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1 A bill to be entitled

2 An act relating to insurance agents; amending ss. 624.04,  
3 624.303, 624.313, 624.317, 624.504, 624.506, 624.521,  
4 626.022, 626.112, 626.321, 626.733, 626.7354, 626.741,  
5 626.753, 626.829, 634.171, 634.420, 642.034, 642.036, and  
6 642.045, F.S.; deleting references to solicitors to  
7 conform to prior deletions; amending ss. 624.34, 626.202,  
8 and 626.601, F.S.; revising certain fingerprinting  
9 requirements; amending s. 624.501, F.S.; providing for a  
10 fee for certain late appointment filings; amending s.  
11 626.015, F.S.; deleting a definition of administrative  
12 agent; amending s. 626.171, F.S.; revising applicant  
13 address requirements; specifying required background  
14 investigation information; amending ss. 626.175, 626.7355,  
15 626.731, 626.785, 626.831, 626.8414, 626.865, 626.866,  
16 626.867, 626.874, 626.9916, 648.34, and 648.355, F.S.;  
17 revising licensure eligibility criteria to specify United  
18 States citizenship or certain legal alien status; amending  
19 s. 626.207, F.S.; revising department rulemaking authority  
20 relating to applicant licensure; amending s. 626.221,  
21 F.S.; revising appointment application filing time period  
22 requirements; amending s. 626.2815, F.S.; requiring  
23 certain continuing education hour and subject  
24 requirements; deleting references to solicitors to conform  
25 to prior deletions; revising a continuing education board  
26 member title; amending s. 626.2816, F.S.; revising a cross  
27 reference; clarifying a continuing education requirement;  
28 amending s. 626.2817, F.S.; deleting a prelicensure rule  
29 requirement; amending s. 626.322, F.S.; clarifying the  
30 effect of insurer authorization of effectuation of certain



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31 appointments; amending s. 626.341, F.S.; including a  
32 department-designated person to administer appointment  
33 processes for certain appointment-related actions;  
34 amending s. 626.371, F.S.; providing requirements for  
35 submittal and effective date of appointments; imposing a  
36 delinquent fee for certain notification failures;  
37 providing fee payment requirements; amending s. 626.381,  
38 F.S.; including a department-designated person to  
39 administer appointment processes for certain appointment-  
40 related actions; providing for a fee for certain late  
41 appointment filings; amending s. 626.451, F.S.; including  
42 a department-designated person to administer appointment  
43 processes for certain appointment-related actions;  
44 clarifying the effect of insurer authorization of  
45 effectuation of certain appointments; requiring licensee  
46 notification of the department of certain criminal  
47 proceedings; amending s. 626.461, F.S.; including a  
48 department-designated person to administer appointment  
49 processes for certain appointment-related actions;  
50 deleting references to solicitors to conform to prior  
51 deletions; amending s. 626.471, F.S.; including a  
52 department-designated person to administer appointment  
53 processes for certain appointment-related actions;  
54 providing for termination of certain appointments;  
55 requiring notice of termination; amending s. 626.7315,  
56 F.S.; providing an exception to a prohibition against  
57 certain individuals receiving money on account of or for  
58 an insurer; amending ss. 626.732, 626.7851, 626.8311, and  
59 626.8417, F.S.; revising certain education subject  
60 requirements; amending s. 626.7351, F.S.; revising



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61 licensure eligibility criteria to specify United States  
62 citizenship or certain legal alien status; revising  
63 certain education subject requirements; providing  
64 additional education course requirements; amending s.  
65 626.797, F.S.; revising an association title; amending s.  
66 626.869, F.S.; deleting a provision relating to limited  
67 licenses for certain adjusters; revising certain education  
68 requirements; amending s. 626.878, F.S.; specifying  
69 implementation requirements for the department's ethics  
70 rules; amending s. 626.9541, F.S.; revising sliding as an  
71 unfair method of competition and unfair or deceptive act  
72 or practice; amending s. 632.634, F.S.; specifying  
73 registration of a society only upon department request;  
74 amending s. 648.27, F.S.; imposing a delinquent fee for  
75 certain notification failures; providing fee payment  
76 requirements; deleting obsolete runner references;  
77 amending s. 648.382, F.S.; clarifying the effect of  
78 insurer authorization of effectuation of certain  
79 appointments; imposing a delinquent fee for certain  
80 notification failures; providing fee payment requirements;  
81 amending s. 648.383, F.S.; including a department-  
82 designated person to administer appointment processes for  
83 certain appointment-related actions; providing for a fee  
84 for certain late appointment filings; amending s. 648.50,  
85 F.S.; deleting obsolete runner references; repealing s.  
86 626.032, F.S., relating to continuing education and  
87 required designation of administrative agents; repealing  
88 s. 626.361, F.S., relating to the effective date of  
89 appointments; providing an effective date.

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

92  
 93 Section 1. Section 624.04, Florida Statutes, is amended to  
 94 read:

95 624.04 "Person" defined.--"Person" includes an individual,  
 96 insurer, company, association, organization, Lloyds, society,  
 97 reciprocal insurer or interinsurance exchange, partnership,  
 98 syndicate, business trust, corporation, agent, general agent,  
 99 broker, ~~solicitor~~, service representative, adjuster, and every  
 100 legal entity.

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

103 624.303 Seal; certified copies as evidence.--  
 104 (2) All certificates executed by the department, other  
 105 than licenses of agents, ~~solicitors~~, or adjusters or similar  
 106 licenses or permits, shall bear its seal.

107 Section 3. Paragraph (a) of subsection (2) of section  
 108 624.313, Florida Statutes, is amended to read:

109 624.313 Publications.--  
 110 (2) The department may prepare and have printed and  
 111 published in pamphlet or book form the following:  
 112 (a) As needed, questions and answers for the use of  
 113 persons applying for an examination for licensing as agents ~~or~~  
 114 ~~solicitors~~ for property, casualty, surety, health, and  
 115 miscellaneous insurers.

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

118 624.317 Investigation of agents, adjusters,  
 119 administrators, service companies, and others.--If it has reason  
 120 to believe that any person has violated or is violating any



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121 provision of this code, or upon the written complaint signed by  
 122 any interested person indicating that any such violation may  
 123 exist, the department shall conduct such investigation as it  
 124 deems necessary of the accounts, records, documents, and  
 125 transactions pertaining to or affecting the insurance affairs of  
 126 any:

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

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

131 624.34 Authority of Department of Law Enforcement to  
 132 accept fingerprints of, and exchange criminal history records  
 133 with respect to, certain persons.--

134 (4) Fingerprints shall be provided in a manner that meets  
 135 standards of the Florida Department of Law Enforcement and the  
 136 Federal Bureau of Investigation.

137 Section 6. Paragraph (b) of subsection (6) of section  
 138 624.501, Florida Statutes, is amended, and subsection (28) is  
 139 added to said section, to read:

140 624.501 Filing, license, appointment, and miscellaneous  
 141 fees.--The department shall collect in advance, and persons so  
 142 served shall pay to it in advance, fees, licenses, and  
 143 miscellaneous charges as follows:

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

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

148 Appointment fee..... \$42.00  
 149 State tax ..... 12.00  
 150 County tax ..... 6.00



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151 Total ..... \$60.00

152 Original appointment and biennial renewal or  
 153 continuation thereof, each insurer or managing general agent,  
 154 whichever is applicable ..... \$60.00

155 (28) Late filing of appointment renewals for agents,  
 156 adjusters, and other insurance representatives, each  
 157 appointment.

158 \$20.00

159 Section 7. Section 624.504, Florida Statutes, is amended  
 160 to read:

161 624.504 Liability for state, county tax.--

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

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

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

170 624.506 County tax; deposit and remittance.--

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

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

179 624.521 Deposit of certain tax receipts; refund of  
 180 improper payments.--



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181 (1) The Department of Insurance shall promptly deposit in  
 182 the State Treasury to the credit of the Insurance Commissioner's  
 183 Regulatory Trust Fund all "state tax" portions of agents' ~~and~~  
 184 ~~solicitors'~~ licenses collected under s. 624.501 necessary to  
 185 fund the Division of Insurance Fraud. The balance of the tax  
 186 shall be credited to the General Fund. All moneys received by  
 187 the Department of Insurance not in accordance with the  
 188 provisions of this code or not in the exact amount as specified  
 189 by the applicable provisions of this code shall be returned to  
 190 the remitter. The records of the department shall show the date  
 191 and reason for such return.

192 Section 10. Section 626.015, Florida Statutes, is amended  
 193 to read:

194 626.015 Definitions.--As used in this part:

195 (1) "Adjuster" means a public adjuster as defined in s.  
 196 626.854, independent adjuster as defined in s. 626.855, or  
 197 company employee adjuster as defined in s. 626.856.

198 ~~(2) "Administrative agent" means a life agent or health~~  
 199 ~~agent who:~~

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

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

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

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

207 (2)~~(3)~~ "Agent" means a general lines agent, life agent,  
 208 health agent, or title agent, or all such agents, as indicated  
 209 by context. The term "agent" includes an insurance producer or



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210 producer, but does not include a customer representative,  
 211 limited customer representative, or service representative.

212 (3)~~(4)~~ "Appointment" means the authority given by an  
 213 insurer or employer to a licensee to transact insurance or  
 214 adjust claims on behalf of an insurer or employer.

215 (4)~~(5)~~ "Customer representative" means an individual  
 216 appointed by a general lines agent or agency to assist that  
 217 agent or agency in transacting the business of insurance from  
 218 the office of that agent or agency.

219 (5)~~(6)~~ "Department" means the Department of Insurance.

220 (6)~~(7)~~ "General lines agent" means an agent transacting  
 221 any one or more of the following kinds of insurance:

222 (a) Property insurance.

