

By the Committee on Banking and Insurance; and Senator Diaz de la Portilla

311-2314-03

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, 626.733,  
5           626.7354, 626.741, 626.753, 626.829, 634.171,  
6           634.420, 642.034, 642.036, and 642.045, F.S.;  
7           deleting references to solicitors to conform to  
8           prior deletions; amending ss. 624.34, 626.202,  
9           and 626.601, F.S.; revising certain  
10          fingerprinting requirements; amending s.  
11          624.501, F.S.; providing for a fee for certain  
12          late appointment filings; amending s. 626.015,  
13          F.S.; deleting a definition of administrative  
14          agent; amending s. 626.171, F.S.; revising  
15          applicant address requirements; specifying  
16          required background investigation information;  
17          amending ss. 626.175, 626.7355, 626.731,  
18          626.831, 626.8414, 626.865, 626.866, 626.867,  
19          626.874, 626.9916, 648.34, and 648.355, F.S.;  
20          revising licensure eligibility criteria to  
21          specify United States citizenship or certain  
22          legal alien status; providing for the adoption  
23          of rules; amending s. 626.201, F.S.; revising  
24          certain fingerprint requirements; amending s.  
25          626.221, F.S.; revising appointment application  
26          filing time period requirements; amending s.  
27          626.2815, F.S.; requiring certain continuing  
28          education hour and subject requirements;  
29          deleting references to solicitors to conform to  
30          prior deletions; revising a continuing  
31          education board member title; amending s.

1           626.2816, F.S.; revising a cross-reference;  
2           clarifying a continuing education requirement;  
3           amending s. 626.2817, F.S.; deleting a  
4           prelicensure rule requirement; amending s.  
5           626.311, F.S.; providing for the appointment of  
6           certain licensees; amending s. 626.321, F.S.;  
7           deleting references to solicitors to conform to  
8           prior deletions; providing for one application  
9           for a license and payment of applicable fees;  
10          amending s. 626.322, F.S.; clarifying the  
11          effect of insurer authorization of effectuation  
12          of certain appointments; amending s. 626.341,  
13          F.S.; including a department-designated person  
14          to administer appointment processes for certain  
15          appointment-related actions; amending s.  
16          626.371, F.S.; providing requirements for  
17          submittal and effective date of appointments;  
18          imposing a delinquent fee for certain  
19          notification failures; providing fee payment  
20          requirements; amending s. 626.381, F.S.;  
21          including a department-designated person to  
22          administer appointment processes for certain  
23          appointment-related actions; providing for a  
24          fee for certain late appointment filings;  
25          amending s. 626.451, F.S.; including a  
26          department-designated person to administer  
27          appointment processes for certain  
28          appointment-related actions; clarifying the  
29          effect of insurer authorization of effectuation  
30          of certain appointments; requiring licensee  
31          notification of the department of certain

1 criminal proceedings; amending s. 626.461,  
2 F.S.; including a department-designated person  
3 to administer appointment processes for certain  
4 appointment-related actions; deleting  
5 references to solicitors to conform to prior  
6 deletions; amending s. 626.471, F.S.; including  
7 a department-designated person to administer  
8 appointment processes for certain  
9 appointment-related actions; providing for  
10 termination of certain appointments; requiring  
11 notice of termination; amending s. 626.843,  
12 F.S.; revising procedures for renewing title  
13 insurance agent appointments; amending s.  
14 626.7315, F.S.; providing an exception to a  
15 prohibition against certain individuals  
16 receiving money on account of or for an  
17 insurer; amending ss. 626.732, 626.7851,  
18 626.8311, and 626.8417, F.S.; revising certain  
19 education subject requirements; amending s.  
20 626.7351, F.S.; revising licensure eligibility  
21 criteria to specify United States citizenship  
22 or certain legal alien status; revising certain  
23 education subject requirements; providing  
24 additional education course requirements;  
25 amending s. 626.785, F.S.; revising licensure  
26 eligibility criteria to specify United States  
27 citizenship or certain legal alien status;  
28 increasing the amount of coverage for  
29 burial-related expenses that may be sold by a  
30 life insurance agent under contract with a  
31 funeral establishment; amending s. 626.797,

1 F.S.; revising an association title; amending  
2 s. 626.869, F.S.; deleting a provision relating  
3 to limited licenses for certain adjusters;  
4 revising certain education requirements;  
5 amending s. 626.878, F.S.; specifying  
6 implementation requirements for the  
7 department's ethics rules; amending s.  
8 626.9541, F.S.; revising sliding as an unfair  
9 method of competition and unfair or deceptive  
10 act or practice; amending s. 632.634, F.S.;  
11 specifying registration of a society only upon  
12 department request; amending s. 627.7295, F.S.;  
13 revising the per-policy fees that general lines  
14 agents may charge on certain policies; amending  
15 s. 648.27, F.S.; imposing a delinquent fee for  
16 certain notification failures; providing fee  
17 payment requirements; deleting obsolete runner  
18 references; amending s. 648.382, F.S.;  
19 clarifying the effect of insurer authorization  
20 of effectuation of certain appointments;  
21 imposing a delinquent fee for certain  
22 notification failures; providing fee payment  
23 requirements; amending s. 648.383, F.S.;  
24 including a department-designated person to  
25 administer appointment processes for certain  
26 appointment-related actions; providing for a  
27 fee for certain late appointment filings;  
28 amending s. 648.50, F.S.; deleting obsolete  
29 runner references; repealing s. 626.032, F.S.,  
30 relating to continuing education and required  
31 designation of administrative agents; repealing

1 s. 626.361, F.S., relating to the effective  
2 date of appointments; providing an effective  
3 date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Section 624.04, Florida Statutes, is  
8 amended to read:

9 624.04 "Person" defined.--"Person" includes an  
10 individual, insurer, company, association, organization,  
11 Lloyds, society, reciprocal insurer or interinsurance  
12 exchange, partnership, syndicate, business trust, corporation,  
13 agent, general agent, broker, ~~solicitor~~, service  
14 representative, adjuster, and every legal entity.

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

17 624.303 Seal; certified copies as evidence.--

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

21 Section 3. Paragraph (a) of subsection (2) of section  
22 624.313, Florida Statutes, is amended to read:

23 624.313 Publications.--

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

26 (a) As needed, questions and answers for the use of  
27 persons applying for an examination for licensing as agents ~~or~~  
28 ~~solicitors~~ for property, casualty, surety, health, and  
29 miscellaneous insurers.

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

1           624.317 Investigation of agents, adjusters,  
2 administrators, service companies, and others.--If it has  
3 reason to believe that any person has violated or is violating  
4 any provision of this code, or upon the written complaint  
5 signed by any interested person indicating that any such  
6 violation may exist, the department shall conduct such  
7 investigation as it deems necessary of the accounts, records,  
8 documents, and transactions pertaining to or affecting the  
9 insurance affairs of any:

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

12           Section 5. Section 624.34, Florida Statutes, is  
13 amended to read:

14           624.34 Authority of Department of Law Enforcement to  
15 accept fingerprints of, and exchange criminal history records  
16 with respect to, certain persons.--

17           (1) The Department of Law Enforcement may accept  
18 fingerprints of organizers, incorporators, subscribers,  
19 officers, stockholders, directors, or any other persons  
20 involved, directly or indirectly, in the organization,  
21 operation, or management of:

22           (a) Any insurer or proposed insurer transacting or  
23 proposing to transact insurance in this state.

24           (b) Any other entity which is examined or investigated  
25 or which is eligible to be examined or investigated under the  
26 provisions of the Florida Insurance Code.

27           (2) The Department of Law Enforcement may accept  
28 fingerprints of individuals who apply for a license as an  
29 agent, customer representative, adjuster, service  
30 representative, or managing general agent or the fingerprints  
31 of the majority owner, sole proprietor, partners, officers,

1 and directors of a corporation or other legal entity that  
2 applies for licensure with the department under the provisions  
3 of the Florida Insurance Code.

4 (3) The Department of Law Enforcement may, to the  
5 extent provided for by federal law, exchange state,  
6 multistate, and federal criminal history records with the  
7 department and the office for the purpose of the issuance,  
8 denial, suspension, or revocation of a certificate of  
9 authority, certification, or license to operate in this state.

10 (4) The Department of Law Enforcement may accept  
11 fingerprints of any other person required by statute or rule  
12 to submit fingerprints to the department or office or any  
13 applicant or licensee regulated by the department or office  
14 who is required to demonstrate that he or she has not been  
15 convicted of or pled guilty or nolo contendere to a felony or  
16 a misdemeanor.

17 (5) The Department of Law Enforcement shall, upon  
18 receipt of fingerprints from the department or office, submit  
19 the fingerprints to the Federal Bureau of Investigation to  
20 check federal criminal history records.

21 (6) Statewide criminal records obtained through the  
22 Department of Law Enforcement, federal criminal records  
23 obtained through the Federal Bureau of Investigation, and  
24 local criminal records obtained through local law enforcement  
25 agencies shall be used by the department and office for the  
26 purpose of issuance, denial, suspension, or revocation of  
27 certificates of authority, certifications, or licenses issued  
28 to operate in this state.

29 Section 6. Paragraph (b) of subsection (6) of section  
30 624.501, Florida Statutes, is amended, and subsection (28) is  
31 added to that section, to read:

1           624.501 Filing, license, appointment, and  
2 miscellaneous fees.--The department shall collect in advance,  
3 and persons so served shall pay to it in advance, fees,  
4 licenses, and miscellaneous charges as follows:

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

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

9	Appointment fee.....	\$42.00
10	State tax.....	12.00
11	County tax.....	6.00
12	Total.....	\$60.00

13           (28) Late filing of appointment renewals for agents,  
14 adjusters, and other insurance representatives, each  
15 appointment.....\$20.00

16           Section 7. Section 624.504, Florida Statutes, is  
17 amended to read:

18           624.504 Liability for state, county tax.--

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

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

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

27           624.506 County tax; deposit and remittance.--

28           (1) The Insurance Commissioner and Treasurer shall  
29 deposit in the Agents ~~and Solicitors~~ County Tax Trust Fund all  
30 moneys accepted as county tax under this part. She or he shall  
31 keep a separate account for all moneys so collected for each



1 county and, after deducting therefrom the service charges  
2 provided for in s. 215.20, shall remit the balance to the  
3 counties.

