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CHAMBER ACTION

The Committee on Insurance recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to insurance agents; amending ss. 624.04, 624.303, 624.313, 624.317, 624.504, 624.506, 624.521, 626.022, 626.112, 626.321, 626.733, 626.7354, 626.741, 626.753, 626.829, 634.171, 634.420, 642.034, 642.036, and 642.045, F.S.; deleting references to solicitors to conform to prior deletions; amending ss. 624.34, 626.202, and 626.601, F.S.; revising certain fingerprinting requirements; amending s. 624.501, F.S.; providing for a fee for certain late appointment filings; amending s. 626.015, F.S.; deleting a definition of administrative agent; amending s. 626.171, F.S.; revising applicant address requirements; amending s. 626.201, F.S.; requiring inclusion of fingerprints in certain inquiries or investigations; amending ss. 626.175, 626.7355, 626.731, 626.831, 626.8414, 626.865, 626.866, 626.867, 626.874, and 626.9916, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; amending s. 626.221, F.S.; revising appointment



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29 application filing time period requirements; amending s.
30 626.2815, F.S.; requiring certain continuing education
31 hour and subject requirements; deleting references to
32 solicitors to conform to prior deletions; revising a
33 continuing education board member title; amending s.
34 626.2816, F.S.; revising cross references; clarifying a
35 continuing education requirement; amending s. 626.2817,
36 F.S.; deleting a prelicensure rule requirement; amending
37 s. 626.311, F.S.; authorizing insurers to apply to the
38 department for additional appointments under certain
39 circumstances; providing requirements; amending s.
40 626.322, F.S.; clarifying the effect of insurer
41 authorization of effectuation of certain appointments;
42 amending s. 626.341, F.S.; including a department-
43 designated person to administer appointment processes for
44 certain appointment-related actions; amending s. 626.371,
45 F.S.; providing requirements for submittal and effective
46 date of appointments; imposing a delinquent fee for
47 certain notification failures; providing fee payment
48 requirements; amending s. 626.381, F.S.; including a
49 department-designated person to administer appointment
50 processes for certain appointment-related actions;
51 providing for a fee for certain late appointment filings;
52 authorizing the department to adopt certain rules;
53 amending s. 626.451, F.S.; including a department-
54 designated person to administer appointment processes for
55 certain appointment-related actions; clarifying the effect
56 of insurer authorization of effectuation of certain



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57 | appointments; requiring licensee notification of the
58 | department of certain criminal proceedings; amending s.
59 | 626.461, F.S.; including a department-designated person to
60 | administer appointment processes for certain appointment-
61 | related actions; deleting references to solicitors to
62 | conform to prior deletions; amending s. 626.471, F.S.;
63 | including a department-designated person to administer
64 | appointment processes for certain appointment-related
65 | actions; providing for termination of certain
66 | appointments; requiring notice of termination; amending s.
67 | 626.7315, F.S.; providing an exception to a prohibition
68 | against certain individuals receiving money on account of
69 | or for an insurer; amending ss. 626.732, 626.7851,
70 | 626.8311, and 626.8417, F.S.; revising certain education
71 | subject requirements; amending s. 626.7351, F.S.; revising
72 | licensure eligibility criteria to specify United States
73 | citizenship or certain legal alien status; revising
74 | certain education subject requirements; providing
75 | additional education course requirements; amending s.
76 | 626.785, F.S.; revising licensure eligibility criteria to
77 | specify United States citizenship or certain legal alien
78 | status; increasing a monetary limit for authorized
79 | policies providing for disposition or burial of an
80 | insured; amending s. 626.797, F.S.; revising an
81 | association title; amending s. 626.843, F.S.; revising
82 | certain appointment renewal requirements; amending s.
83 | 626.869, F.S.; deleting a provision relating to limited
84 | licenses for certain adjusters; revising certain education