223 (b) Casualty insurance, including commercial liability  
 224 insurance underwritten by a risk retention group, a commercial  
 225 self-insurance fund as defined in s. 624.462, or a workers'  
 226 compensation self-insurance fund established pursuant to s.  
 227 624.4621.

228 (c) Surety insurance.

229 (d) Health insurance, when transacted by an insurer also  
 230 represented by the same agent as to property or casualty or  
 231 surety insurance.

232 (e) Marine insurance.

233 (7)~~(8)~~ "Health agent" means an agent representing a health  
 234 maintenance organization or, as to health insurance only, an  
 235 insurer transacting health insurance.

236 (8)~~(9)~~ "Home state" means the District of Columbia and any  
 237 state or territory of the United States in which an insurance  
 238 agent maintains his or her principal place of residence and is  
 239 licensed to act as an insurance agent.





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240        (9)~~(10)~~ "Insurance agency" means a business location at  
241        which an individual, firm, partnership, corporation,  
242        association, or other entity, other than an employee of the  
243        individual, firm, partnership, corporation, association, or  
244        other entity and other than an insurer as defined by s. 624.03  
245        or an adjuster as defined by subsection (1), engages in any  
246        activity or employs individuals to engage in any activity which  
247        by law may be performed only by a licensed insurance agent.

248        (10)~~(11)~~ "License" means a document issued by the  
249        department authorizing a person to be appointed to transact  
250        insurance or adjust claims for the kind, line, or class of  
251        insurance identified in the document.

252        (11)~~(12)~~ "Life agent" means an individual representing an  
253        insurer as to life insurance and annuity contracts, including  
254        agents appointed to transact life insurance, fixed-dollar  
255        annuity contracts, or variable contracts by the same insurer.

256        (12)~~(13)~~ "Limited customer representative" means a  
257        customer representative appointed by a general lines agent or  
258        agency to assist that agent or agency in transacting only the  
259        business of private passenger motor vehicle insurance from the  
260        office of that agent or agency. A limited customer  
261        representative is subject to the Florida Insurance Code in the  
262        same manner as a customer representative, unless otherwise  
263        specified.

264        (13)~~(14)~~ "Limited lines insurance" means those categories  
265        of business specified in ss. 626.321 and 635.011.

266        (14)~~(15)~~ "Line of authority" means a kind, line, or class  
267        of insurance an agent is authorized to transact.

268        (15)~~(16)~~(a) "Managing general agent" means any person  
269        managing all or part of the insurance business of an insurer,



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270 including the management of a separate division, department, or  
 271 underwriting office, and acting as an agent for that insurer,  
 272 whether known as a managing general agent, manager, or other  
 273 similar term, who, with or without authority, separately or  
 274 together with affiliates, produces directly or indirectly, or  
 275 underwrites an amount of gross direct written premium equal to  
 276 or more than 5 percent of the policyholder surplus as reported  
 277 in the last annual statement of the insurer in any single  
 278 quarter or year and also does one or more of the following:

- 279 1. Adjusts or pays claims.
- 280 2. Negotiates reinsurance on behalf of the insurer.

281 (b) The following persons shall not be considered managing  
 282 general agents:

- 283 1. An employee of the insurer.
- 284 2. A United States manager of the United States branch of  
 285 an alien insurer.
- 286 3. An underwriting manager managing all the insurance  
 287 operations of the insurer pursuant to a contract, who is under  
 288 the common control of the insurer subject to regulation under  
 289 ss. 628.801-628.803, and whose compensation is not based on the  
 290 volume of premiums written.
- 291 4. Administrators as defined by s. 626.88.
- 292 5. The attorney in fact authorized by and acting for the  
 293 subscribers of a reciprocal insurer under powers of attorney.

294 ~~(16)~~~~(17)~~ "Resident" means an individual domiciled and  
 295 residing in this state.

296 ~~(17)~~~~(18)~~ "Service representative" means an individual  
 297 employed by an insurer or managing general agent for the purpose  
 298 of assisting a general lines agent in negotiating and effecting  
 299 insurance contracts when accompanied by a licensed general lines



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300 agent. A service representative shall not be simultaneously  
 301 licensed as a general lines agent in this state. This subsection  
 302 does not apply to life insurance.

303 (18)~~(19)~~ "Uniform application" means the uniform  
 304 application of the National Association of Insurance  
 305 Commissioners for nonresident agent licensing, effective January  
 306 15, 2001, or subsequent versions adopted by rule by the  
 307 department.

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

310 626.022 Scope of part.--

311 (1) This part applies as to insurance agents, ~~solicitors,~~  
 312 service representatives, adjusters, and insurance agencies; as  
 313 to any and all kinds of insurance; and as to stock insurers,  
 314 mutual insurers, reciprocal insurers, and all other types of  
 315 insurers, except that:

316 (a) It does not apply as to reinsurance, except that ss.  
 317 626.011-626.031, ss. 626.102-626.181, ss. 626.191-626.211, ss.  
 318 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-  
 319 626.591, and ss. 626.601-626.711 shall apply as to reinsurance  
 320 intermediaries as defined in s. 626.7492.

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

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

325 (d) This part does not apply to a certified public  
 326 accountant licensed under chapter 473 who is acting within the  
 327 scope of the practice of public accounting, as defined in s.  
 328 473.302, provided that the activities of the certified public  
 329 accountant are limited to advising a client of the necessity of



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330 obtaining insurance, the amount of insurance needed, or the line  
 331 of coverage needed, and provided that the certified public  
 332 accountant does not directly or indirectly receive or share in  
 333 any commission or ~~7~~ referral fee, ~~or solicitor's fee.~~

334 Section 12. Paragraph (a) of subsection (7) of section  
 335 626.112, Florida Statutes, is amended to read:

336 626.112 License and appointment required; agents, customer  
 337 representatives, adjusters, insurance agencies, service  
 338 representatives, managing general agents.--

339 (7)(a) No individual, firm, partnership, corporation,  
 340 association, or any other entity shall act in its own name or  
 341 under a trade name, directly or indirectly, as an insurance  
 342 agency, when required to be licensed by this subsection, unless  
 343 it complies with s. 626.172 with respect to possessing an  
 344 insurance agency license for each place of business at which it  
 345 engages in any activity which may be performed only by a  
 346 licensed insurance agent ~~or solicitor.~~

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

349 626.171 Application for license.--

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

351 (a) His or her full name, age, social security number,  
 352 residence address, ~~and place of business~~ address, and mailing  
 353 address.

354 (5) An application for a license as an agent, customer  
 355 representative, adjuster, insurance agency, service  
 356 representative, managing general agent, or reinsurance  
 357 intermediary must be accompanied by a set of the individual  
 358 applicant's fingerprints, or, if the applicant is not an  
 359 individual, by a set of the fingerprints of the sole proprietor,



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360 majority owner, partners, officers, and directors, on a form  
361 adopted by rule of the department and accompanied by the  
362 fingerprint processing fee set forth in s. 624.501. For the  
363 purposes of this subsection, background investigations shall  
364 include, but not be limited to, fingerprinting for all purposes  
365 and checks under this subsection, statewide criminal records  
366 checks through the Florida Department of Law Enforcement, and  
367 federal criminal records checks through the Federal Bureau of  
368 Investigation and may include local criminal records checks  
369 through local law enforcement agencies. The fingerprints shall  
370 be taken ~~certified~~ by a law enforcement agency or other  
371 department-approved entity officer.

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

374 626.175 Temporary licensing.--

375 (1) The department may issue a nonrenewable temporary  
376 license for a period not to exceed 6 months authorizing  
377 appointment of a general lines insurance agent or a life agent,  
378 or an industrial fire or burglary agent, subject to the  
379 conditions described in this section. The fees paid for a  
380 temporary license and appointment shall be as specified in s.  
381 624.501. Fees paid shall not be refunded after a temporary  
382 license has been issued.

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

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

385 2. A United States citizen or legal alien who possesses  
386 work authorization from the United States Immigration and  
387 Naturalization Service.

388 (b)(a)1. In the case of a general lines agent, the  
389 department may issue a temporary license to an employee, a



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390 family member, a business associate, or a personal  
 391 representative of a licensed general lines agent for the purpose  
 392 of continuing or winding up the business affairs of the agent or  
 393 agency in the event the licensed agent has died or become unable  
 394 to perform his or her duties because of military service or  
 395 illness or other physical or mental disability, subject to the  
 396 following conditions:

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

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

402 c. Application for the temporary license shall have been  
 403 made by the applicant upon statements and affidavit filed with  
 404 the department on forms prescribed and furnished by the  
 405 department.

406 d. Under a temporary license and appointment, the licensee  
 407 shall not represent any insurer not last represented by the  
 408 agent being replaced and shall not be licensed or appointed as  
 409 to any additional kind, line, or class of insurance other than  
 410 those covered by the last existing agency appointments of the  
 411 replaced agent. If an insurer withdraws from the agency during  
 412 the temporary license period, the temporary licensee may be  
 413 appointed by another similar insurer but only for the period  
 414 remaining under the temporary license.

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

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



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420 1. To the executor or administrator of the estate of a  
421 deceased individual licensed and appointed as a life agent at  
422 the time of death;

423 2. To a surviving next of kin of the deceased individual,  
424 if no administrator or executor has been appointed and  
425 qualified; however, any license and appointment under this  
426 subparagraph shall be canceled upon issuance of a license to an  
427 executor or administrator under subparagraph 1.; or

428 3. To an individual otherwise qualified to be licensed as  
429 an agent who has completed the educational or training  
430 requirements prescribed in s. 626.7851 and has successfully sat  
431 for the required examination prior to termination of such 6-  
432 month period. The department may issue this temporary license  
433 only in the case of a life agent to represent an insurer of the  
434 industrial or ordinary-combination class.

435 (d)~~(e)~~ In the case of a limited license authorizing  
436 appointment as an industrial fire or burglary agent, the  
437 department may issue a temporary license to an individual  
438 otherwise qualified to be licensed as an agent who has completed  
439 the educational or training requirements prescribed in s.  
440 626.732 and has successfully sat for the required examination  
441 prior to termination of the 6-month period.