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

6 624.521 Deposit of certain tax receipts; refund of  
7 improper payments.--

8 (1) The Department of Insurance shall promptly deposit  
9 in the State Treasury to the credit of the Insurance  
10 Commissioner's Regulatory Trust Fund all "state tax" portions  
11 of agents' ~~and solicitors'~~ licenses collected under s. 624.501  
12 necessary to fund the Division of Insurance Fraud. The balance  
13 of the tax shall be credited to the General Fund. All moneys  
14 received by the Department of Insurance not in accordance with  
15 the provisions of this code or not in the exact amount as  
16 specified by the applicable provisions of this code shall be  
17 returned to the remitter. The records of the department shall  
18 show the date and reason for such return.

19 Section 10. Section 626.015, Florida Statutes, is  
20 amended to read:

21 626.015 Definitions.--As used in this part:

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

25 ~~(2) "Administrative agent" means a life agent or~~  
26 ~~health agent who:~~

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

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

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

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

3           (2)~~(3)~~ "Agent" means a general lines agent, life  
4 agent, health agent, or title agent, or all such agents, as  
5 indicated by context. The term "agent" includes an insurance  
6 producer or producer, but does not include a customer  
7 representative, limited customer representative, or service  
8 representative.

9           (3)~~(4)~~ "Appointment" means the authority given by an  
10 insurer or employer to a licensee to transact insurance or  
11 adjust claims on behalf of an insurer or employer.

12           (4)~~(5)~~ "Customer representative" means an individual  
13 appointed by a general lines agent or agency to assist that  
14 agent or agency in transacting the business of insurance from  
15 the office of that agent or agency.

16           (5)~~(6)~~ "Department" means the Department of Insurance.

17           (6)~~(7)~~ "General lines agent" means an agent  
18 transacting any one or more of the following kinds of  
19 insurance:

20           (a) Property insurance.

21           (b) Casualty insurance, including commercial liability  
22 insurance underwritten by a risk retention group, a commercial  
23 self-insurance fund as defined in s. 624.462, or a workers'  
24 compensation self-insurance fund established pursuant to s.  
25 624.4621.

26           (c) Surety insurance.

27           (d) Health insurance, when transacted by an insurer  
28 also represented by the same agent as to property or casualty  
29 or surety insurance.

30           (e) Marine insurance.

31

1           (7)~~(8)~~ "Health agent" means an agent representing a  
2 health maintenance organization or, as to health insurance  
3 only, an insurer transacting health insurance.

4           (8)~~(9)~~ "Home state" means the District of Columbia and  
5 any state or territory of the United States in which an  
6 insurance agent maintains his or her principal place of  
7 residence and is licensed to act as an insurance agent.

8           (9)~~(10)~~ "Insurance agency" means a business location  
9 at which an individual, firm, partnership, corporation,  
10 association, or other entity, other than an employee of the  
11 individual, firm, partnership, corporation, association, or  
12 other entity and other than an insurer as defined by s. 624.03  
13 or an adjuster as defined by subsection (1), engages in any  
14 activity or employs individuals to engage in any activity  
15 which by law may be performed only by a licensed insurance  
16 agent.

17           (10)~~(11)~~ "License" means a document issued by the  
18 department authorizing a person to be appointed to transact  
19 insurance or adjust claims for the kind, line, or class of  
20 insurance identified in the document.

21           (11)~~(12)~~ "Life agent" means an individual representing  
22 an insurer as to life insurance and annuity contracts,  
23 including agents appointed to transact life insurance,  
24 fixed-dollar annuity contracts, or variable contracts by the  
25 same insurer.

26           (12)~~(13)~~ "Limited customer representative" means a  
27 customer representative appointed by a general lines agent or  
28 agency to assist that agent or agency in transacting only the  
29 business of private passenger motor vehicle insurance from the  
30 office of that agent or agency. A limited customer  
31 representative is subject to the Florida Insurance Code in the

1 same manner as a customer representative, unless otherwise  
2 specified.

3 (13)~~(14)~~ "Limited lines insurance" means those  
4 categories of business specified in ss. 626.321 and 635.011.

5 (14)~~(15)~~ "Line of authority" means a kind, line, or  
6 class of insurance an agent is authorized to transact.

7 (15)~~(16)~~(a) "Managing general agent" means any person  
8 managing all or part of the insurance business of an insurer,  
9 including the management of a separate division, department,  
10 or underwriting office, and acting as an agent for that  
11 insurer, whether known as a managing general agent, manager,  
12 or other similar term, who, with or without authority,  
13 separately or together with affiliates, produces directly or  
14 indirectly, or underwrites an amount of gross direct written  
15 premium equal to or more than 5 percent of the policyholder  
16 surplus as reported in the last annual statement of the  
17 insurer in any single quarter or year and also does one or  
18 more of the following:

- 19 1. Adjusts or pays claims.
- 20 2. Negotiates reinsurance on behalf of the insurer.

21 (b) The following persons shall not be considered  
22 managing general agents:

- 23 1. An employee of the insurer.
- 24 2. A United States manager of the United States branch  
25 of an alien insurer.
- 26 3. An underwriting manager managing all the insurance  
27 operations of the insurer pursuant to a contract, who is under  
28 the common control of the insurer subject to regulation under  
29 ss. 628.801-628.803, and whose compensation is not based on  
30 the volume of premiums written.
- 31 4. Administrators as defined by s. 626.88.

1           5. The attorney in fact authorized by and acting for  
2 the subscribers of a reciprocal insurer under powers of  
3 attorney.

4           (16)~~(17)~~ "Resident" means an individual domiciled and  
5 residing in this state.

6           (17)~~(18)~~ "Service representative" means an individual  
7 employed by an insurer or managing general agent for the  
8 purpose of assisting a general lines agent in negotiating and  
9 effecting insurance contracts when accompanied by a licensed  
10 general lines agent. A service representative shall not be  
11 simultaneously licensed as a general lines agent in this  
12 state. This subsection does not apply to life insurance.

13           (18)~~(19)~~ "Uniform application" means the uniform  
14 application of the National Association of Insurance  
15 Commissioners for nonresident agent licensing, effective  
16 January 15, 2001, or subsequent versions adopted by rule by  
17 the department.

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

20           626.022 Scope of part.--

21           (1) This part applies as to insurance agents,  
22 ~~solicitors~~, service representatives, adjusters, and insurance  
23 agencies; as to any and all kinds of insurance; and as to  
24 stock insurers, mutual insurers, reciprocal insurers, and all  
25 other types of insurers, except that:

26           (a) It does not apply as to reinsurance, except that  
27 ss. 626.011-626.031, ss. 626.102-626.181, ss. 626.191-626.211,  
28 ss. 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss.  
29 626.541-626.591, and ss. 626.601-626.711 shall apply as to  
30 reinsurance intermediaries as defined in s. 626.7492.

31

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

3 (c) It does not apply to a bail bond agent, as defined  
4 in s. 648.25, except as provided in chapter 648 or chapter  
5 903.

6 (d) This part does not apply to a certified public  
7 accountant licensed under chapter 473 who is acting within the  
8 scope of the practice of public accounting, as defined in s.  
9 473.302, provided that the activities of the certified public  
10 accountant are limited to advising a client of the necessity  
11 of obtaining insurance, the amount of insurance needed, or the  
12 line of coverage needed, and provided that the certified  
13 public accountant does not directly or indirectly receive or  
14 share in any commission or referral fee, ~~or solicitor's fee.~~

15 Section 12. Paragraph (a) of subsection (7) of section  
16 626.112, Florida Statutes, is amended to read:

17 626.112 License and appointment required; agents,  
18 customer representatives, adjusters, insurance agencies,  
19 service representatives, managing general agents.--

20 (7)(a) No individual, firm, partnership, corporation,  
21 association, or any other entity shall act in its own name or  
22 under a trade name, directly or indirectly, as an insurance  
23 agency, when required to be licensed by this subsection,  
24 unless it complies with s. 626.172 with respect to possessing  
25 an insurance agency license for each place of business at  
26 which it engages in any activity which may be performed only  
27 by a licensed insurance agent ~~or solicitor.~~

28 Section 13. Paragraph (a) of subsection (2) and  
29 subsection (5) of section 626.171, Florida Statutes, are  
30 amended to read:

31 626.171 Application for license.--

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

2 (a) His or her full name, age, social security number,  
3 residence address, ~~and place of business~~ address, and mailing  
4 address.

5 (5) An application for a license as an agent, customer  
6 representative, adjuster, insurance agency, service  
7 representative, managing general agent, or reinsurance  
8 intermediary must be accompanied by a set of the individual  
9 applicant's fingerprints, or, if the applicant is not an  
10 individual, by a set of the fingerprints of the sole  
11 proprietor, majority owner, partners, officers, and directors,  
12 on a form adopted by rule of the department and accompanied by  
13 the fingerprint processing fee set forth in s. 624.501.  
14 Fingerprints shall be used to investigate the applicant's  
15 qualifications pursuant to s. 626.201.The fingerprints shall  
16 be taken ~~certified~~ by a law enforcement agency or other  
17 department-approved entity officer.

