licensee under the Florida Insurance Code.

11           (3) No person whose license as a bail bond agent or,  
12 temporary bail bond agent, ~~or runner~~ has been revoked or  
13 suspended shall be employed by any bail bond agent, have any  
14 ownership interest in any business involving bail bonds, or  
15 have any financial interest of any type in any bail bond  
16 business during the period of revocation or suspension.

17           Section 67. Sections 626.032 and 626.361, Florida  
18 Statutes, are repealed.

19           Section 68. This act shall take effect upon becoming a  
20 law.

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