442 Section 15. Section 626.202, Florida Statutes, is amended  
443 to read:

444 626.202 Fingerprinting requirements.--If there is a change  
445 in ownership or control of any entity licensed under this  
446 chapter, or if a new partner, officer, or director is employed  
447 or appointed, a set of fingerprints of the new owner, partner,  
448 officer, or director must be filed with the department within 30  
449 days after the change. The acquisition of 10 percent or more of



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450 the voting securities of a licensed entity is considered a  
 451 change of ownership or control. The fingerprints must be taken  
 452 ~~certified~~ by a law enforcement agency or other department-  
 453 approved entity officer and be accompanied by the fingerprint  
 454 processing fee in s. 624.501.

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

457 626.207 Department rulemaking authority; waiting periods  
 458 for applicants; penalties against licensees.--

459 (1) The department shall adopt rules establishing specific  
 460 waiting periods for applicants to become eligible for licensure  
 461 as provided in the Florida Insurance Code following denial,  
 462 ~~suspension, or revocation pursuant to s. 626.611, s. 626.621, s.~~  
 463 ~~626.8437, s. 626.844, s. 626.935, s. 626.9917, s. 634.181, s.~~  
 464 ~~634.191, s. 634.320, s. 634.321, s. 634.422, s. 634.423, s.~~  
 465 ~~642.041, or s. 642.043.~~ The purpose of the waiting periods is to  
 466 provide sufficient time to demonstrate reformation of character  
 467 and rehabilitation. The waiting periods shall vary based on the  
 468 type of conduct and the length of time since the conduct  
 469 occurred and shall also be based on the probability that the  
 470 propensity to commit illegal conduct has been overcome. The  
 471 waiting periods may be adjusted based on aggravating and  
 472 mitigating factors established by rule and consistent with this  
 473 purpose.

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

476 626.221 Examination requirement; exemptions.--

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





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479 (e) An individual who qualified as a managing general  
480 agent, service representative, customer representative, or all-  
481 lines adjuster by passing a general lines agent's examination  
482 and subsequently was licensed and appointed and has been  
483 actively engaged in all lines of property and casualty insurance  
484 may, upon filing an application for appointment, be licensed and  
485 appointed as a general lines agent for the same kinds of  
486 business without taking another examination if he or she holds  
487 any such currently effective license referred to in this  
488 paragraph or held the license within 48 ~~24~~ months prior to the  
489 date of filing the application with the department.

490 (f) A person who has been licensed and appointed by the  
491 department as a public adjuster or independent adjuster, or  
492 licensed and appointed either as an agent or company adjuster as  
493 to all property, casualty, and surety insurances, may be  
494 licensed and appointed as a company adjuster as to any of such  
495 insurances, or as an independent adjuster or public adjuster,  
496 without additional written examination if an application for  
497 appointment is filed with the department within 48 ~~24~~ months  
498 following the date of cancellation or expiration of the prior  
499 appointment.

500 (g) A person who has been licensed by the department as an  
501 adjuster for motor vehicle, property and casualty, workers'  
502 compensation, and health insurance may be licensed as such an  
503 adjuster without additional written examination if his or her  
504 application for appointment is filed with the department within  
505 48 ~~24~~ months after cancellation or expiration of the prior  
506 license.

507 Section 18. Paragraphs (a), (c), and (d) of subsection  
508 (3), paragraphs (a), (b), (c), (d), (g), (h), and (i) of



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509 subsection (4), and paragraph (b) of subsection (6) of section  
510 626.2815, Florida Statutes, are amended to read:

511 626.2815 Continuing education required; application;  
512 exceptions; requirements; penalties.--

513 (3)(a) Each person subject to the provisions of this  
514 section must, except as set forth in paragraphs (b) and (c),  
515 complete a minimum of 24 ~~28~~ hours of continuing education  
516 courses every 2 years in basic or higher-level courses  
517 prescribed by this section or in other courses approved by the  
518 department. Each person subject to the provisions of this  
519 section must complete, as part of his or her ~~their~~ required  
520 number of continuing education hours, 3 hours of continuing  
521 education, approved by the department, every 2 years on the  
522 subject matter of ethics and a minimum of 2 hours of continuing  
523 education, approved by the department, every 2 years on the  
524 subject matter of unauthorized entities engaging in the business  
525 of insurance. The scope of the topic of unauthorized entities  
526 shall include the Florida Nonprofit Multiple Employer Welfare  
527 Arrangement Act and the Employee Retirement Income Security Act,  
528 29 U.S.C. ss. 1001 et seq., as it relates to the provision of  
529 health insurance by employers to their employees and the  
530 regulation thereof.

531 (c) A licensee who has been licensed for 25 years or more  
532 and is a CLU or a CPCU or has a Bachelor of Science degree in  
533 risk management or insurance with evidence of 18 or more  
534 semester hours in upper-level insurance-related courses must  
535 complete 12 ~~14~~ hours of continuing education courses every 2  
536 years in courses prescribed by this section or in other courses  
537 approved by the department, except, for compliance periods  
538 beginning January 1, 1998, the licensees described in this



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539 paragraph shall be required to complete 10 hours of continuing  
540 education courses every 2 years.

541 (d) Any person who holds a license as a customer  
542 representative, limited customer representative, ~~administrative~~  
543 ~~agent~~, title agent, motor vehicle physical damage and mechanical  
544 breakdown insurance agent, crop or hail and multiple-peril crop  
545 insurance agent, or as an industrial fire insurance or burglary  
546 insurance agent and who is not a licensed life or health  
547 insurance agent, shall be required to complete 12 ~~14~~ hours of  
548 continuing education courses every 2 years, except, for  
549 compliance periods beginning on January 1, 1998, each licensee  
550 subject to this paragraph shall be required to complete 10 hours  
551 of continuing education courses every 2 years.

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

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

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

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

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

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

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



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

572 (6)

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

574 1. Seven members representing agents of which at least one  
 575 must be a representative from each of the following  
 576 organizations: the Florida Association of Insurance Agents; the  
 577 Florida Association of Insurance and Financial Advisors ~~Life~~  
 578 ~~Underwriters~~; the Professional Insurance Agents of Florida,  
 579 Inc.; the Florida Association of Health Underwriters; the  
 580 Specialty Agents' Association; the Latin American Agents'  
 581 Association; and the National Association of Insurance Women.  
 582 Such board members must possess at least a bachelor's degree or  
 583 higher from an accredited college or university with major  
 584 coursework in insurance, risk management, or education or  
 585 possess the designation of CLU, CPCU, CHFC, CFP, AAI, or CIC. In  
 586 addition, each member must possess 5 years of classroom  
 587 instruction experience or 5 years of experience in the  
 588 development or design of educational programs or 10 years of  
 589 experience as a licensed resident agent. Each organization may  
 590 submit to the department a list of recommendations for  
 591 appointment. If one organization does not submit a list of  
 592 recommendations, the Insurance Commissioner may select more than  
 593 one recommended person from a list submitted by other eligible  
 594 organizations.

595 2. Two members representing insurance companies at least  
 596 one of whom must represent a Florida Domestic Company and one of  
 597 whom must represent the Florida Insurance Council. Such board  
 598 members must be employed within the training department of the



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599 insurance company. At least one such member must be a member of  
600 the Society of Insurance Trainers and Educators.

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

606 4. One member, appointed by the Insurance Commissioner,  
607 who represents the department.

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

610 626.2816 Regulation of continuing education for licensees,  
611 course providers, instructors, school officials, and monitor  
612 groups.--

613 (2) The department shall adopt rules establishing  
614 standards for the approval, regulation, and operation of the  
615 continuing education programs and for the discipline of  
616 licensees, course providers, instructors, school officials, and  
617 monitor groups. The standards must be designed to ensure that  
618 such course providers, instructors, school officials, and  
619 monitor groups have the knowledge, competence, and integrity to  
620 fulfill the educational objectives of ss. 626.2815,  
621 626.869 (4)~~(5)~~, 648.385, and 648.386.

622 (3) The department shall adopt rules establishing a  
623 process by which compliance with the continuing education  
624 requirements of ss. 626.2815, 626.869 (4)~~(5)~~, 648.385, and  
625 648.386 can be determined, the establishment of a continuing  
626 education compliance period ~~requirement cycle~~ for licensees, and  
627 forms necessary to implement such a process.



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

630 626.2817 Regulation of course providers, instructors,  
 631 school officials, and monitor groups involved in prelicensure  
 632 education for insurance agents and other licensees.--

633 (3) The department shall adopt rules to establish a  
 634 process for determining compliance with the prelicensure  
 635 requirements of this chapter and chapter 648 ~~and shall establish~~  
 636 ~~a prelicensure cycle for insurance agents and other licensees.~~  
 637 The department shall adopt rules prescribing the forms necessary  
 638 to administer the prelicensure requirements.

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

641 626.321 Limited licenses.--

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

646 (a) Motor vehicle physical damage and mechanical breakdown  
 647 insurance.--License covering insurance against only the loss of  
 648 or damage to any motor vehicle which is designed for use upon a  
 649 highway, including trailers and semitrailers designed for use  
 650 with such vehicles. Such license also covers insurance against  
 651 the failure of an original or replacement part to perform any  
 652 function for which it was designed. The applicant for such a  
 653 license shall pass a written examination covering motor vehicle  
 654 physical damage insurance and mechanical breakdown insurance. No  
 655 individual while so licensed shall hold a license as an agent ~~or~~  
 656 ~~solicitor~~ as to any other or additional kind or class of



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657 insurance coverage except as to a limited license for credit  
658 life and disability insurances as provided in paragraph (e).