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

20 626.175 Temporary licensing.--

21 (1) The department may issue a nonrenewable temporary  
22 license for a period not to exceed 6 months authorizing  
23 appointment of a general lines insurance agent or a life  
24 agent, or an industrial fire or burglary agent, subject to the  
25 conditions described in this section. The fees paid for a  
26 temporary license and appointment shall be as specified in s.  
27 624.501. Fees paid shall not be refunded after a temporary  
28 license has been issued.

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

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

31

1           2. A United States citizen or legal alien who  
2 possesses work authorization from the United States  
3 Immigration and Naturalization Service.

4           **(b)**~~(a)~~1. In the case of a general lines agent, the  
5 department may issue a temporary license to an employee, a  
6 family member, a business associate, or a personal  
7 representative of a licensed general lines agent for the  
8 purpose of continuing or winding up the business affairs of  
9 the agent or agency in the event the licensed agent has died  
10 or become unable to perform his or her duties because of  
11 military service or illness or other physical or mental  
12 disability, subject to the following conditions:

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

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

18           c. Application for the temporary license shall have  
19 been made by the applicant upon statements and affidavit filed  
20 with the department on forms prescribed and furnished by the  
21 department.

22           d. Under a temporary license and appointment, the  
23 licensee shall not represent any insurer not last represented  
24 by the agent being replaced and shall not be licensed or  
25 appointed as to any additional kind, line, or class of  
26 insurance other than those covered by the last existing agency  
27 appointments of the replaced agent. If an insurer withdraws  
28 from the agency during the temporary license period, the  
29 temporary licensee may be appointed by another similar insurer  
30 but only for the period remaining under the temporary license.

31



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

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

6           1. To the executor or administrator of the estate of a  
7 deceased individual licensed and appointed as a life agent at  
8 the time of death;

9           2. To a surviving next of kin of the deceased  
10 individual, if no administrator or executor has been appointed  
11 and qualified; however, any license and appointment under this  
12 subparagraph shall be canceled upon issuance of a license to  
13 an executor or administrator under subparagraph 1.; or

14           3. To an individual otherwise qualified to be licensed  
15 as an agent who has completed the educational or training  
16 requirements prescribed in s. 626.7851 and has successfully  
17 sat for the required examination prior to termination of such  
18 6-month period. The department may issue this temporary  
19 license only in the case of a life agent to represent an  
20 insurer of the industrial or ordinary-combination class.

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

28           Section 15. Section 626.202, Florida Statutes, is  
29 amended to read:

30           626.202 Fingerprinting requirements.--If there is a  
31 change in ownership or control of any entity licensed under

1 this chapter, or if a new partner, officer, or director is  
2 employed or appointed, a set of fingerprints of the new owner,  
3 partner, officer, or director must be filed with the  
4 department within 30 days after the change. The acquisition of  
5 10 percent or more of the voting securities of a licensed  
6 entity is considered a change of ownership or control. The  
7 fingerprints must be taken ~~certified~~ by a law enforcement  
8 agency or other department-approved entity ~~officer~~ and be  
9 accompanied by the fingerprint processing fee in s. 624.501.

10 Section 16. Section 626.201, Florida Statutes, is  
11 amended to read:

12 626.201 Investigation.--

13 (1) The department may propound any reasonable  
14 interrogatories in addition to those contained in the  
15 application, to any applicant for license or appointment, or  
16 on any renewal, reinstatement, or continuation thereof,  
17 relating to his or her qualifications, residence, prospective  
18 place of business, and any other matter which, in the opinion  
19 of the department, is deemed necessary or advisable for the  
20 protection of the public and to ascertain the applicant's  
21 qualifications.

22 (2) The department may, upon completion of the  
23 application, make such further investigation as it may deem  
24 advisable of the applicant's character, experience,  
25 background, and fitness for the license or appointment. Such  
26 an inquiry or investigation shall be in addition to any  
27 examination required to be taken by the applicant as  
28 hereinafter in this chapter provided.

29 (3) An inquiry or investigation of the applicant's  
30 qualifications, character, experience, background, and fitness  
31 must include submission of the applicant's fingerprints to the

1 Department of Law Enforcement and the Federal Bureau of  
2 Investigation and consideration of any state criminal records,  
3 federal criminal records, or local criminal records obtained  
4 from these agencies or from local law enforcement agencies.

5 Section 17. Paragraphs (e), (f), (g), and (k) of  
6 subsection (2) of section 626.221, Florida Statutes, are  
7 amended to read:

8 626.221 Examination requirement; exemptions.--

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

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

23 (f) A person who has been licensed and appointed by  
24 the department as a public adjuster or independent adjuster,  
25 or licensed and appointed either as an agent or company  
26 adjuster as to all property, casualty, and surety insurances,  
27 may be licensed and appointed as a company adjuster as to any  
28 of such insurances, or as an independent adjuster or public  
29 adjuster, without additional written examination if an  
30 application for appointment is filed with the department

31

1 within 48 ~~24~~ months following the date of cancellation or  
2 expiration of the prior appointment.

3 (g) A person who has been licensed by the department  
4 as an adjuster for motor vehicle, property and casualty,  
5 workers' compensation, and health insurance may be licensed as  
6 such an adjuster without additional written examination if his  
7 or her application for appointment is filed with the  
8 department within 48 ~~24~~ months after cancellation or  
9 expiration of the prior license.

10 (k) An applicant for license as a customer  
11 representative who has the designation of Accredited Advisor  
12 in Insurance (AAI) from the Insurance Institute of America,  
13 the designation of Certified Insurance Counselor (CIC) from  
14 the Society of Certified Insurance Service Counselors, the  
15 designation of Accredited Customer Service Representative  
16 (ACSR) from the Independent Insurance Agents of America, the  
17 designation of Certified Professional Service Representative  
18 (CPSR) from the National Foundation for Certified Professional  
19 Service Representatives ~~Association of Professional Insurance~~  
20 ~~Agents~~, the designation of Certified Insurance Service  
21 Representative (CISR) from the Society of Certified Insurance  
22 Service Representatives. Also, an applicant for license as a  
23 customer representative who has the designation of Certified  
24 Customer Service Representative (CCSR) from the Florida  
25 Association of Insurance Agents, or the designation of  
26 Registered Customer Service Representative (RCSR) from a  
27 regionally accredited postsecondary institution in this state,  
28 or the designation of Professional Customer Service  
29 Representative (PCSR) from the Professional Career Institute,  
30 whose curriculum has been approved by the department and whose  
31 curriculum includes comprehensive analysis of basic property

1 and casualty lines of insurance and testing at least equal to  
2 that of standard department testing for the customer  
3 representative license. The department shall adopt rules  
4 establishing standards for the approval of curriculum.

5 Section 18. Paragraphs (a), (c), and (d) of subsection  
6 (3), paragraphs (a), (b), (c), (d), (g), (h), and (i) of  
7 subsection (4), and paragraph (b) of subsection (6) of section  
8 626.2815, Florida Statutes, are amended to read:

9 626.2815 Continuing education required; application;  
10 exceptions; requirements; penalties.--

11 (3)(a) Each person subject to the provisions of this  
12 section must, except as set forth in paragraphs (b) and (c),  
13 complete a minimum of 24 ~~28~~ hours of continuing education  
14 courses every 2 years in basic or higher-level courses  
15 prescribed by this section or in other courses approved by the  
16 department. Each person subject to the provisions of this  
17 section must complete, as part of his or her ~~their~~ required  
18 number of continuing education hours, 3 hours of continuing  
19 education, approved by the department, every 2 years on the  
20 subject matter of ethics and a minimum of 2 hours of  
21 continuing education, approved by the department, every 2  
22 years on the subject matter of unauthorized entities engaging  
23 in the business of insurance. The scope of the topic of  
24 unauthorized entities shall include the Florida Nonprofit  
25 Multiple Employer Welfare Arrangement Act and the Employee  
26 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as  
27 it relates to the provision of health insurance by employers  
28 to their employees and the regulation thereof.

29 (c) A licensee who has been licensed for 25 years or  
30 more and is a CLU or a CPCU or has a Bachelor of Science  
31 degree in risk management or insurance with evidence of 18 or

1 more semester hours in upper-level insurance-related courses  
2 must complete 12 ~~14~~ hours of continuing education courses  
3 every 2 years in courses prescribed by this section or in  
4 other courses approved by the department, except, for  
5 compliance periods beginning January 1, 1998, the licensees  
6 described in this paragraph shall be required to complete 10  
7 hours of continuing education courses every 2 years.

8 (d) Any person who holds a license as a customer  
9 representative, limited customer representative,  
10 ~~administrative agent~~, title agent, motor vehicle physical  
11 damage and mechanical breakdown insurance agent, crop or hail  
12 and multiple-peril crop insurance agent, or as an industrial  
13 fire insurance or burglary insurance agent and who is not a  
14 licensed life or health insurance agent, shall be required to  
15 complete 12 ~~14~~ hours of continuing education courses every 2  
16 years, except, for compliance periods beginning on January 1,  
17 1998, each licensee subject to this paragraph shall be  
18 required to complete 10 hours of continuing education courses  
19 every 2 years.