85 requirements; amending s. 626.878, F.S.; specifying
86 implementation requirements for the department's ethics
87 rules; amending s. 626.9541, F.S.; revising sliding as an
88 unfair method of competition and unfair or deceptive act
89 or practice; amending s. 627.7295, F.S.; increasing a per-
90 policy fee; deleting a limitation; amending s. 632.634,
91 F.S.; specifying registration of a society only upon
92 department request; amending s. 648.27, F.S.; imposing a
93 delinquent fee for certain notification failures;
94 providing fee payment requirements; deleting obsolete
95 runner references; amending s. 648.34, F.S.; revising
96 licensure eligibility criteria to specify United States
97 citizenship or certain legal alien status; requiring
98 certain inquiries or investigations to include submission
99 of certain fingerprints to certain agencies and
100 consideration of certain criminal records; amending s.
101 648.355, F.S.; revising licensure eligibility criteria to
102 specify United States citizenship or certain legal alien
103 status; authorizing the department to adopt certain rules;
104 amending s. 648.382, F.S.; clarifying the effect of
105 insurer authorization of effectuation of certain
106 appointments; imposing a delinquent fee for certain
107 notification failures; providing fee payment requirements;
108 amending s. 648.383, F.S.; including a department-
109 designated person to administer appointment processes for
110 certain appointment-related actions; providing for a fee
111 for certain late appointment filings; amending s. 648.50,
112 F.S.; deleting obsolete runner references; repealing s.



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113 626.032, F.S., relating to continuing education and
 114 required designation of administrative agents; repealing
 115 s. 626.361, F.S., relating to the effective date of
 116 appointments; providing an effective date.

117

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

119

120 Section 1. Section 624.04, Florida Statutes, is amended to
 121 read:

122 624.04 "Person" defined.--"Person" includes an individual,
 123 insurer, company, association, organization, Lloyds, society,
 124 reciprocal insurer or interinsurance exchange, partnership,
 125 syndicate, business trust, corporation, agent, general agent,
 126 broker, ~~solicitor~~, service representative, adjuster, and every
 127 legal entity.

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

130 624.303 Seal; certified copies as evidence.--

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

134 Section 3. Paragraph (a) of subsection (2) of section
 135 624.313, Florida Statutes, is amended to read:

136 624.313 Publications.--

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

139 (a) As needed, questions and answers for the use of
 140 persons applying for an examination for licensing as agents ~~or~~



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141 | ~~solicitors~~ for property, casualty, surety, health, and
142 | miscellaneous insurers.

143 | Section 4. Subsection (2) of section 624.317, Florida
144 | Statutes, is amended to read:

145 | 624.317 Investigation of agents, adjusters,
146 | administrators, service companies, and others.--If it has reason
147 | to believe that any person has violated or is violating any
148 | provision of this code, or upon the written complaint signed by
149 | any interested person indicating that any such violation may
150 | exist, the department shall conduct such investigation as it
151 | deems necessary of the accounts, records, documents, and
152 | transactions pertaining to or affecting the insurance affairs of
153 | any:

154 | (2) Insurance agent or, customer representative, ~~or~~
155 | ~~solicitor~~, subject to the requirements of s. 626.601.

156 | Section 5. Section 624.34, Florida Statutes, is amended to
157 | read:

158 | 624.34 Authority of Department of Law Enforcement to
159 | accept fingerprints of, and exchange criminal history records
160 | with respect to, certain persons.--

161 | (1) The Department of Law Enforcement may accept
162 | fingerprints of organizers, incorporators, subscribers,
163 | officers, stockholders, directors, or any other persons
164 | involved, directly or indirectly, in the organization,
165 | operation, or management of:

166 | (a) Any insurer or proposed insurer transacting or
167 | proposing to transact insurance in this state.



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168 (b) Any other entity which is examined or investigated or
169 which is eligible to be examined or investigated under the
170 provisions of the Florida Insurance Code.

171 (2) The Department of Law Enforcement may accept
172 fingerprints of individuals who apply for a license as an agent,
173 customer representative, adjuster, service representative, or
174 managing general agent or the fingerprints of the majority
175 owner, sole proprietor, partners, officers, and directors of a
176 corporation or other legal entity that applies for licensure
177 with the department or office under the provisions of the
178 Florida Insurance Code.

179 (3) The Department of Law Enforcement may accept
180 fingerprints of any other person required by law or rule to
181 submit fingerprints to the department or office or any applicant
182 or licensee regulated by the department or office who is
183 required to demonstrate that he or she has not been convicted of
184 or pled guilty or nolo contendere to a felony or a misdemeanor.