659 (e) Credit life or disability insurance.--License covering  
660 only credit life or disability insurance. The license may be  
661 issued only to an individual employed by a life or health  
662 insurer as an officer or other salaried or commissioned  
663 representative, to an individual employed by or associated with  
664 a lending or financial institution or creditor, or to a lending  
665 or financial institution or creditor, and may authorize the sale  
666 of such insurance only with respect to borrowers or debtors of  
667 such lending or financing institution or creditor. However, only  
668 the individual or entity whose tax identification number is used  
669 in receiving or is credited with receiving the commission from  
670 the sale of such insurance shall be the licensed agent of the  
671 insurer. No individual while so licensed shall hold a license as  
672 an agent ~~or solicitor~~ as to any other or additional kind or  
673 class of life or health insurance coverage. An entity holding a  
674 limited license under this paragraph is also authorized to sell  
675 credit insurance and credit property insurance. An entity  
676 applying for a license under this section:

677 1. Is required to submit only one application for a  
678 license under s. 626.171. The requirements of s. 626.171(5)  
679 shall only apply to the officers and directors of the entity  
680 submitting the application.

681 2. Is required to obtain a license for each office, branch  
682 office, or place of business making use of the entity's business  
683 name by applying to the department for the license on a  
684 simplified form developed by rule of the department for this  
685 purpose.



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686 3. Is not required to pay any additional application fees  
687 for a license issued to the offices or places of business  
688 referenced in subsection (2), but is required to pay the license  
689 fee as prescribed in s. 624.501, be appointed under s. 626.112,  
690 and pay the prescribed appointment fee under s. 624.501. The  
691 license obtained under this paragraph shall be posted at the  
692 business location for which it was issued so as to be readily  
693 visible to prospective purchasers of such coverage.

694 Section 22. Section 626.322, Florida Statutes, is amended  
695 to read:

696 626.322 License, appointment; certain military  
697 installations.--A natural person, not a resident of this state,  
698 may be licensed and appointed to represent an authorized life  
699 insurer domiciled in this state or an authorized foreign life  
700 insurer which maintains a regional home office in this state,  
701 provided such person represents such insurer exclusively at a  
702 United States military installation located in a foreign  
703 country. The department may, upon request of the applicant and  
704 the insurer on application forms furnished by the department and  
705 upon payment of fees as prescribed in s. 624.501, issue a  
706 license and appointment to such person. By authorizing the  
707 effectuation of an appointment for a license, the insurer is  
708 thereby certifying ~~shall certify~~ to the department that the  
709 applicant has the necessary training to hold himself or herself  
710 out as a life insurance representative, and the insurer shall  
711 further certify that it is willing to be bound by the acts of  
712 such applicant within the scope of his or her employment.  
713 Appointments shall be continued as prescribed in s. 626.381 and  
714 upon payment of a fee as prescribed in s. 624.501, unless sooner  
715 terminated. Such fees received shall be credited to the





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716 Insurance Commissioner's Regulatory Trust Fund as provided for  
717 in s. 624.523.

718 Section 23. Section 626.341, Florida Statutes, is amended  
719 to read:

720 626.341 Additional appointments; general lines, life, and  
721 health agents.--

722 (1) At any time while a licensee's license is in force, an  
723 insurer may apply to the department or person designated by the  
724 department to administer the appointment process on behalf of a  
725 licensee for an additional appointment as general lines agent or  
726 life or health agent for an additional insurer or insurers. The  
727 application for appointment shall set forth all information the  
728 department may require. Upon receipt of the appointment and  
729 payment of the applicable appointment taxes and fees, the  
730 department may issue the additional appointment without, in its  
731 discretion, further investigation concerning the applicant.

732 (2) A life or health agent with an appointment in force  
733 may solicit applications for policies of insurance on behalf of  
734 an insurer with respect to which he or she is not an appointed  
735 life or health agent, unless otherwise provided by contract, if  
736 such agent simultaneously with the submission to such insurer of  
737 the application for insurance solicited by him or her requests  
738 the insurer to appoint him or her as agent. However, no  
739 commissions shall be paid by such insurer to the agent until  
740 such time as an additional appointment with respect to such  
741 insurer has been received by the department or person designated  
742 by the department to administer the appointment process pursuant  
743 to the provisions of subsection (1).

744 Section 24. Section 626.371, Florida Statutes, is amended  
745 to read:



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746           626.371 Payment of fees, taxes for appointment period  
747 without appointment.--

748           (1) All appointments shall be submitted to the department  
749 on a monthly basis no later than 45 days after the date of  
750 appointment. All appointments shall be effective as of the date  
751 requested on the appointment form.

752           (2) If, upon application and qualification for an  
753 appointment and such investigation as the department may make,  
754 it appears to the department that an individual who was formerly  
755 licensed appointed has been actively engaged or is currently  
756 actively engaged as such an appointee, but without being  
757 appointed as required, the department may, if it finds that such  
758 failure to be appointed was an inadvertent error on the part of  
759 the insurer or employer so represented, nevertheless issue or  
760 authorize the issuance of the appointment as applied for but  
761 subject to the condition that, before the appointment is issued,  
762 all fees and taxes which would have been due had the applicant  
763 been so appointed during such current and prior periods,  
764 together with a continuation fee for such current and prior  
765 terms of appointment, shall be paid to the department.

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

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

772           626.381 Renewal, continuation, reinstatement, or  
773 termination of appointment.--

774           (3) Renewal of an appointment which is received on a date  
775 set forth by the department or person designated by the



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776 department to administer the appointment process in the  
 777 succeeding month may be renewed by the department without  
 778 penalty and shall be effective as of the day the appointment  
 779 would have expired.

780 (4) Renewal of an appointment which is received by the  
 781 department or person designated by the department to administer  
 782 the appointment process after the date set by the department may  
 783 be accepted and effectuated by the department in its discretion  
 784 if an additional appointment, late filing, continuation, and  
 785 reinstatement fee accompanies the renewal pursuant to s.  
 786 624.501. Late filing fees shall be paid by the appointing entity  
 787 and shall not be charged to the appointee.

788 Section 26. Subsections (1), (2), and (3) of section  
 789 626.451, Florida Statutes, are amended, and subsection (7) is  
 790 added to said section, to read:

791 626.451 Appointment of agent or other representative.--

792 (1) Each appointing entity or person designated by the  
 793 department to administer the appointment process appointing an  
 794 agent, adjuster, service representative, customer  
 795 representative, or managing general agent in this state shall  
 796 file the appointment with the department and, at the same time,  
 797 pay the applicable appointment fee and taxes. Every appointment  
 798 shall be subject to the prior issuance of the appropriate  
 799 agent's, adjuster's, service representative's, customer  
 800 representative's, or managing general agent's license.

801 (2) By authorizing the effectuation of an appointment for  
 802 a licensee, the appointing entity is thereby certifying to the  
 803 department that an investigation of the licensee has been made  
 804 ~~As a part of each appointment there shall be a certified~~  
 805 ~~statement or affidavit of an appropriate officer or official of~~



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806 ~~the appointing entity stating what investigation the appointing~~  
 807 ~~entity has made concerning the proposed appointee and his or her~~  
 808 ~~background and that in the appointing entity's opinion and to~~  
 809 ~~the best of its knowledge and belief, the licensee is of good as~~  
 810 ~~to the moral character and reputation, is fit to engage in the~~  
 811 ~~insurance business fitness, and reputation of the proposed~~  
 812 ~~appointee and any other information the department may~~  
 813 ~~reasonably require the appointing entity to provide the~~  
 814 ~~department relative to the proposed appointee.~~

815 (3) By authorizing the effectuation of ~~In~~ the appointment  
 816 of an agent, adjuster, service representative, customer  
 817 representative, or managing general agent the appointing entity  
 818 is thereby certifying to the department ~~shall also certify~~  
 819 ~~therein~~ that it is willing to be bound by the acts of the agent,  
 820 adjuster, service representative, customer representative, or  
 821 managing general agent, within the scope of the licensee's ~~his~~  
 822 ~~or her~~ employment.

823 (7) Each licensee shall advise the department in writing  
 824 within 30 days after having been found guilty of or having  
 825 pleaded guilty or nolo contendere to a felony or a crime  
 826 punishable by imprisonment of 1 year or more under the laws of  
 827 the United States, any state of the United States, or any other  
 828 country, without regard to whether a judgment of conviction has  
 829 been entered by the court having jurisdiction of such cases.

830 Section 27. Section 626.461, Florida Statutes, is amended  
 831 to read:

832 626.461 Continuation of appointment of agent or other  
 833 representative.--Subject to renewal or continuation by the  
 834 appointing entity, the appointment of the agent, adjuster,  
 835 ~~solicitor~~, service representative, customer representative, or



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836 managing general agent shall continue in effect until the  
837 person's license is revoked or otherwise terminated, unless  
838 written notice of earlier termination of the appointment is  
839 filed with the department or person designated by the department  
840 to administer the appointment process by either the appointing  
841 entity or the appointee.

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

844 626.471 Termination of appointment.--

845 (4) An appointee may terminate the appointment at any time  
846 by giving written or electronic notice thereof to the appointing  
847 entity, ~~and filing a copy of the notice with the department, or~~  
848 person designated by the department to administer the  
849 appointment process. The department shall immediately terminate  
850 the appointment and notify the appointing entity of such  
851 termination. Such termination shall be subject to the  
852 appointee's contract rights, if any.

853 (5) Upon receiving notice of termination, the department  
854 or person designated by the department to administer the  
855 appointment process shall terminate the appointment.

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

858 626.601 Improper conduct; inquiry; fingerprinting.--

859 (5) If the department, after investigation, has reason to  
860 believe that a licensee may have been found guilty of or pleaded  
861 guilty or nolo contendere to a felony or a crime related to the  
862 business of insurance in this or any other state or  
863 jurisdiction, the department may require the licensee to file  
864 with the department a complete set of his or her fingerprints,  
865 which shall be accompanied by the fingerprint processing fee set



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866 forth in s. 624.501. The fingerprints shall be taken ~~certified~~  
867 by an authorized law enforcement agency or other department-  
868 approved entity officer.