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

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

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

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

29 (d) Any part of the American Institute for Property  
30 and Liability Underwriters' Chartered Property Casualty  
31

1 Underwriter (CPCU) professional designation program: 24 ~~28~~  
2 hours.

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

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

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

12 (6)

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

14 1. Seven members representing agents of which at least  
15 one must be a representative from each of the following  
16 organizations: the Florida Association of Insurance Agents;  
17 the Florida Association of Insurance and Financial Advisors  
18 ~~Life Underwriters~~; the Professional Insurance Agents of  
19 Florida, Inc.; the Florida Association of Health Underwriters;  
20 the Specialty Agents' Association; the Latin American Agents'  
21 Association; and the National Association of Insurance Women.  
22 Such board members must possess at least a bachelor's degree  
23 or higher from an accredited college or university with major  
24 coursework in insurance, risk management, or education or  
25 possess the designation of CLU, CPCU, CHFC, CFP, AAI, or CIC.  
26 In addition, each member must possess 5 years of classroom  
27 instruction experience or 5 years of experience in the  
28 development or design of educational programs or 10 years of  
29 experience as a licensed resident agent. Each organization may  
30 submit to the department a list of recommendations for  
31 appointment. If one organization does not submit a list of

1 recommendations, the Insurance Commissioner may select more  
2 than one recommended person from a list submitted by other  
3 eligible organizations.

4           2. Two members representing insurance companies at  
5 least one of whom must represent a Florida Domestic Company  
6 and one of whom must represent the Florida Insurance Council.  
7 Such board members must be employed within the training  
8 department of the insurance company. At least one such member  
9 must be a member of the Society of Insurance Trainers and  
10 Educators.

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

16           4. One member, appointed by the Insurance  
17 Commissioner, who represents the department.

18           Section 19. Section 626.2816, Florida Statutes, is  
19 amended to read:

20           626.2816 Regulation of continuing education for  
21 licensees, course providers, instructors, school officials,  
22 and monitor groups.--

23           (1) Continuing education course providers,  
24 instructors, school officials, and monitor groups must be  
25 approved by the department before offering continuing  
26 education courses pursuant to s. 626.2815 or s. 626.869.

27           (2) The department shall adopt rules establishing  
28 standards for the approval, regulation, and operation of the  
29 continuing education programs and for the discipline of  
30 licensees, course providers, instructors, school officials,  
31 and monitor groups. The standards must be designed to ensure



1 that such course providers, instructors, school officials, and  
2 monitor groups have the knowledge, competence, and integrity  
3 to fulfill the educational objectives of ss. 626.2815,  
4 626.869~~(5)~~, 648.385, and 648.386.

5 (3) The department shall adopt rules establishing a  
6 process by which compliance with the continuing education  
7 requirements of ss. 626.2815, 626.869~~(5)~~, 648.385, and 648.386  
8 can be determined, the establishment of a continuing education  
9 compliance period ~~requirement cycle~~ for licensees, and forms  
10 necessary to implement such a process.

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

13 626.2817 Regulation of course providers, instructors,  
14 school officials, and monitor groups involved in prelicensure  
15 education for insurance agents and other licensees.--

16 (3) The department shall adopt rules to establish a  
17 process for determining compliance with the prelicensure  
18 requirements of this chapter and chapter 648 ~~and shall~~  
19 ~~establish a prelicensure cycle for insurance agents and other~~  
20 ~~licensees~~. The department shall adopt rules prescribing the  
21 forms necessary to administer the prelicensure requirements.

22 Section 21. Subsections (5) and (6) are added to  
23 section 626.311, Florida Statutes, to read:

24 626.311 Scope of license.--

25 (5) At any time while a license is in force, an  
26 insurer may apply to the department on behalf of the licensee  
27 for an appointment. Upon receipt of the appointment  
28 application and appointment taxes and fees, the department may  
29 issue the additional appointment without further investigation  
30 concerning the applicant.

31

1           (6) The department may contract with other persons to  
2 administer the appointment process.

3           Section 22. Paragraphs (a) and (e) of subsection (1)  
4 and subsections (2) and (3) of section 626.321, Florida  
5 Statutes, are amended to read:

6           626.321 Limited licenses.--

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

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

26           (e) Credit life or disability insurance.--License  
27 covering only credit life or disability insurance. The license  
28 may be issued only to an individual employed by a life or  
29 health insurer as an officer or other salaried or commissioned  
30 representative, to an individual employed by or associated  
31 with a lending or financial institution or creditor, or to a

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

14 |       1. ~~Is required to submit only one application for a~~  
15 | ~~license under s. 626.171. The requirements of s. 626.171(5)~~  
16 | ~~shall only apply to the officers and directors of the entity~~  
17 | ~~submitting the application.~~

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

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

1           (2) An entity applying for a license under this  
2 section is required to:

3           (a) Submit only one application for a license under s.  
4 626.171. The requirements of s. 626.171(5) shall only apply to  
5 the officers and directors of the entity submitting the  
6 application.

7           (b) Obtain a license for each office, branch office,  
8 or place of business making use of the entity's business name  
9 by applying to the department for the license on a simplified  
10 application form developed by rule of the department for this  
11 purpose.

12           (c) Pay the applicable fees for a license as  
13 prescribed in s. 624.501, be appointed under s. 626.112, and  
14 pay the prescribed appointment fee under s. 624.501. A  
15 licensed and appointed entity shall be directly responsible  
16 and accountable for all acts of the licensee's employees.

17           ~~(3)~~(2) The limitations of any license issued under  
18 this section shall be expressed therein. The licensee shall  
19 have a separate and additional appointment as to each insurer  
20 represented.

21           ~~(4)~~(3) Except as otherwise expressly provided, an  
22 individual applying for or holding a limited license shall be  
23 subject to the same applicable requirements and  
24 responsibilities as apply to general lines agents in general,  
25 if licensed as to motor vehicle physical damage and mechanical  
26 breakdown insurance, credit property insurance, industrial  
27 fire insurance or burglary insurance, in-transit and storage  
28 personal property insurance, communications equipment property  
29 insurance or communications equipment inland marine insurance,  
30 baggage and motor vehicle excess liability insurance, or  
31 credit insurance; or as apply to life agents or health agents

1 in general, as the case may be, if licensed as to personal  
2 accident insurance or credit life or credit disability  
3 insurance.

4 Section 23. Section 626.322, Florida Statutes, is  
5 amended to read:

6 626.322 License, appointment; certain military  
7 installations.--A natural person, not a resident of this  
8 state, may be licensed and appointed to represent an  
9 authorized life insurer domiciled in this state or an  
10 authorized foreign life insurer which maintains a regional  
11 home office in this state, provided such person represents  
12 such insurer exclusively at a United States military  
13 installation located in a foreign country. The department may,  
14 upon request of the applicant and the insurer on application  
15 forms furnished by the department and upon payment of fees as  
16 prescribed in s. 624.501, issue a license and appointment to  
17 such person. By authorizing the effectuation of an appointment  
18 for a license, the insurer is thereby certifying ~~shall certify~~  
19 to the department that the applicant has the necessary  
20 training to hold himself or herself out as a life insurance  
21 representative, and the insurer shall further certify that it  
22 is willing to be bound by the acts of such applicant within  
23 the scope of his or her employment. Appointments shall be  
24 continued as prescribed in s. 626.381 and upon payment of a  
25 fee as prescribed in s. 624.501, unless sooner terminated.  
26 Such fees received shall be credited to the Insurance  
27 Commissioner's Regulatory Trust Fund as provided for in s.  
28 624.523.

29 Section 24. Section 626.341, Florida Statutes, is  
30 amended to read:

31

1           626.341 Additional appointments; general lines, life,  
2 and health agents.--

3           (1) At any time while a licensee's license is in  
4 force, an insurer may apply to the department or person  
5 designated by the department to administer the appointment  
6 process on behalf of a licensee for an additional appointment  
7 as general lines agent or life or health agent for an  
8 additional insurer or insurers. The application for  
9 appointment shall set forth all information the department may  
10 require. Upon receipt of the appointment and payment of the  
11 applicable appointment taxes and fees, the department may  
12 issue the additional appointment without, in its discretion,  
13 further investigation concerning the applicant.

14           (2) A life or health agent with an appointment in  
15 force may solicit applications for policies of insurance on  
16 behalf of an insurer with respect to which he or she is not an  
17 appointed life or health agent, unless otherwise provided by  
18 contract, if such agent simultaneously with the submission to  
19 such insurer of the application for insurance solicited by him  
20 or her requests the insurer to appoint him or her as agent.  
21 However, no commissions shall be paid by such insurer to the  
22 agent until such time as an additional appointment with  
23 respect to such insurer has been received by the department or  
24 person designated by the department to administer the  
25 appointment process pursuant to the provisions of subsection  
26 (1).

27           Section 25. Section 626.371, Florida Statutes, is  
28 amended to read:

29           626.371 Payment of fees, taxes for appointment period  
30 without appointment.--

31

1           (1) All initial appointments shall be submitted to the  
2 department on a monthly basis no later than 45 days after the  
3 date of appointment and become effective on the date requested  
4 on the appointment form.

5           (2) If, upon application and qualification for an  
6 initial or renewal appointment and such investigation as the  
7 department may make, it appears to the department that an  
8 individual who was formerly licensed or is currently licensed  
9 but not properly appointed to represent an insurer or employer  
10 and who has been actively engaged or is currently actively  
11 engaged as such an appointee, but without being appointed as  
12 required, the department may, if it finds that such failure to  
13 be appointed was an inadvertent error on the part of the  
14 insurer or employer so represented, nevertheless issue or  
15 authorize the issuance of the appointment as applied for but  
16 subject to the condition that, before the appointment is  
17 issued, all fees and taxes which would have been due had the  
18 applicant been so appointed during such current and prior  
19 periods, together with applicable fees pursuant to s. 624.501  
20 a continuation fee for such current and prior periods terms of  
21 appointment, shall be paid to the department.

22           (3)(a) Failure to notify the department within the  
23 required time period shall result in the appointing entity  
24 being assessed a delinquent fee of \$250 per appointee.  
25 Delinquent fees shall be paid by the appointing entity and may  
26 not be charged to the appointee.

27           (b) Failure to timely renew an appointment by an  
28 appointing entity prior to the expiration date of the  
29 appointment shall result in the appointing entity being  
30 assessed late filling, continuation, and reinstatement fees as  
31

1 prescribed in s. 624.501. Such fees must be paid by the  
2 appointing entity and cannot be charged back to the appointee.