185 (4) When the Department of Law Enforcement receives
186 fingerprints from the department or office, the department shall
187 submit the fingerprints to the Federal Bureau of Investigations
188 in order to check federal criminal history records.

189 (5)~~(3)~~ The Department of Law Enforcement may, to the
190 extent provided for by federal law, exchange state, multistate,
191 and federal criminal history records with the department and
192 office for the purpose of the issuance, denial, suspension, or
193 revocation of a certificate of authority, certification, or
194 license issued to operate in this state.



195 (6) Statewide criminal records obtained through the
 196 Department of Law Enforcement, federal criminal records obtained
 197 through the Federal Bureau of Investigation, and local criminal
 198 records obtained through local law enforcement agencies shall be
 199 used by the department and office for the purpose of the
 200 issuance, denial, suspension, or revocation of a certificate of
 201 authority, certification, or license issued to operate in this
 202 state.

203 Section 6. Paragraph (b) of subsection (6) of section
 204 624.501, Florida Statutes, is amended, and subsection (28) is
 205 added to said section, to read:

206 624.501 Filing, license, appointment, and miscellaneous
 207 fees.--The department shall collect in advance, and persons so
 208 served shall pay to it in advance, fees, licenses, and
 209 miscellaneous charges as follows:

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

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

214	Appointment fee.....	\$42.00
215	State tax.....	12.00
216	County tax.....	6.00
217	Total.....	\$60.00
218	Original appointment and biennial renewal or continuation	
219	thereof, each insurer or managing general agent, whichever is	
220	applicable.....	\$60.00



221 (28) Late filing of appointment renewals for agents,
 222 adjusters, and other insurance representatives, each
 223 appointment.....\$20.00

224 Section 7. Section 624.504, Florida Statutes, is amended
 225 to read:

226 624.504 Liability for state, county tax.--

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

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

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

235 624.506 County tax; deposit and remittance.--

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

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

244 624.521 Deposit of certain tax receipts; refund of
 245 improper payments.--

246 (1) The Department of Insurance shall promptly deposit in
 247 the State Treasury to the credit of the Insurance Commissioner's
 248 Regulatory Trust Fund all "state tax" portions of agents' ~~and~~



249 ~~solicitors'~~ licenses collected under s. 624.501 necessary to
 250 fund the Division of Insurance Fraud. The balance of the tax
 251 shall be credited to the General Fund. All moneys received by
 252 the Department of Insurance not in accordance with the
 253 provisions of this code or not in the exact amount as specified
 254 by the applicable provisions of this code shall be returned to
 255 the remitter. The records of the department shall show the date
 256 and reason for such return.

257 Section 10. Section 626.015, Florida Statutes, is amended
 258 to read:

259 626.015 Definitions.--As used in this part:

260 (1) "Adjuster" means a public adjuster as defined in s.
 261 626.854, independent adjuster as defined in s. 626.855, or
 262 company employee adjuster as defined in s. 626.856.

263 ~~(2) "Administrative agent" means a life agent or health
 264 agent who:~~

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

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

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

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

272 (2)(3) "Agent" means a general lines agent, life agent,
 273 health agent, or title agent, or all such agents, as indicated
 274 by context. The term "agent" includes an insurance producer or
 275 producer, but does not include a customer representative,
 276 limited customer representative, or service representative.



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277 | (3)~~(4)~~ "Appointment" means the authority given by an
278 | insurer or employer to a licensee to transact insurance or
279 | adjust claims on behalf of an insurer or employer.

280 | (4)~~(5)~~ "Customer representative" means an individual
281 | appointed by a general lines agent or agency to assist that
282 | agent or agency in transacting the business of insurance from
283 | the office of that agent or agency.

284 | (5)~~(6)~~ "Department" means the Department of Insurance.

285 | (6)~~(7)~~ "General lines agent" means an agent transacting
286 | any one or more of the following kinds of insurance:

287 | (a) Property insurance.

288 | (b) Casualty insurance, including commercial liability
289 | insurance underwritten by a risk retention group, a commercial
290 | self-insurance fund as defined in s. 624.462, or a workers'
291 | compensation self-insurance fund established pursuant to s.
292 | 624.4621.