869 Section 30. Paragraph (b) of subsection (1) of section  
870 626.731, Florida Statutes, is amended to read:

871 626.731 Qualifications for general lines agent's  
872 license.--

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

877 (b) The applicant is a United States citizen or legal  
878 alien who possesses work authorization from the United States  
879 Immigration and Naturalization Service and is a bona fide  
880 resident of this state. An individual who is a bona fide  
881 resident of this state shall be deemed to meet the residence  
882 requirement of this paragraph, notwithstanding the existence at  
883 the time of application for license of a license in his or her  
884 name on the records of another state as a resident licensee of  
885 such other state, if the applicant furnishes a letter of  
886 clearance satisfactory to the department that the resident  
887 licenses have been canceled or changed to a nonresident basis  
888 and that he or she is in good standing.

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

891 626.7315 Prohibition against the unlicensed transaction of  
892 general lines insurance.--With respect to any line of authority  
893 as defined in s. 626.015(7), no individual shall, unless  
894 licensed as a general lines agent:



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895 (2) Except as provided in s. 626.0428(1), in this state,  
896 receive or issue a receipt for any money on account of or for  
897 any insurer, or receive or issue a receipt for money from other  
898 persons to be transmitted to any insurer for a policy, contract,  
899 or certificate of insurance or any renewal thereof, even though  
900 the policy, certificate, or contract is not signed by him or her  
901 as agent or representative of the insurer;

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

904 626.732 Requirement as to knowledge, experience, or  
905 instruction.--

906 (1) Except as provided in subsection (3), no applicant for  
907 a license as a general lines agent, except for a chartered  
908 property and casualty underwriter (CPCU), other than as to a  
909 limited license as to baggage and motor vehicle excess liability  
910 insurance, credit property insurance, credit insurance, in-  
911 transit and storage personal property insurance, or  
912 communications equipment property insurance or communication  
913 equipment inland marine insurance, shall be qualified or  
914 licensed unless within the 4 years immediately preceding the  
915 date the application for license is filed with the department  
916 the applicant has:

917 (a) Taught or successfully completed classroom courses in  
918 insurance, 3 hours of which shall be on the subject matter of  
919 ethics, satisfactory to the department at a school, college, or  
920 extension division thereof, approved by the department;

921 (b) Completed a correspondence course in insurance, 3  
922 hours of which shall be on the subject matter of ethics,  
923 satisfactory to the department and regularly offered by  
924 accredited institutions of higher learning in this state and,



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925 except if he or she is applying for a limited license under s.  
 926 626.321, has had at least 6 months of responsible insurance  
 927 duties as a substantially full-time bona fide employee in all  
 928 lines of property and casualty insurance set forth in the  
 929 definition of general lines agent under s. 626.015;

930 Section 33. Section 626.733, Florida Statutes, is amended  
 931 to read:

932 626.733 Agency firms and corporations; special  
 933 requirements.--If a sole proprietorship, partnership,  
 934 corporation, or association holds an agency contract, all  
 935 members thereof who solicit, negotiate, or effect insurance  
 936 contracts, and all officers and stockholders of the corporation  
 937 who solicit, negotiate, or effect insurance contracts, are  
 938 required to qualify and be licensed individually as agents,  
 939 ~~solicitors~~, or customer representatives; and all of such agents  
 940 must be individually appointed as to each property and casualty  
 941 insurer entering into an agency contract with such agency. Each  
 942 such appointing insurer as soon as known to it shall comply with  
 943 this section and shall determine and require that each agent so  
 944 associated in or so connected with such agency is likewise  
 945 appointed as to the same such insurer and for the same type and  
 946 class of license. However, no insurer is required to comply with  
 947 the provisions of this section if such insurer satisfactorily  
 948 demonstrates to the department that the insurer has issued an  
 949 aggregate net written premium, in an agency, in an amount of  
 950 \$25,000 or less.

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

953 626.7351 Qualifications for customer representative's  
 954 license.--The department shall not grant or issue a license as





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955 customer representative to any individual found by it to be  
956 untrustworthy or incompetent, or who does not meet each of the  
957 following qualifications:

958 (2)(a) The applicant is a United States citizen or legal  
959 alien who possesses work authorization from the United States  
960 Immigration and Naturalization Service and is a bona fide  
961 resident of this state and will actually reside in the state at  
962 least 6 months out of the year. An individual who is a bona fide  
963 resident of this state shall be deemed to meet the residence  
964 requirements of this subsection, notwithstanding the existence  
965 at the time of application for license of a license in his or  
966 her name on the records of another state as a resident licensee  
967 of the other state, if the applicant furnishes a letter of  
968 clearance satisfactory to the department that the resident  
969 licenses have been canceled or changed to a nonresident basis  
970 and that he or she is in good standing.

971 (3) Within the 2 years next preceding the date the  
972 application for license was filed with the department, the  
973 applicant has completed a course in insurance, 3 hours of which  
974 shall be on the subject matter of ethics, approved by the  
975 department or has had at least 6 months' experience in  
976 responsible insurance duties as a substantially full-time  
977 employee. Courses must include instruction on the subject matter  
978 of unauthorized entities engaging in the business of insurance.  
979 The scope of the topic of unauthorized entities shall include  
980 the Florida Nonprofit Multiple-Employer Welfare Arrangement Act  
981 and the Employee Retirement Income Security Act, 29 U.S.C. ss.  
982 1001 et seq., as such acts relate to the provision of health  
983 insurance by employers and the regulation of such insurance.



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

986 626.7354 Customer representative's powers; agent's or  
 987 agency's responsibility.--

988 (2) A customer representative may engage in transacting  
 989 insurance with customers who have been solicited by any agent,  
 990 ~~solicitor,~~ or customer representative in the same agency, and  
 991 may engage in transacting insurance with customers who have not  
 992 been so solicited to the extent and under conditions that are  
 993 otherwise consistent with this part and with the insurer's  
 994 contract with the agent appointing him or her.

995 Section 36. Paragraph (c) of subsection (1) of section  
 996 626.7355, Florida Statutes, is amended to read:

997 626.7355 Temporary license as customer representative  
 998 pending examination.--

999 (1) The department shall issue a temporary customer  
 1000 representative's license with respect to a person who has  
 1001 applied for such license upon finding that the person:

1002 (c) Is a United States citizen or legal alien who  
 1003 possesses work authorization from the United States Immigration  
 1004 and Naturalization Service and is a bona fide resident of this  
 1005 state or is a resident of another state sharing a common  
 1006 boundary with this state. An individual who is a bona fide  
 1007 resident of this state shall be deemed to meet the residence  
 1008 requirement of this paragraph, notwithstanding the existence at  
 1009 the time of application for license, of a license in his or her  
 1010 name on the records of another state as a resident licensee of  
 1011 such other state, if the applicant furnishes a letter of  
 1012 clearance satisfactory to the department that his or her



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1013 resident licenses have been canceled or changed to a nonresident  
 1014 basis and that he or she is in good standing.

1015 Section 37. Subsection (3) of section 626.741, Florida  
 1016 Statutes, is amended to read:

1017 626.741 Nonresident agents; licensing and restrictions.--

1018 (3) The department shall not, however, issue any license  
 1019 and appointment to any nonresident who has an office or place of  
 1020 business in this state, or who has any direct or indirect  
 1021 pecuniary interest in any insurance agent or insurance agency~~r~~  
 1022 ~~or in any solicitor~~ licensed as a resident of this state; nor to  
 1023 any individual who does not, at the time of issuance and  
 1024 throughout the existence of the Florida license, hold a license  
 1025 as agent or broker issued by his or her home state; nor to any  
 1026 individual who is employed by any insurer as a service  
 1027 representative or who is a managing general agent in any state,  
 1028 whether or not also licensed in another state as an agent or  
 1029 broker. The foregoing requirement to hold a similar license in  
 1030 the applicant's home state does not apply to customer  
 1031 representatives unless the home state licenses residents of that  
 1032 state in a similar manner. The prohibition against having an  
 1033 office or place of business in this state does not apply to  
 1034 customer representatives who are required to conduct business  
 1035 solely within the confines of the office of a licensed and  
 1036 appointed Florida resident general lines agent in this state.  
 1037 The authority of such nonresident license is limited to the  
 1038 specific lines of authority granted in the license issued by the  
 1039 agent's home state and further limited to the specific lines  
 1040 authorized under the nonresident license issued by this state.  
 1041 The department shall have discretion to refuse to issue any  
 1042 license or appointment to a nonresident when it has reason to



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1043 believe that the applicant by ruse or subterfuge is attempting  
 1044 to avoid the intent and prohibitions contained in this  
 1045 subsection or to believe that any of the grounds exist as for  
 1046 suspension or revocation of license as set forth in ss. 626.611  
 1047 and 626.621.

1048 Section 38. Paragraph (a) of subsection (1) of section  
 1049 626.753, Florida Statutes, is amended to read:

1050 626.753 Sharing commissions; penalty.--

1051 (1)(a) An agent may divide or share in commissions only  
 1052 ~~with his or her own employed solicitors and~~ with other agents  
 1053 appointed and licensed to write the same kind or kinds of  
 1054 insurance.

1055 Section 39. Paragraph (b) of subsection (1) of section  
 1056 626.785, Florida Statutes, is amended to read:

1057 626.785 Qualifications for license.--

1058 (1) The department shall not grant or issue a license as  
 1059 life agent to any individual found by it to be untrustworthy or  
 1060 incompetent, or who does not meet the following qualifications:

1061 (b) Must be a United States citizen or legal alien who  
 1062 possesses work authorization from the United States Immigration  
 1063 and Naturalization Service and a bona fide resident of this  
 1064 state.