3 Section 26. Subsections (3) and (4) of section  
4 626.381, Florida Statutes, are amended and a new subsection  
5 (7) is added to that section to read:

6 626.381 Renewal, continuation, reinstatement, or  
7 termination of appointment.--

8 (3) Renewal of an appointment which is received ~~on a~~  
9 ~~date set forth~~ by the department or person designated by the  
10 department to administer the appointment process prior to the  
11 expiration of an appointment in the licensee's birth month or  
12 license issue date, whichever applies, in the succeeding month  
13 may be renewed by the department without penalty and shall be  
14 effective as of the first day of the month succeeding the  
15 month in which the appointment would have expired.

16 (4) Renewal of an appointment which is received by the  
17 department or person designated by the department to  
18 administer the appointment process after the renewal date set  
19 ~~by the department~~ may be accepted and effectuated by the  
20 department in its discretion if the an additional appointment,  
21 late filing, continuation, and reinstatement fee accompanies  
22 the renewal request pursuant to s. 624.501. Late filing fees  
23 shall be paid by the appointing entity and may not be charged  
24 to the appointee.

25 (7) The department may adopt rules to implement this  
26 section.

27 Section 27. Subsections (1), (2), and (3) of section  
28 626.451, Florida Statutes, are amended, and subsection (7) is  
29 added to that section, to read:

30 626.451 Appointment of agent or other  
31 representative.--



1           (1) Each appointing entity or person designated by the  
2 department to administer the appointment process appointing an  
3 agent, adjuster, service representative, customer  
4 representative, or managing general agent in this state shall  
5 file the appointment with the department and, at the same  
6 time, pay the applicable appointment fee and taxes. Every  
7 appointment shall be subject to the prior issuance of the  
8 appropriate agent's, adjuster's, service representative's,  
9 customer representative's, or managing general agent's  
10 license.

11           (2) By authorizing the effectuation of an appointment  
12 for a licensee, the appointing entity is thereby certifying to  
13 the department that an investigation of the licensee has been  
14 made ~~As a part of each appointment there shall be a certified~~  
15 ~~statement or affidavit of an appropriate officer or official~~  
16 ~~of the appointing entity stating what investigation the~~  
17 ~~appointing entity has made concerning the proposed appointee~~  
18 ~~and his or her background and that in the appointing entity's~~  
19 ~~opinion and to the best of its knowledge and belief, the~~  
20 licensee is of good ~~as to the~~ moral character and reputation,  
21 and is fit to engage in the insurance business. The appointing  
22 entity shall provide to the department fitness, and reputation  
23 ~~of the proposed appointee and any other information the~~  
24 department may reasonably require relative to the proposed  
25 appointee.

26           (3) By authorizing the effectuation of ~~in~~ the  
27 appointment of an agent, adjuster, service representative,  
28 customer representative, or managing general agent the  
29 appointing entity is thereby certifying to the department  
30 ~~shall also certify therein~~ that it is willing to be bound by  
31 the acts of the agent, adjuster, service representative,

1 customer representative, or managing general agent, within the  
2 scope of the licensee's ~~his or her~~ employment.

3 (7) Each licensee shall advise the department in  
4 writing within 30 days after having been found guilty of or  
5 having pleaded guilty or nolo contendere to a felony or a  
6 crime punishable by imprisonment of 1 year or more under the  
7 laws of the United States, any state of the United States, or  
8 any other country, without regard to whether a judgment of  
9 conviction has been entered by the court having jurisdiction  
10 of such cases.

11 Section 28. Section 626.461, Florida Statutes, is  
12 amended to read:

13 626.461 Continuation of appointment of agent or other  
14 representative.--Subject to renewal or continuation by the  
15 appointing entity, the appointment of the agent, adjuster,  
16 ~~solicitor~~, service representative, customer representative, or  
17 managing general agent shall continue in effect until the  
18 person's license is revoked or otherwise terminated, unless  
19 written notice of earlier termination of the appointment is  
20 filed with the department or person designated by the  
21 department to administer the appointment process by either the  
22 appointing entity or the appointee.

23 Section 29. Subsections (4) and (5) of section  
24 626.471, Florida Statutes, are amended to read:

25 626.471 Termination of appointment.--

26 (4) An appointee may terminate the appointment at any  
27 time by giving written or electronic notice thereof to the  
28 appointing entity, ~~and filing a copy of the notice with the~~  
29 department, or person designated by the department to  
30 administer the appointment process. The department shall  
31 immediately terminate the appointment and notify the

1 appointing entity of such termination. Such termination shall  
2 be subject to the appointee's contract rights, if any.

3 (5) Upon receiving notice of termination, the  
4 department or person designated by the department to  
5 administer the appointment process shall terminate the  
6 appointment.

7 Section 30. Subsection (5) of section 626.601, Florida  
8 Statutes, is amended to read:

9 626.601 Improper conduct; inquiry; fingerprinting.--

10 (5) If the department, after investigation, has reason  
11 to believe that a licensee may have been found guilty of or  
12 pleaded guilty or nolo contendere to a felony or a crime  
13 related to the business of insurance in this or any other  
14 state or jurisdiction, the department may require the licensee  
15 to file with the department a complete set of his or her  
16 fingerprints, which shall be accompanied by the fingerprint  
17 processing fee set forth in s. 624.501. The fingerprints shall  
18 be taken ~~certified~~ by an authorized law enforcement agency or  
19 other department-approved entity officer.

20 Section 31. Paragraph (b) of subsection (1) of section  
21 626.731, Florida Statutes, is amended to read:

22 626.731 Qualifications for general lines agent's  
23 license.--

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

28 (b) The applicant is a United States citizen or legal  
29 alien who possesses work authorization from the United States  
30 Immigration and Naturalization Service and is a bona fide  
31 resident of this state. An individual who is a bona fide

1 resident of this state shall be deemed to meet the residence  
2 requirement of this paragraph, notwithstanding the existence  
3 at the time of application for license of a license in his or  
4 her name on the records of another state as a resident  
5 licensee of such other state, if the applicant furnishes a  
6 letter of clearance satisfactory to the department that the  
7 resident licenses have been canceled or changed to a  
8 nonresident basis and that he or she is in good standing.

9 Section 32. Subsection (2) of section 626.7315,  
10 Florida Statutes, is amended to read:

11 626.7315 Prohibition against the unlicensed  
12 transaction of general lines insurance.--With respect to any  
13 line of authority as defined in s. 626.015(7), no individual  
14 shall, unless licensed as a general lines agent:

15 (2) In this state, receive or issue a receipt for any  
16 money on account of or for any insurer, or receive or issue a  
17 receipt for money from other persons to be transmitted to any  
18 insurer for a policy, contract, or certificate of insurance or  
19 any renewal thereof, even though the policy, certificate, or  
20 contract is not signed by him or her as agent or  
21 representative of the insurer, except as provided in s.  
22 626.0428(1);

23 Section 33. Paragraphs (a), (b), and (d) of subsection  
24 (1) of section 626.732, Florida Statutes, are amended to read:

25 626.732 Requirement as to knowledge, experience, or  
26 instruction.--

27 (1) Except as provided in subsection (3), no applicant  
28 for a license as a general lines agent, except for a chartered  
29 property and casualty underwriter (CPCU), other than as to a  
30 limited license as to baggage and motor vehicle excess  
31 liability insurance, credit property insurance, credit

1 insurance, in-transit and storage personal property insurance,  
2 or communications equipment property insurance or  
3 communication equipment inland marine insurance, shall be  
4 qualified or licensed unless within the 4 years immediately  
5 preceding the date the application for license is filed with  
6 the department the applicant has:

7 (a) Taught or successfully completed classroom courses  
8 in insurance, 3 hours of which shall be on the subject matter  
9 of ethics, satisfactory to the department at a school,  
10 college, or extension division thereof, approved by the  
11 department;

12 (b) Completed a correspondence course in insurance, 3  
13 hours of which shall be on the subject matter of ethics,  
14 satisfactory to the department and regularly offered by  
15 accredited institutions of higher learning in this state and,  
16 except if he or she is applying for a limited license under s.  
17 626.321, has had at least 6 months of responsible insurance  
18 duties as a substantially full-time bona fide employee in all  
19 lines of property and casualty insurance set forth in the  
20 definition of general lines agent under s. 626.015;

21 (d)1. Completed at least 1 year of responsible  
22 insurance duties as a licensed and appointed customer  
23 representative or limited customer representative in ~~either~~  
24 commercial or personal lines of property and casualty  
25 insurance and 40 hours of classroom courses approved by the  
26 department covering the areas of property, casualty, surety,  
27 health, and marine insurance; or

28 2. Completed at least 1 year of responsible insurance  
29 duties as a licensed and appointed service representative in  
30 either commercial or personal lines of property and casualty  
31 insurance and 80 hours of classroom courses approved by the

1 department covering the areas of property, casualty, surety,  
2 health, and marine insurance.

3 Section 34. Section 626.733, Florida Statutes, is  
4 amended to read:

5 626.733 Agency firms and corporations; special  
6 requirements.--If a sole proprietorship, partnership,  
7 corporation, or association holds an agency contract, all  
8 members thereof who solicit, negotiate, or effect insurance  
9 contracts, and all officers and stockholders of the  
10 corporation who solicit, negotiate, or effect insurance  
11 contracts, are required to qualify and be licensed  
12 individually as agents, ~~solicitors~~, or customer  
13 representatives; and all of such agents must be individually  
14 appointed as to each property and casualty insurer entering  
15 into an agency contract with such agency. Each such appointing  
16 insurer as soon as known to it shall comply with this section  
17 and shall determine and require that each agent so associated  
18 in or so connected with such agency is likewise appointed as  
19 to the same such insurer and for the same type and class of  
20 license. However, no insurer is required to comply with the  
21 provisions of this section if such insurer satisfactorily  
22 demonstrates to the department that the insurer has issued an  
23 aggregate net written premium, in an agency, in an amount of  
24 \$25,000 or less.