293 | (c) Surety insurance.

294 | (d) Health insurance, when transacted by an insurer also
295 | represented by the same agent as to property or casualty or
296 | surety insurance.

297 | (e) Marine insurance.

298 | (7)~~(8)~~ "Health agent" means an agent representing a health
299 | maintenance organization or, as to health insurance only, an
300 | insurer transacting health insurance.

301 | (8)~~(9)~~ "Home state" means the District of Columbia and any
302 | state or territory of the United States in which an insurance
303 | agent maintains his or her principal place of residence and is
304 | licensed to act as an insurance agent.



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305 | (9)~~(10)~~ "Insurance agency" means a business location at
306 | which an individual, firm, partnership, corporation,
307 | association, or other entity, other than an employee of the
308 | individual, firm, partnership, corporation, association, or
309 | other entity and other than an insurer as defined by s. 624.03
310 | or an adjuster as defined by subsection (1), engages in any
311 | activity or employs individuals to engage in any activity which
312 | by law may be performed only by a licensed insurance agent.

313 | (10)~~(11)~~ "License" means a document issued by the
314 | department authorizing a person to be appointed to transact
315 | insurance or adjust claims for the kind, line, or class of
316 | insurance identified in the document.

317 | (11)~~(12)~~ "Life agent" means an individual representing an
318 | insurer as to life insurance and annuity contracts, including
319 | agents appointed to transact life insurance, fixed-dollar
320 | annuity contracts, or variable contracts by the same insurer.

321 | (12)~~(13)~~ "Limited customer representative" means a
322 | customer representative appointed by a general lines agent or
323 | agency to assist that agent or agency in transacting only the
324 | business of private passenger motor vehicle insurance from the
325 | office of that agent or agency. A limited customer
326 | representative is subject to the Florida Insurance Code in the
327 | same manner as a customer representative, unless otherwise
328 | specified.

329 | (13)~~(14)~~ "Limited lines insurance" means those categories
330 | of business specified in ss. 626.321 and 635.011.

331 | (14)~~(15)~~ "Line of authority" means a kind, line, or class
332 | of insurance an agent is authorized to transact.



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333 (15)~~(16)~~(a) "Managing general agent" means any person
334 managing all or part of the insurance business of an insurer,
335 including the management of a separate division, department, or
336 underwriting office, and acting as an agent for that insurer,
337 whether known as a managing general agent, manager, or other
338 similar term, who, with or without authority, separately or
339 together with affiliates, produces directly or indirectly, or
340 underwrites an amount of gross direct written premium equal to
341 or more than 5 percent of the policyholder surplus as reported
342 in the last annual statement of the insurer in any single
343 quarter or year and also does one or more of the following:

- 344 1. Adjusts or pays claims.
- 345 2. Negotiates reinsurance on behalf of the insurer.

346 (b) The following persons shall not be considered managing
347 general agents:

- 348 1. An employee of the insurer.
- 349 2. A United States manager of the United States branch of
350 an alien insurer.
- 351 3. An underwriting manager managing all the insurance
352 operations of the insurer pursuant to a contract, who is under
353 the common control of the insurer subject to regulation under
354 ss. 628.801-628.803, and whose compensation is not based on the
355 volume of premiums written.
- 356 4. Administrators as defined by s. 626.88.
- 357 5. The attorney in fact authorized by and acting for the
358 subscribers of a reciprocal insurer under powers of attorney.

359 (16)~~(17)~~ "Resident" means an individual domiciled and
360 residing in this state.



361 (17)~~(18)~~ "Service representative" means an individual
 362 employed by an insurer or managing general agent for the purpose
 363 of assisting a general lines agent in negotiating and effecting
 364 insurance contracts when accompanied by a licensed general lines
 365 agent. A service representative shall not be simultaneously
 366 licensed as a general lines agent in this state. This subsection
 367 does not apply to life insurance.

368 (18)~~(19)~~ "Uniform application" means the uniform
 369 application of the National Association of Insurance
 370 Commissioners for nonresident agent licensing, effective January
 371 15, 2001, or subsequent versions adopted by rule by the
 372 department.