1065 Section 40. Subsections (1) and (2) of section 626.7851,  
 1066 Florida Statutes, are amended to read:

1067 626.7851 Requirement as to knowledge, experience, or  
 1068 instruction.--No applicant for a license as a life agent, except  
 1069 for a chartered life underwriter (CLU), shall be qualified or  
 1070 licensed unless within the 4 years immediately preceding the  
 1071 date the application for a license is filed with the department  
 1072 he or she has:



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1073 (1) Successfully completed 40 hours of classroom courses  
1074 in insurance, 3 hours of which shall be on the subject matter of  
1075 ethics, satisfactory to the department at a school or college,  
1076 or extension division thereof, or other authorized course of  
1077 study, approved by the department. Courses must include  
1078 instruction on the subject matter of unauthorized entities  
1079 engaging in the business of insurance, to include the Florida  
1080 Nonprofit Multiple-Employer Welfare Arrangement Act and the  
1081 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et  
1082 seq., as it relates to the provision of life insurance by  
1083 employers to their employees and the regulation thereof;

1084 (2) Successfully completed a correspondence course in  
1085 insurance, 3 hours of which shall be on the subject matter of  
1086 ethics, satisfactory to the department and regularly offered by  
1087 accredited institutions of higher learning in this state,  
1088 approved by the department. Courses must include instruction on  
1089 the subject matter of unauthorized entities engaging in the  
1090 business of insurance, to include the Florida Nonprofit  
1091 Multiple-Employer Welfare Arrangement Act and the Employee  
1092 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as  
1093 it relates to the provision of life insurance by employers to  
1094 their employees and the regulation thereof;

1095 Section 41. Subsection (2) of section 626.829, Florida  
1096 Statutes, is amended to read:

1097 626.829 "Health agent" defined.--

1098 (2) Any person who acts for an insurer, or on behalf of a  
1099 licensed representative of an insurer, to solicit applications  
1100 for or to negotiate and effectuate health insurance contracts,  
1101 whether or not he or she is appointed as an agent, subagent,  
1102 ~~solicitor~~, or canvasser or by any other title, shall be deemed



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1103 to be a health agent and shall be qualified, licensed, and  
 1104 appointed as a health agent.

1105 Section 42. Paragraph (b) of subsection (1) of section  
 1106 626.831, Florida Statutes, is amended to read:

1107 626.831 Qualifications for license.--

1108 (1) The department shall not grant or issue a license as  
 1109 health agent as to any individual found by it to be  
 1110 untrustworthy or incompetent, or who does not meet the following  
 1111 qualifications:

1112 (b) Must be a United States citizen or legal alien who  
 1113 possesses work authorization from the United States Immigration  
 1114 and Naturalization Service and a bona fide resident of this  
 1115 state.

1116 Section 43. Subsections (1) and (2) of section 626.8311,  
 1117 Florida Statutes, are amended to read:

1118 626.8311 Requirement as to knowledge, experience, or  
 1119 instruction.--No applicant for a license as a health agent,  
 1120 except for a chartered life underwriter (CLU), shall be  
 1121 qualified or licensed unless within the 4 years immediately  
 1122 preceding the date the application for license is filed with the  
 1123 department he or she has:

1124 (1) Successfully completed 40 hours of classroom courses  
 1125 in insurance, 3 hours of which shall be on the subject matter of  
 1126 ethics, satisfactory to the department at a school or college,  
 1127 or extension division thereof, or other authorized course of  
 1128 study, approved by the department. Courses must include  
 1129 instruction on the subject matter of unauthorized entities  
 1130 engaging in the business of insurance, to include the Florida  
 1131 Nonprofit Multiple-Employer Welfare Arrangement Act and the  
 1132 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et



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1133 seq., as it relates to the provision of health insurance by  
 1134 employers to their employees and the regulation thereof;

1135 (2) Successfully completed a correspondence course in  
 1136 insurance, 3 hours of which shall be on the subject matter of  
 1137 ethics, satisfactory to the department and regularly offered by  
 1138 accredited institutions of higher learning in this state,  
 1139 approved by the department. Courses must include instruction on  
 1140 the subject matter of unauthorized entities engaging in the  
 1141 business of insurance, to include the Florida Nonprofit  
 1142 Multiple-Employer Welfare Arrangement Act and the Employee  
 1143 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as  
 1144 it relates to the provision of health insurance by employers to  
 1145 their employees and the regulation thereof;

1146 Section 44. Subsection (2) of section 626.8414, Florida  
 1147 Statutes, is amended to read:

1148 626.8414 Qualifications for examination.--The department  
 1149 must authorize any natural person to take the examination for  
 1150 the issuance of a license as a title insurance agent if the  
 1151 person meets all of the following qualifications:

1152 (2) The applicant must be a United States citizen or legal  
 1153 alien who possesses work authorization from the United States  
 1154 Immigration and Naturalization Service and a bona fide resident  
 1155 of this state. A person meets the residency requirement of this  
 1156 subsection, notwithstanding the existence at the time of  
 1157 application for license of a license in the applicant's name on  
 1158 the records of another state as a resident licensee of such  
 1159 other state, if the applicant furnishes a letter of clearance  
 1160 satisfactory to the department that the resident licenses have  
 1161 been canceled or changed to a nonresident basis and that the  
 1162 applicant is in good standing.



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1163 Section 45. Paragraph (a) of subsection (3) of section  
1164 626.8417, Florida Statutes, is amended to read:

1165 626.8417 Title insurance agent licensure; exemptions.--

1166 (3) The department shall not grant or issue a license as  
1167 title agent to any individual found by it to be untrustworthy or  
1168 incompetent, who does not meet the qualifications for  
1169 examination specified in s. 626.8414, or who does not meet the  
1170 following qualifications:

1171 (a) Within the 4 years immediately preceding the date of  
1172 the application for license, the applicant must have completed a  
1173 40-hour classroom course in title insurance, 3 hours of which  
1174 shall be on the subject matter of ethics, as approved by the  
1175 department, or must have had at least 12 months of experience in  
1176 responsible title insurance duties, while working in the title  
1177 insurance business as a substantially full-time, bona fide  
1178 employee of a title agency, title agent, title insurer, or  
1179 attorney who conducts real estate closing transactions and  
1180 issues title insurance policies but who is exempt from licensure  
1181 pursuant to paragraph (4)(a). If an applicant's qualifications  
1182 are based upon the periods of employment at responsible title  
1183 insurance duties, the applicant must submit, with the  
1184 application for license on a form prescribed by the department,  
1185 the affidavit of the applicant and of the employer setting forth  
1186 the period of such employment, that the employment was  
1187 substantially full time, and giving a brief abstract of the  
1188 nature of the duties performed by the applicant.

1189 Section 46. Paragraph (b) of subsection (1) of section  
1190 626.865, Florida Statutes, is amended to read:

1191 626.865 Public adjuster's qualifications, bond.--





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1192 (1) The department shall issue a license to an applicant  
 1193 for a public adjuster's license upon determining that the  
 1194 applicant has paid the applicable fees specified in s. 624.501  
 1195 and possesses the following qualifications:

1196 (b) Is a United States citizen or legal alien who possesses  
 1197 work authorization from the United States Immigration and  
 1198 Naturalization Service and a bona fide resident of this state.

1199 Section 47. Subsection (2) of section 626.866, Florida  
 1200 Statutes, is amended to read:

1201 626.866 Independent adjuster's qualifications.--The  
 1202 department shall issue a license to an applicant for an  
 1203 independent adjuster's license upon determining that the  
 1204 applicable license fee specified in s. 624.501 has been paid and  
 1205 that the applicant possesses the following qualifications:

1206 (2) Is a United States citizen or legal alien who possesses  
 1207 work authorization from the United States Immigration and  
 1208 Naturalization Service and a bona fide resident of this state.

1209 Section 48. Subsection (2) of section 626.867, Florida  
 1210 Statutes, is amended to read:

1211 626.867 Company employee adjuster's qualifications.--The  
 1212 department shall issue a license to an applicant for a company  
 1213 employee adjuster's license upon determining that the applicable  
 1214 license fee specified in s. 624.501 has been paid and that the  
 1215 applicant possesses the following qualifications:

1216 (2) Is a United States citizen or legal alien who possesses  
 1217 work authorization from the United States Immigration and  
 1218 Naturalization Service and a bona fide resident of this state.

1219 Section 49. Section 626.869, Florida Statutes, is amended  
 1220 to read:

1221 626.869 License, adjusters.--



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1222 (1) An applicant for a license as an adjuster may qualify  
 1223 and his or her license when issued may cover adjusting in any  
 1224 one of the following classes of insurance:

- 1225 (a) All lines of insurance except life and annuities.
- 1226 (b) Motor vehicle physical damage insurance.
- 1227 (c) Property and casualty insurance.
- 1228 (d) Workers' compensation insurance.
- 1229 (e) Health insurance.

1230 (2) All individuals who on October 1, 1990, hold an  
 1231 adjuster's license and appointment limited to fire and allied  
 1232 lines, including marine or casualty or boiler and machinery, may  
 1233 remain licensed and appointed under the limited license and may  
 1234 renew their appointment, but no license or appointment which has  
 1235 been terminated, not renewed, suspended, or revoked shall be  
 1236 reinstated, and no new or additional licenses or appointments  
 1237 shall be issued.

1238 ~~(3) With the exception of a public adjuster limited to~~  
 1239 ~~health insurance, a limited license set forth in subsection (1)~~  
 1240 ~~as an independent or public adjuster may only be issued to and~~  
 1241 ~~retained by an employee of an independent or public adjusting~~  
 1242 ~~firm which is supervised by a duly appointed all-lines adjuster~~  
 1243 ~~or an employee of an independent or public adjuster licensed and~~  
 1244 ~~appointed in all lines of insurance other than life and annuity.~~  
 1245 ~~The office of the limited lines adjuster shall be in the office~~  
 1246 ~~of the licensed all-lines adjuster responsible for his or her~~  
 1247 ~~supervision and instruction.~~

1248 (3)~~(4)~~ The applicant's application for license shall  
 1249 specify which of the foregoing classes of business the  
 1250 application for license is to cover.