25 Section 35. Paragraph (a) of subsection (2) and  
26 subsection (3) of section 626.7351, Florida Statutes, are  
27 amended to read:

28 626.7351 Qualifications for customer representative's  
29 license.--The department shall not grant or issue a license as  
30 customer representative to any individual found by it to be  
31

1 untrustworthy or incompetent, or who does not meet each of the  
2 following qualifications:

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

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

30 Section 36. Subsection (2) of section 626.7354,  
31 Florida Statutes, is amended to read:

1           626.7354 Customer representative's powers; agent's or  
2 agency's responsibility.--

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

11           Section 37. Paragraph (c) of subsection (1) of section  
12 626.7355, Florida Statutes, is amended to read:

13           626.7355 Temporary license as customer representative  
14 pending examination.--

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

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



1           Section 38. Subsection (3) of section 626.741, Florida  
2 Statutes, is amended to read:

3           626.741 Nonresident agents; licensing and  
4 restrictions.--

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

1 prohibitions contained in this subsection or to believe that  
2 any of the grounds exist as for suspension or revocation of  
3 license as set forth in ss. 626.611 and 626.621.

4 Section 39. Paragraph (a) of subsection (1) of section  
5 626.753, Florida Statutes, is amended to read:

6 626.753 Sharing commissions; penalty.--

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

11 Section 40. Paragraphs (b) and (d) of subsection (1)  
12 of section 626.785, Florida Statutes, are amended to read:

13 626.785 Qualifications for license.--

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

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

22 (d) Must not be a funeral director or direct disposer,  
23 or an employee or representative thereof, or have an office  
24 in, or in connection with, a funeral establishment, except  
25 that a funeral establishment may contract with a life  
26 insurance agent to sell a preneed contract as defined in  
27 chapter 497. Notwithstanding other provisions of this chapter,  
28 such insurance agent may sell limited policies of insurance  
29 covering the expense of final disposition or burial of an  
30 insured in the an amount of \$12,500, plus an annual percentage  
31 increase based on the Annual Consumer Price Index compiled by

1 the United States Department of Labor, beginning with the  
2 Annual Consumer Price Index announced by the United States  
3 Department of Labor for the year 2003 ~~not to exceed \$10,000.~~

4 Section 41. Subsections (1) and (2) of section  
5 626.7851, Florida Statutes, are amended to read:

6 626.7851 Requirement as to knowledge, experience, or  
7 instruction.--No applicant for a license as a life agent,  
8 except for a chartered life underwriter (CLU), shall be  
9 qualified or licensed unless within the 4 years immediately  
10 preceding the date the application for a license is filed with  
11 the department he or she has:

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

23 (2) Successfully completed a correspondence course in  
24 insurance, 3 hours of which shall be on the subject matter of  
25 ethics,satisfactory to the department and regularly offered  
26 by accredited institutions of higher learning in this state,  
27 approved by the department. Courses must include instruction  
28 on the subject matter of unauthorized entities engaging in the  
29 business of insurance, to include the Florida Nonprofit  
30 Multiple-Employer Welfare Arrangement Act and the Employee  
31 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as

1 it relates to the provision of life insurance by employers to  
2 their employees and the regulation thereof;

3 Section 42. Subsection (2) of section 626.829, Florida  
4 Statutes, is amended to read:

5 626.829 "Health agent" defined.--

6 (2) Any person who acts for an insurer, or on behalf  
7 of a licensed representative of an insurer, to solicit  
8 applications for or to negotiate and effectuate health  
9 insurance contracts, whether or not he or she is appointed as  
10 an agent, subagent, ~~solicitor~~, or canvasser or by any other  
11 title, shall be deemed to be a health agent and shall be  
12 qualified, licensed, and appointed as a health agent.

13 Section 43. Paragraph (b) of subsection (1) of section  
14 626.831, Florida Statutes, is amended to read:

15 626.831 Qualifications for license.--

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

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

24 Section 44. Subsections (1) and (2) of section  
25 626.8311, Florida Statutes, are amended to read:

26 626.8311 Requirement as to knowledge, experience, or  
27 instruction.--No applicant for a license as a health agent,  
28 except for a chartered life underwriter (CLU), shall be  
29 qualified or licensed unless within the 4 years immediately  
30 preceding the date the application for license is filed with  
31 the department he or she has:

1           (1) Successfully completed 40 hours of classroom  
2 courses in insurance, 3 hours of which shall be on the subject  
3 matter of ethics, satisfactory to the department at a school  
4 or college, or extension division thereof, or other authorized  
5 course of study, approved by the department. Courses must  
6 include instruction on the subject matter of unauthorized  
7 entities engaging in the business of insurance, to include the  
8 Florida Nonprofit Multiple-Employer Welfare Arrangement Act  
9 and the Employee Retirement Income Security Act, 29 U.S.C. ss.  
10 1001 et seq., as it relates to the provision of health  
11 insurance by employers to their employees and the regulation  
12 thereof;

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

24           Section 45. Subsection (2) of section 626.8414,  
25 Florida Statutes, is amended to read:

26           626.8414 Qualifications for examination.--The  
27 department must authorize any natural person to take the  
28 examination for the issuance of a license as a title insurance  
29 agent if the person meets all of the following qualifications:

30           (2) The applicant must be a United States citizen or  
31 legal alien who possesses work authorization from the United

1 States Immigration and Naturalization Service and a bona fide  
2 resident of this state. A person meets the residency  
3 requirement of this subsection, notwithstanding the existence  
4 at the time of application for license of a license in the  
5 applicant's name on the records of another state as a resident  
6 licensee of such other state, if the applicant furnishes a  
7 letter of clearance satisfactory to the department that the  
8 resident licenses have been canceled or changed to a  
9 nonresident basis and that the applicant is in good standing.

10 Section 46. Paragraph (a) of subsection (3) of section  
11 626.8417, Florida Statutes, is amended to read:

12 626.8417 Title insurance agent licensure;  
13 exemptions.--

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

19 (a) Within the 4 years immediately preceding the date  
20 of the application for license, the applicant must have  
21 completed a 40-hour classroom course in title insurance, 3  
22 hours of which shall be on the subject matter of ethics, as  
23 approved by the department, or must have had at least 12  
24 months of experience in responsible title insurance duties,  
25 while working in the title insurance business as a  
26 substantially full-time, bona fide employee of a title agency,  
27 title agent, title insurer, or attorney who conducts real  
28 estate closing transactions and issues title insurance  
29 policies but who is exempt from licensure pursuant to  
30 paragraph (4)(a). If an applicant's qualifications are based  
31 upon the periods of employment at responsible title insurance

1 duties, the applicant must submit, with the application for  
2 license on a form prescribed by the department, the affidavit  
3 of the applicant and of the employer setting forth the period  
4 of such employment, that the employment was substantially full  
5 time, and giving a brief abstract of the nature of the duties  
6 performed by the applicant.

7 Section 47. Section 626.843, Florida Statutes, is  
8 amended to read:

9 626.843 Renewal, continuation, reinstatement,  
10 termination of title insurance agent's appointment.--

11 (1) The appointment of a title insurance agent shall  
12 continue in force until suspended, revoked, or otherwise  
13 terminated, but subject to a renewed request filed by the  
14 insurer every 24 months after the original issue date of the  
15 appointment, accompanied by payment of the renewal appointment  
16 fee and taxes as prescribed in s. 624.501.

17 (2) Title insurance agent appointments shall be  
18 renewed pursuant to s. 626.381 for insurance representatives  
19 in general.~~Each insurer shall file with the department the~~  
20 ~~lists, statements, and information as to appointments which~~  
21 ~~are being renewed or being terminated, accompanied by payment~~  
22 ~~of the applicable renewal fees and taxes as prescribed in s.~~  
23 ~~624.501, by a date set forth by the department following the~~  
24 ~~month during which the appointments will expire.~~

25 ~~(3) Request for renewal of an appointment which is~~  
26 ~~received on a date set forth by the department in the~~  
27 ~~succeeding month may be renewed by the department without~~  
28 ~~penalty, and shall be effective as of the day the appointment~~  
29 ~~would have expired.~~

30 ~~(4) Request for renewal of an appointment which is~~  
31 ~~received by the department after the date set by the~~

1 ~~department may be accepted and effectuated by the department~~  
2 ~~in its discretion if an additional appointment continuation~~  
3 ~~and reinstatement fee accompany the request for renewal~~  
4 ~~pursuant to s. 624.501.~~

5 (3)~~(5)~~ The appointment issued shall remain in effect  
6 for so long as the appointment represented thereby continues  
7 in force as provided in this section.

8 Section 48. Paragraph (b) of subsection (1) of section  
9 626.865, Florida Statutes, is amended to read:

10 626.865 Public adjuster's qualifications, bond.--

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

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

19 Section 49. Subsection (2) of section 626.866, Florida  
20 Statutes, is amended to read:

21 626.866 Independent adjuster's qualifications.--The  
22 department shall issue a license to an applicant for an  
23 independent adjuster's license upon determining that the  
24 applicable license fee specified in s. 624.501 has been paid  
25 and that the applicant possesses the following qualifications:

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

30 Section 50. Subsection (2) of section 626.867, Florida  
31 Statutes, is amended to read:



1           626.867 Company employee adjuster's  
2 qualifications.--The department shall issue a license to an  
3 applicant for a company employee adjuster's license upon  
4 determining that the applicable license fee specified in s.  
5 624.501 has been paid and that the applicant possesses the  
6 following qualifications:

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

11           Section 51. Section 626.869, Florida Statutes, is  
12 amended to read:

13           626.869 License, adjusters.--

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

- 17           (a) All lines of insurance except life and annuities.  
18           (b) Motor vehicle physical damage insurance.  
19           (c) Property and casualty insurance.  
20           (d) Workers' compensation insurance.  
21           (e) Health insurance.