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1251        ~~(4)(5)~~ Any individual ~~person~~ holding a license for 24  
 1252 consecutive months or longer ~~and who engages in adjusting~~  
 1253 ~~workers' compensation insurance~~ must, beginning in his or her  
 1254 ~~their~~ birth month and every 2 years thereafter, have completed  
 1255 24 hours of courses, 2 hours of which relate to ethics, in  
 1256 subjects designed to inform the licensee regarding the current  
 1257 insurance ~~workers' compensation~~ laws of this state, so as to  
 1258 enable him or her to engage in business as an ~~a~~ ~~workers'~~  
 1259 ~~compensation~~ insurance adjuster fairly and without injury to the  
 1260 public and to adjust all claims in accordance with the policy or  
 1261 contract and the ~~workers' compensation~~ laws of this state. ~~In~~  
 1262 ~~order to qualify as an eligible course under this subsection,~~  
 1263 ~~the course must:~~

1264            ~~(a) Have a course outline approved by the department.~~

1265            ~~(b) Be taught at a school training facility or other~~  
 1266 ~~location approved by the department.~~

1267            ~~(c) Be taught by instructors with at least 5 years of~~  
 1268 ~~experience in the area of workers' compensation, general lines~~  
 1269 ~~of insurance, or other persons approved by the department.~~

1270 ~~However, a member of The Florida Bar is exempt from the 5 years'~~  
 1271 ~~experience requirement.~~

1272            ~~(d) Furnish the attendee a certificate of completion. The~~  
 1273 ~~course provider shall send a roster to the department in a~~  
 1274 ~~format prescribed by the department.~~

1275        (5) The regulation of continuing education for licensees,  
 1276 course providers, instructors, school officials, and monitor  
 1277 groups shall be as provided for in s. 626.2816.

1278        Section 50. Subsection (1) of section 626.874, Florida  
 1279 Statutes, is amended to read:

1280        626.874 Catastrophe or emergency adjusters.--



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1281 (1) In the event of a catastrophe or emergency, the  
 1282 department may issue a license, for the purposes and under the  
 1283 conditions which it shall fix and for the period of emergency as  
 1284 it shall determine, to persons who are residents or nonresidents  
 1285 of this state, who are at least 18 years of age, who are United  
 1286 States citizens or legal aliens who possess work authorization  
 1287 from the United States Immigration and Naturalization Service,  
 1288 and who are not licensed adjusters under this part but who have  
 1289 been designated and certified to it as qualified to act as  
 1290 adjusters by independent resident adjusters or by an authorized  
 1291 insurer or by a licensed general lines agent to adjust claims,  
 1292 losses, or damages under policies or contracts of insurance  
 1293 issued by such insurers. The fee for the license shall be as  
 1294 provided in s. 624.501(12)(c).

1295 Section 51. Section 626.878, Florida Statutes, is amended  
 1296 to read:

1297 626.878 Rules; code of ethics.--An adjuster shall  
 1298 subscribe to the code of ethics specified in the rules of the  
 1299 department. The rules shall implement the provisions of this  
 1300 part and specify the terms and conditions of contracts,  
 1301 including a right to cancel, and require practices necessary to  
 1302 ensure fair dealing, prohibit conflicts of interest, and ensure  
 1303 preservation of the rights of the claimant to participate in the  
 1304 adjustment of claims.

1305 Section 52. Subsection (1) of section 626.797, Florida  
 1306 Statutes, is amended to read:

1307 626.797 Code of ethics.--

1308 (1) The department shall, after consultation with the  
 1309 Florida Association Of Insurance and Financial Advisors ~~Life~~  
 1310 ~~Underwriters~~, adopt a code of ethics, or continue any such code



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1311 heretofore so adopted, to govern the conduct of life agents in  
 1312 their relations with the public, other agents, and the insurers.

1313 Section 53. Paragraph (z) of subsection (1) of section  
 1314 626.9541, Florida Statutes, is amended to read:

1315 626.9541 Unfair methods of competition and unfair or  
 1316 deceptive acts or practices defined.--

1317 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
 1318 ACTS.--The following are defined as unfair methods of  
 1319 competition and unfair or deceptive acts or practices:

1320 (z) *Sliding*.--Sliding is the act or practice of:

1321 1. Representing to the applicant that a specific ancillary  
 1322 coverage or product is required by law in conjunction with the  
 1323 purchase of ~~motor vehicle~~ insurance when such coverage or  
 1324 product is not required;

1325 2. Representing to the applicant that a specific ancillary  
 1326 coverage or product is included in the ~~motor vehicle~~ policy  
 1327 applied for without an additional charge when such charge is  
 1328 required; or

1329 3. Charging an applicant for a specific ancillary coverage  
 1330 or product, in addition to the cost of the ~~motor vehicle~~  
 1331 insurance coverage applied for, without the informed consent of  
 1332 the applicant.

1333 Section 54. Paragraph (f) is added to subsection (7) of  
 1334 section 626.9916, Florida Statutes, to read:

1335 626.9916 Viatical settlement broker license required;  
 1336 application for license.--

1337 (7) Upon the filing of a sworn application and the payment  
 1338 of the license fee and all other applicable fees under this act,  
 1339 the department shall investigate each applicant and may issue



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1340 the applicant a license if the department finds that the  
 1341 applicant:

1342 (f) If a natural person, is at least 18 years of age and a  
 1343 United States citizen or legal alien who possesses work  
 1344 authorization from the United States Immigration and  
 1345 Naturalization Service.

1346 Section 55. Subsection (3) of section 632.634, Florida  
 1347 Statutes, is amended to read:

1348 632.634 Licensing and appointment of agents.--

1349 (3) Any agent, representative, or member of a society who  
 1350 in any preceding calendar year has solicited and procured life  
 1351 insurance benefit contracts on behalf of any society in a total  
 1352 amount of insurance less than \$50,000, or, in the case of any  
 1353 other kind or kinds of insurance benefit contracts which the  
 1354 society might write, on not more than 25 individuals, shall be  
 1355 exempt from the agent licensing and appointment requirements of  
 1356 subsection (1). Upon request by the department, every society  
 1357 shall register, on forms prescribed by the department and on or  
 1358 before March 1 of each year, the name and residence address of  
 1359 each agent, representative, or member exempt under the  
 1360 provisions of this subsection and shall, within 30 days of  
 1361 termination of employment, notify the department of the  
 1362 termination. Any agent, representative, or member for which an  
 1363 exemption is claimed due to employment by the society subsequent  
 1364 to March 1 shall be registered by the society with the  
 1365 department within 10 days of the date of employment.

1366 Section 56. Section 634.171, Florida Statutes, is amended  
 1367 to read:

1368 634.171 Salesperson to be licensed and  
 1369 appointed.--Salespersons for motor vehicle service agreement



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1370 companies and insurers shall be licensed, appointed, renewed,  
1371 continued, reinstated, or terminated as prescribed in chapter  
1372 626 for insurance representatives in general. However, they  
1373 shall be exempt from all other provisions of chapter 626  
1374 including fingerprinting, photo identification, education, and  
1375 examination provisions. License, appointment, and other fees  
1376 shall be those prescribed in s. 624.501. A licensed and  
1377 appointed salesperson shall be directly responsible and  
1378 accountable for all acts of her or his employees and other  
1379 representatives. Each service agreement company or insurer  
1380 shall, on forms prescribed by the department, within 30 days  
1381 after termination of the appointment, notify the department of  
1382 such termination. No employee or salesperson of a motor vehicle  
1383 service agreement company or insurer may directly or indirectly  
1384 solicit or negotiate insurance contracts, or hold herself or  
1385 himself out in any manner to be an insurance agent ~~or solicitor~~,  
1386 unless so qualified, licensed, and appointed therefor under the  
1387 Florida Insurance Code. A motor vehicle service agreement  
1388 company is not required to be licensed as a salesperson to  
1389 solicit, sell, issue, or otherwise transact the motor vehicle  
1390 service agreements issued by the motor vehicle service agreement  
1391 company.

1392 Section 57. Section 634.420, Florida Statutes, is amended  
1393 to read:

1394 634.420 License and appointment of sales  
1395 representatives.--Sales representatives for service warranty  
1396 associations or insurers shall be licensed, appointed, renewed,  
1397 continued, reinstated, or terminated in accordance with  
1398 procedures as prescribed in chapter 626 for insurance  
1399 representatives in general. However, they shall be exempt from



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1400 all other provisions of chapter 626, including fingerprinting,  
 1401 photo identification, education, and examination. License,  
 1402 appointment, and other fees shall be those prescribed in s.  
 1403 624.501. A licensed and appointed sales representative shall be  
 1404 directly responsible and accountable for all acts of the  
 1405 licensed sales representative's employees or other  
 1406 representatives. Each service warranty association or insurer  
 1407 shall, on forms prescribed by the department, within 30 days  
 1408 after termination of the appointment, notify the department of  
 1409 such termination. No employee or sales representative of a  
 1410 service warranty association or insurer may directly or  
 1411 indirectly solicit or negotiate insurance contracts, or hold  
 1412 herself or himself out in any manner to be an insurance agent ~~or~~  
 1413 ~~solicitor~~, unless so qualified, licensed, and appointed therefor  
 1414 under the insurance code.

1415 Section 58. Section 642.034, Florida Statutes, is amended  
 1416 to read:

1417 642.034 License and appointment required.--No person may  
 1418 solicit, negotiate, sell, or execute legal expense insurance  
 1419 contracts on behalf of an insurer in this state unless such  
 1420 person is licensed and appointed as a sales representative or is  
 1421 licensed and appointed under the insurance code as a general  
 1422 lines agent ~~or solicitor~~. No person licensed and appointed as a  
 1423 legal expense insurance sales representative may solicit,  
 1424 negotiate, sell, or execute any other contract of insurance  
 1425 unless such person is duly licensed and appointed to do so under  
 1426 the provisions of chapter 626.

1427 Section 59. Section 642.036, Florida Statutes, is amended  
 1428 to read:





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1429           642.036 Sales representatives to be licensed and  
1430 appointed.--Sales representatives of legal expense insurers  
1431 shall be licensed, appointed, renewed, continued, reinstated, or  
1432 terminated as prescribed in chapter 626 for insurance  
1433 representatives in general, and shall pay the license and  
1434 appointment fees prescribed in s. 624.501. No employee or sales  
1435 representative of an insurer may directly or indirectly solicit  
1436 or negotiate insurance contracts, or hold herself or himself out  
1437 in any manner to be an insurance agent ~~or solicitor~~, unless so  
1438 qualified, licensed, and appointed therefor under the insurance  
1439 code.

1440           Section 60. Section 642.045, Florida Statutes, is amended  
1441 to read:

1442           642.045 Procedure for refusal, suspension, or revocation  
1443 of license and appointment of sales representative; departmental  
1444 action upon violation by licensed insurance agent ~~or~~  
1445 ~~solicitor~~.--

1446           (1) If any sales representative is convicted by a court of  
1447 a violation of any provision of ss. 642.011-642.049, the license  
1448 and appointment of such individual shall thereby be deemed to be  
1449 immediately revoked without any further procedure relative  
1450 thereto by the department.

1451           (2) Whenever it appears that any licensed insurance agent  
1452 ~~or solicitor~~ has violated the provisions of ss. 642.011-642.049,  
1453 or if any grounds listed in s. 642.041 or s. 642.043 exist as to  
1454 such agent ~~or solicitor~~, the department may take such action as  
1455 is authorized by the insurance code for a violation of the  
1456 insurance code by such agent ~~or solicitor~~, or such action as is  
1457 authorized by this chapter for a violation of this chapter by a  
1458 sales representative.



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1459 Section 61. Paragraph (b) of subsection (5) and subsection  
 1460 (9) of section 648.27, Florida Statutes, are amended to read:

1461 648.27 Licenses and appointments; general.--

1462 (5)

1463 (b) The license of a temporary bail bond agent ~~or runner~~  
 1464 shall continue in force until suspended, revoked, or otherwise  
 1465 terminated.

1466 (9) If, upon application for an appointment and such  
 1467 investigation as the department may make, it appears to the  
 1468 department that an individual has been actively engaged or is  
 1469 currently actively engaged in bail bond activities without being  
 1470 appointed as required, the department may, if it finds that such  
 1471 failure to be appointed is an error on the part of the insurer  
 1472 or employer so represented, issue or authorize the issuance of  
 1473 the appointment as applied for, but subject to the condition  
 1474 that, before the appointment is issued, all fees and taxes which  
 1475 would have been due had the applicant been so appointed during  
 1476 such current and prior periods, together with a continuation fee  
 1477 for such current and prior terms of appointment, shall be paid  
 1478 to the department. Failure to notify the department within the  
 1479 required time period shall result in the appointing entity being  
 1480 assessed a delinquent fee of \$250. Delinquent fees shall be paid  
 1481 by the appointing entity and shall not be charged to the  
 1482 appointee.

1483 Section 62. Paragraph (b) of subsection (2) and subsection  
 1484 (6) of section 648.34, Florida Statutes, are amended to read:

1485 648.34 Bail bond agents; qualifications.--

1486 (2) To qualify as a bail bond agent, it must affirmatively  
 1487 appear at the time of application and throughout the period of  
 1488 licensure that the applicant has complied with the provisions of



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1489 s. 648.355 and has obtained a temporary license pursuant to such  
 1490 section and:

1491 (b) The applicant is a United States citizen or legal  
 1492 alien who possesses work authorization from the United States  
 1493 Immigration and Naturalization Service and is a resident of this  
 1494 state. An individual who is a resident of this state shall be  
 1495 deemed to meet the residence requirement of this paragraph,  
 1496 notwithstanding the existence, at the time of application for  
 1497 license, of a license in the applicant's name on the records of  
 1498 another state as a resident licensee of such other state, if the  
 1499 applicant furnishes a letter of clearance satisfactory to the  
 1500 department that his or her resident licenses have been canceled  
 1501 or changed to a nonresident basis and that he or she is in good  
 1502 standing.

1503 (6) The provisions of s. 112.011 do not apply to bail bond  
 1504 agents ~~or runners~~ or to applicants for licensure as bail bond  
 1505 agents ~~or runners~~.

1506 Section 63. Paragraph (b) of subsection (1) of section  
 1507 648.355, Florida Statutes, is amended to read:

1508 648.355 Temporary limited license as limited surety agent  
 1509 or professional bail bond agent; pending examination.--

1510 (1) The department may, in its discretion, issue a  
 1511 temporary license as a limited surety agent or professional bail  
 1512 bond agent, subject to the following conditions:

1513 (b) The applicant is a United States citizen or legal  
 1514 alien who possesses work authorization from the United States  
 1515 Immigration and Naturalization Service and is a resident of this  
 1516 state. An individual who is a resident of this state shall be  
 1517 deemed to meet the residence requirement of this paragraph,  
 1518 notwithstanding the existence, at the time of application for



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1519 temporary license, of a license in the individual's name on the  
 1520 records of another state as a resident licensee of such other  
 1521 state, if the applicant furnishes a letter of clearance  
 1522 satisfactory to the department that the individual's resident  
 1523 licenses have been canceled or changed to a nonresident basis  
 1524 and that the individual is in good standing.

1525 Section 64. Paragraph (a) of subsection (2) and subsection  
 1526 (3) of section 648.382, Florida Statutes, are amended, and  
 1527 subsection (6) is added to said section, to read:

1528 648.382 Appointment of bail bond agents and temporary bail  
 1529 bond agents; effective date of appointment.--

1530 (2) Prior to any appointment, an appropriate officer or  
 1531 official of the appointing insurer in the case of a bail bond  
 1532 agent or an insurer, managing general agent, or bail bond agent  
 1533 in the case of a temporary bail bond agent must submit:

1534 (a) A certified statement or affidavit to the department  
 1535 stating what investigation has been made concerning the proposed  
 1536 appointee and the proposed appointee's background and the  
 1537 appointing person's opinion to the best of his or her knowledge  
 1538 and belief as to the moral character, fitness, and reputation of  
 1539 the proposed appointee. In lieu of such certified statement or  
 1540 affidavit, by authorizing the effectuation of an appointment for  
 1541 a licensee, the appointing insurer certifies to the department  
 1542 that such investigation has been made and that the results of  
 1543 the investigation and the appointing person's opinion are  
 1544 available for review by the department;

1545 (3) By authorizing the effectuation of an appointment for  
 1546 a licensee, the appointing insurer certifies to the department  
 1547 ~~Prior to any appointment of a bail bond agent, the appointing~~  
 1548 ~~insurer must certify to the department that the insurer will be~~



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1549 bound by the acts of the bail bond agent acting within the scope  
1550 of his or her appointment, and, in the case of a temporary bail  
1551 bond agent, the appointing insurer, managing general agent, or  
1552 bail bond agent, as the case may be, must certify to the  
1553 department that he or she will supervise the temporary bail bond  
1554 agent's activities.

1555 (6) Failure to notify the department within the required  
1556 time period shall result in the appointing entity being assessed  
1557 a delinquent fee of \$250. Delinquent fees shall be paid by the  
1558 appointing entity and shall not be charged to the appointee.

1559 Section 65. Subsections (1) and (4) of section 648.383,  
1560 Florida Statutes, are amended to read:

1561 648.383 Renewal, continuation, reinstatement, and  
1562 termination of appointment; bail bond agents.--

1563 (1) The appointment of a bail bond agent shall continue in  
1564 force unless suspended, revoked, or otherwise terminated,  
1565 subject to a renewal request filed by the appointing entity in  
1566 the appointee's birth month and every 24 months thereafter. A  
1567 renewal request must be filed with the department or person  
1568 designated by the department to administer the appointment  
1569 process along with payment of the renewal appointment fee and  
1570 taxes as prescribed in s. 624.501.

1571 (4) If the information required under subsection (2) is  
1572 received by the department after the date established by the  
1573 department for renewal, the appointment may be renewed by the  
1574 department if an additional appointment, late filing,  
1575 continuation, and reinstatement fee accompanies the application  
1576 as required under s. 624.501. Late filing fees shall be paid by  
1577 the appointing entity and shall not be charged to the appointee.



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1578 Section 66. Subsections (1) and (3) of section 648.50,  
 1579 Florida Statutes, are amended to read:

1580 648.50 Effect of suspension, revocation upon associated  
 1581 licenses and licensees.--

1582 (1) Upon the suspension, revocation, or refusal to renew  
 1583 or continue any license or appointment or the eligibility to  
 1584 hold a license or appointment of a bail bond agent or, temporary  
 1585 bail bond agent, ~~or runner~~, the department shall at the same  
 1586 time likewise suspend or revoke all other licenses or  
 1587 appointments and the eligibility to hold any other such licenses  
 1588 or appointments which may be held by the licensee under the  
 1589 Florida Insurance Code.

1590 (3) No person whose license as a bail bond agent or  
 1591 temporary bail bond agent, ~~or runner~~ has been revoked or  
 1592 suspended shall be employed by any bail bond agent, have any  
 1593 ownership interest in any business involving bail bonds, or have  
 1594 any financial interest of any type in any bail bond business  
 1595 during the period of revocation or suspension.

1596 Section 67. Sections 626.032 and 626.361, Florida  
 1597 Statutes, are repealed.

1598 Section 68. This act shall take effect upon becoming a  
 1599 law.