22           (2) All individuals who on October 1, 1990, hold an  
23 adjuster's license and appointment limited to fire and allied  
24 lines, including marine or casualty or boiler and machinery,  
25 may remain licensed and appointed under the limited license  
26 and may renew their appointment, but no license or appointment  
27 which has been terminated, not renewed, suspended, or revoked  
28 shall be reinstated, and no new or additional licenses or  
29 appointments shall be issued.

30           ~~(3) With the exception of a public adjuster limited to~~  
31 ~~health insurance, a limited license set forth in subsection~~

1 ~~(1) as an independent or public adjuster may only be issued to~~  
2 ~~and retained by an employee of an independent or public~~  
3 ~~adjusting firm which is supervised by a duly appointed~~  
4 ~~all-lines adjuster or an employee of an independent or public~~  
5 ~~adjuster licensed and appointed in all lines of insurance~~  
6 ~~other than life and annuity. The office of the limited lines~~  
7 ~~adjuster shall be in the office of the licensed all-lines~~  
8 ~~adjuster responsible for his or her supervision and~~  
9 ~~instruction.~~

10 ~~(3)(4)~~ The applicant's application for license shall  
11 specify which of the foregoing classes of business the  
12 application for license is to cover.

13 ~~(4)(5)~~ Any individual person holding a license for 24  
14 consecutive months or longer ~~and who engages in adjusting~~  
15 ~~workers' compensation insurance~~ must, beginning in his or her  
16 ~~their~~ birth month and every 2 years thereafter, have completed  
17 24 hours of courses, 2 hours of which relate to ethics, in  
18 subjects designed to inform the licensee regarding the current  
19 insurance workers' compensation laws of this state, so as to  
20 enable him or her to engage in business as an a workers'  
21 ~~compensation~~ insurance adjuster fairly and without injury to  
22 the public and to adjust all claims in accordance with the  
23 policy or contract and the ~~workers' compensation~~ laws of this  
24 state. ~~In order to qualify as an eligible course under this~~  
25 ~~subsection, the course must:~~

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

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

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

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

3 ~~(d) Furnish the attendee a certificate of completion.~~  
4 ~~The course provider shall send a roster to the department in a~~  
5 ~~format prescribed by the department.~~

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

9 Section 52. Subsection (1) of section 626.874, Florida  
10 Statutes, is amended to read:

11 626.874 Catastrophe or emergency adjusters.--

12 (1) In the event of a catastrophe or emergency, the  
13 department may issue a license, for the purposes and under the  
14 conditions which it shall fix and for the period of emergency  
15 as it shall determine, to persons who are residents or  
16 nonresidents of this state, who are at least 18 years of age,  
17 who are United States citizens or legal aliens who possess  
18 work authorization from the United States Immigration and  
19 Naturalization Service, and who are not licensed adjusters  
20 under this part but who have been designated and certified to  
21 it as qualified to act as adjusters by independent resident  
22 adjusters or by an authorized insurer or by a licensed general  
23 lines agent to adjust claims, losses, or damages under  
24 policies or contracts of insurance issued by such insurers.  
25 The fee for the license shall be as provided in s.  
26 624.501(12)(c).

27 Section 53. Section 626.878, Florida Statutes, is  
28 amended to read:

29 626.878 Rules; code of ethics.--An adjuster shall  
30 subscribe to the code of ethics specified in the rules of the  
31 department. The rules shall implement the provisions of this

1 part and specify the terms and conditions of contracts,  
2 including a right to cancel, and require practices necessary  
3 to ensure fair dealing, prohibit conflicts of interest, and  
4 ensure preservation of the rights of the claimant to  
5 participate in the adjustment of claims.

6 Section 54. Subsection (1) of section 626.797, Florida  
7 Statutes, is amended to read:

8 626.797 Code of ethics.--

9 (1) The department shall, after consultation with the  
10 Florida Association Of Insurance and Financial Advisors ~~Life~~  
11 ~~Underwriters~~, adopt a code of ethics, or continue any such  
12 code heretofore so adopted, to govern the conduct of life  
13 agents in their relations with the public, other agents, and  
14 the insurers.

15 Section 55. Paragraph (z) of subsection (1) of section  
16 626.9541, Florida Statutes, is amended to read:

17 626.9541 Unfair methods of competition and unfair or  
18 deceptive acts or practices defined.--

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

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

23 1. Representing to the applicant that a specific  
24 ancillary coverage or product is required by law in  
25 conjunction with the purchase of ~~motor-vehicle~~ insurance when  
26 such coverage or product is not required;

27 2. Representing to the applicant that a specific  
28 ancillary coverage or product is included in the ~~motor-vehicle~~  
29 policy applied for without an additional charge when such  
30 charge is required; or

31

1           3. Charging an applicant for a specific ancillary  
2 coverage or product, in addition to the cost of the ~~motor~~  
3 ~~vehicle~~ insurance coverage applied for, without the informed  
4 consent of the applicant.

5           Section 56. Paragraph (f) is added to subsection (7)  
6 of section 626.9916, Florida Statutes, to read:

7           626.9916 Viatical settlement broker license required;  
8 application for license.--

9           (7) Upon the filing of a sworn application and the  
10 payment of the license fee and all other applicable fees under  
11 this act, the department shall investigate each applicant and  
12 may issue the applicant a license if the department finds that  
13 the applicant:

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

18           Section 57. Paragraph (a) of subsection (5) of section  
19 627.7295, Florida Statutes, is amended to read:

20           627.7295 Motor vehicle insurance contracts.--

21           (5)(a) A licensed general lines agent may charge a  
22 per-policy fee not to exceed ~~\$20~~\$10 to cover the  
23 administrative costs of the agent associated with selling the  
24 motor vehicle insurance policy ~~if the policy covers only~~  
25 ~~personal injury protection coverage as provided by s. 627.736~~  
26 ~~and property damage liability coverage as provided by s.~~  
27 ~~627.7275 and if no other insurance is sold or issued in~~  
28 ~~conjunction with or collateral to the policy.~~ The per-policy  
29 fee must be a component of the insurer's rate filing and may  
30 not be charged by an agent unless the fee is included in the  
31 filing. The fee is not considered part of the premium except

1 for purposes of the department's review of expense factors in  
2 a filing made pursuant to s. 627.062.

3 Section 58. Subsection (3) of section 632.634, Florida  
4 Statutes, is amended to read:

5 632.634 Licensing and appointment of agents.--

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

24 Section 59. Section 634.171, Florida Statutes, is  
25 amended to read:

26 634.171 Salesperson to be licensed and  
27 appointed.--Salespersons for motor vehicle service agreement  
28 companies and insurers shall be licensed, appointed, renewed,  
29 continued, reinstated, or terminated as prescribed in chapter  
30 626 for insurance representatives in general. However, they  
31 shall be exempt from all other provisions of chapter 626

1 including fingerprinting, photo identification, education, and  
2 examination provisions. License, appointment, and other fees  
3 shall be those prescribed in s. 624.501. A licensed and  
4 appointed salesperson shall be directly responsible and  
5 accountable for all acts of her or his employees and other  
6 representatives. Each service agreement company 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 salesperson of a motor  
10 vehicle service agreement company 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 Florida Insurance Code. A motor vehicle  
15 service agreement company is not required to be licensed as a  
16 salesperson to solicit, sell, issue, or otherwise transact the  
17 motor vehicle service agreements issued by the motor vehicle  
18 service agreement company.

19 Section 60. Section 634.420, Florida Statutes, is  
20 amended to read:

21 634.420 License and appointment of sales  
22 representatives.--Sales representatives for service warranty  
23 associations or insurers shall be licensed, appointed,  
24 renewed, continued, reinstated, or terminated in accordance  
25 with procedures as prescribed in chapter 626 for insurance  
26 representatives in general. However, they shall be exempt from  
27 all other provisions of chapter 626, including fingerprinting,  
28 photo identification, education, and examination. License,  
29 appointment, and other fees shall be those prescribed in s.  
30 624.501. A licensed and appointed sales representative shall  
31 be directly responsible and accountable for all acts of the

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

11 Section 61. Section 642.034, Florida Statutes, is  
12 amended to read:

13 642.034 License and appointment required.--No person  
14 may solicit, negotiate, sell, or execute legal expense  
15 insurance contracts on behalf of an insurer in this state  
16 unless such person is licensed and appointed as a sales  
17 representative or is licensed and appointed under the  
18 insurance code as a general lines agent ~~or solicitor~~. No  
19 person licensed and appointed as a legal expense insurance  
20 sales representative may solicit, negotiate, sell, or execute  
21 any other contract of insurance unless such person is duly  
22 licensed and appointed to do so under the provisions of  
23 chapter 626.

24 Section 62. Section 642.036, Florida Statutes, is  
25 amended to read:

26 642.036 Sales representatives to be licensed and  
27 appointed.--Sales representatives of legal expense insurers  
28 shall be licensed, appointed, renewed, continued, reinstated,  
29 or terminated as prescribed in chapter 626 for insurance  
30 representatives in general, and shall pay the license and  
31 appointment fees prescribed in s. 624.501. No employee or



1 sales representative of an insurer may directly or indirectly  
2 solicit or negotiate insurance contracts, or hold herself or  
3 himself out in any manner to be an insurance agent ~~or~~  
4 ~~solicitor~~, unless so qualified, licensed, and appointed  
5 therefor under the insurance code.

6 Section 63. Section 642.045, Florida Statutes, is  
7 amended to read:

8 642.045 Procedure for refusal, suspension, or  
9 revocation of license and appointment of sales representative;  
10 departmental action upon violation by licensed insurance agent  
11 ~~or solicitor~~.--

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

17 (2) Whenever it appears that any licensed insurance  
18 agent ~~or solicitor~~ has violated the provisions of ss.  
19 642.011-642.049, or if any grounds listed in s. 642.041 or s.  
20 642.043 exist as to such agent ~~or solicitor~~, the department  
21 may take such action as is authorized by the insurance code  
22 for a violation of the insurance code by such agent ~~or~~  
23 ~~solicitor~~, or such action as is authorized by this chapter for  
24 a violation of this chapter by a sales representative.

25 Section 64. Paragraph (b) of subsection (5) and  
26 subsection (9) of section 648.27, Florida Statutes, are  
27 amended to read:

28 648.27 Licenses and appointments; general.--

29 (5)  
30  
31

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

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

21 Section 65. Paragraph (b) of subsection (2) and  
22 subsections (5) and (6) of section 648.34, Florida Statutes,  
23 are amended to read:

24 648.34 Bail bond agents; qualifications.--

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

30 (b) The applicant is a United States citizen or legal  
31 alien who possesses work authorization from the United States

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

11 (5) The department shall conduct a comprehensive  
12 investigation of each applicant, including a background check.  
13 The investigation of the applicant's qualifications,  
14 character, experience, background, and fitness shall include  
15 submission of the applicant's fingerprints to the Department  
16 of Law Enforcement and the Federal Bureau of Investigation and  
17 consideration of any state criminal records, federal criminal  
18 records, or local criminal records obtained from these  
19 agencies or from local law enforcement agencies.

20 (6) The provisions of s. 112.011 do not apply to bail  
21 bond agents ~~or runners~~ or to applicants for licensure as bail  
22 bond agents ~~or runners~~.

23 Section 66. Paragraphs (b) and (e) of subsection (1)  
24 of section 648.355, Florida Statutes, are amended to read:

25 648.355 Temporary limited license as limited surety  
26 agent or professional bail bond agent; pending examination.--

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

30 (b) The applicant is a United States citizen or legal  
31 alien who possesses work authorization from the United States

1 Immigration and Naturalization Service and is a resident of  
2 this state. An individual who is a resident of this state  
3 shall be deemed to meet the residence requirement of this  
4 paragraph, notwithstanding the existence, at the time of  
5 application for temporary license, of a license in the  
6 individual's name on the records of another state as a  
7 resident licensee of such other state, if the applicant  
8 furnishes a letter of clearance satisfactory to the department  
9 that the individual's resident licenses have been canceled or  
10 changed to a nonresident basis and that the individual is in  
11 good standing.

12 (e) The applicant must be employed full-time at the  
13 time of licensure, and at all times throughout the existence  
14 of the temporary license, by only one licensed and appointed  
15 supervising bail bond agent, who supervises the work of the  
16 applicant and is responsible for the licensee's conduct in the  
17 bail bond business. The applicant must be appointed by the  
18 same insurers as the supervising bail bond agent. The  
19 supervising bail bond agent shall certify monthly to the  
20 department under oath, on a form prescribed by the department,  
21 the names and hours worked each week of all temporary bail  
22 bond agents. Filing a false certification is grounds for the  
23 immediate suspension of the license and imposition of a \$5,000  
24 administrative fine. The department may adopt rules that  
25 establish standards for the employment requirements.

26 Section 67. Paragraph (a) of subsection (2) and  
27 subsection (3) of section 648.382, Florida Statutes, are  
28 amended, and subsection (6) is added to that section, to read:

29 648.382 Appointment of bail bond agents and temporary  
30 bail bond agents; effective date of appointment.--

31

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

5           (a) A certified statement or affidavit to the  
6 department stating what investigation has been made concerning  
7 the proposed appointee and the proposed appointee's background  
8 and the appointing person's opinion to the best of his or her  
9 knowledge and belief as to the moral character, ~~fitness~~, and  
10 reputation of the proposed appointee. In lieu of such  
11 certified statement or affidavit, by authorizing the  
12 effectuation of an appointment for a licensee, the appointing  
13 entity certifies to the department that such investigation has  
14 been made and that the results of the investigation and the  
15 appointing person's opinion is that the proposed appointee is  
16 a person of good moral character and reputation and is fit to  
17 engage in the bail bond business;

18           (3) By authorizing the effectuation of an appointment  
19 for a licensee, the appointing insurer certifies to the  
20 department ~~Prior to any appointment of a bail bond agent, the~~  
21 ~~appointing insurer must certify to the department that the~~  
22 ~~insurer will be bound by the acts of the bail bond agent~~  
23 ~~acting within the scope of his or her appointment, and, in the~~  
24 ~~case of a temporary bail bond agent, the appointing insurer,~~  
25 ~~managing general agent, or bail bond agent, as the case may~~  
26 ~~be, must certify to the department that he or she will~~  
27 ~~supervise the temporary bail bond agent's activities.~~

28           (6) Failure to notify the department within the  
29 required time period shall result in the appointing entity  
30 being assessed a delinquent fee of \$250. Delinquent fees shall  
31

1 be paid by the appointing entity and shall not be charged to  
2 the appointee.

3 Section 68. Section 648.383, Florida Statutes, is  
4 amended to read:

5 648.383 Renewal, continuation, reinstatement, and  
6 termination of appointment; bail bond agents.--

7 (1) The appointment of a bail bond agent shall  
8 continue in force unless suspended, revoked, or otherwise  
9 terminated, subject to a renewal request filed by the  
10 appointing entity in the appointee's birth month and every 24  
11 months thereafter. A renewal request must be filed with the  
12 department or person designated by the department to  
13 administer appointments along with payment of the renewal  
14 appointment fee and taxes as prescribed in s. 624.501.

15 (2) Each appointing person or person designated by the  
16 department to administer appointments must file ~~with the~~  
17 ~~department~~ the lists, statement, and information as to each  
18 bail bond agent whose appointment is being renewed,  
19 accompanied by payment of the applicable renewal fees and  
20 taxes as prescribed in s. 624.501, ~~by a date established by~~  
21 ~~the department following the month during which the~~  
22 ~~appointment will expire.~~

23 (3) An appointment may be renewed ~~by the department~~  
24 without penalty if the information required under subsection  
25 (2) is received ~~by the department on or~~ prior to the  
26 expiration of the appointment in the licensee's birth month  
27 ~~date established by the department for renewal~~, and such  
28 appointment shall be renewed, ~~is~~ effective on the first day of  
29 the month succeeding the month in which the appointment was  
30 scheduled to expire.

31

1           (4) If the information required under subsection (2)  
2 is received ~~by the department~~ after the renewal date  
3 ~~established by the department for renewal~~, the appointment may  
4 be renewed ~~by the department~~ if the an additional appointment,  
5 late filing, continuation, and reinstatement fees accompany  
6 ~~fee accompanies~~ the application as required under s. 624.501.

7           Section 69. Subsections (1) and (3) of section 648.50,  
8 Florida Statutes, are amended to read:

9           648.50 Effect of suspension, revocation upon  
10 associated licenses and licensees.--

11           (1) Upon the suspension, revocation, or refusal to  
12 renew or continue any license or appointment or the  
13 eligibility to hold a license or appointment of a bail bond  
14 agent or, temporary bail bond agent, ~~or runner~~, the department  
15 shall at the same time likewise suspend or revoke all other  
16 licenses or appointments and the eligibility to hold any other  
17 such licenses or appointments which may be held by the  
18 licensee under the Florida Insurance Code.

19           (3) No person whose license as a bail bond agent or,  
20 temporary bail bond agent, ~~or runner~~ has been revoked or  
21 suspended shall be employed by any bail bond agent, have any  
22 ownership interest in any business involving bail bonds, or  
23 have any financial interest of any type in any bail bond  
24 business during the period of revocation or suspension.

25           Section 70. Sections 626.032 and 626.361, Florida  
26 Statutes, are repealed.

27           Section 71. This act shall take effect upon becoming a  
28 law.

29  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2364

4 The committee substitute makes the following changes:

- 5 - Increases the per-policy fee from \$10 to \$20 that a  
6     general lines agent may charge on motor vehicle policies.
- 7 - Increases the allowable maximum face value of a preneed  
8     burial insurance contract that agents may sell under  
9     contract with a funeral director from \$10,000 to \$12,500,  
10    plus an annual percentage increase based on the annual  
11    consumer price index.
- 12 - Allows entities applying for a limited lines license to  
13    submit one application for a license which may cover  
14    multiple locations.
- 15 - Clarifies the date on which appointments expire, and  
16    provides the Department of Financial Services  
17    (Department) with rulemaking authority for renewal of  
18    appointments.
- 19 - Clarifies that the applicant for a temporary bail bond  
20    license must be employed full-time by a licensed bail  
21    bond person at the time of application, and provides for  
22    rule authority for the Department to establish standards  
23    for such employment.
- 24 - Eliminates the requirement that an insurer that appoints  
25    a bail bond person submit an affidavit to the Department  
26    stating that the insurer did a background investigation  
27    and attests to the character, fitness, and reputation of  
28    the bond person. Provides a presumption that the insurer  
29    performed a background investigation and found the bond  
30    person to be of good moral character.
- 31 - Provides that experience as a licensed "limited" customer  
    representative can be used to qualify to be a property  
    and casualty insurance agent.
- Specifies that an insurer may apply to the Department on  
    behalf of a licensee for an appointment, and allows the  
    Department to issue the additional appointment without  
    further investigation concerning the applicant.