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

375 626.022 Scope of part.--

376 (1) This part applies as to insurance agents, ~~solicitors,~~
 377 service representatives, adjusters, and insurance agencies; as
 378 to any and all kinds of insurance; and as to stock insurers,
 379 mutual insurers, reciprocal insurers, and all other types of
 380 insurers, except that:

381 (a) It does not apply as to reinsurance, except that ss.
 382 626.011-626.031, ss. 626.102-626.181, ss. 626.191-626.211, ss.
 383 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-
 384 626.591, and ss. 626.601-626.711 shall apply as to reinsurance
 385 intermediaries as defined in s. 626.7492.

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



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

390 (d) This part does not apply to a certified public
391 accountant licensed under chapter 473 who is acting within the
392 scope of the practice of public accounting, as defined in s.
393 473.302, provided that the activities of the certified public
394 accountant are limited to advising a client of the necessity of
395 obtaining insurance, the amount of insurance needed, or the line
396 of coverage needed, and provided that the certified public
397 accountant does not directly or indirectly receive or share in
398 any commission or ~~, referral fee, or solicitor's fee.~~

399 Section 12. Paragraph (a) of subsection (7) of section
400 626.112, Florida Statutes, is amended to read:

401 626.112 License and appointment required; agents, customer
402 representatives, adjusters, insurance agencies, service
403 representatives, managing general agents.--

404 (7)(a) No individual, firm, partnership, corporation,
405 association, or any other entity shall act in its own name or
406 under a trade name, directly or indirectly, as an insurance
407 agency, when required to be licensed by this subsection, unless
408 it complies with s. 626.172 with respect to possessing an
409 insurance agency license for each place of business at which it
410 engages in any activity which may be performed only by a
411 licensed insurance agent ~~or solicitor.~~

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

414 626.171 Application for license.--

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



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416 (a) His or her full name, age, social security number,
417 residence address, ~~and place of business~~ address, and mailing
418 address.

419 (5) An application for a license as an agent, customer
420 representative, adjuster, insurance agency, service
421 representative, managing general agent, or reinsurance
422 intermediary must be accompanied by a set of the individual
423 applicant's fingerprints, or, if the applicant is not an
424 individual, by a set of the fingerprints of the sole proprietor,
425 majority owner, partners, officers, and directors, on a form
426 adopted by rule of the department and accompanied by the
427 fingerprint processing fee set forth in s. 624.501. Fingerprints
428 shall be used to investigate the applicant's qualifications in
429 accordance with s. 626.201. The fingerprints shall be taken
430 ~~certified~~ by a law enforcement agency or other department-
431 approved entity officer.

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

434 626.175 Temporary licensing.--

435 (1) The department may issue a nonrenewable temporary
436 license for a period not to exceed 6 months authorizing
437 appointment of a general lines insurance agent or a life agent,
438 or an industrial fire or burglary agent, subject to the
439 conditions described in this section. The fees paid for a
440 temporary license and appointment shall be as specified in s.
441 624.501. Fees paid shall not be refunded after a temporary
442 license has been issued.

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



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- 444 | 1. A natural person at least 18 years of age.
- 445 | 2. A United States citizen or legal alien who possesses
- 446 | work authorization from the United States Immigration and
- 447 | Naturalization Service.
- 448 | ~~(b)(a)~~1. In the case of a general lines agent, the
- 449 | department may issue a temporary license to an employee, a
- 450 | family member, a business associate, or a personal
- 451 | representative of a licensed general lines agent for the purpose
- 452 | of continuing or winding up the business affairs of the agent or
- 453 | agency in the event the licensed agent has died or become unable
- 454 | to perform his or her duties because of military service or
- 455 | illness or other physical or mental disability, subject to the
- 456 | following conditions:
- 457 | a. No other individual connected with the agent's business
- 458 | may be licensed as a general lines agent.
- 459 | b. The proposed temporary licensee shall be qualified for
- 460 | a regular general lines agent license under this code except as
- 461 | to residence, examination, education, or experience.
- 462 | c. Application for the temporary license shall have been
- 463 | made by the applicant upon statements and affidavit filed with
- 464 | the department on forms prescribed and furnished by the
- 465 | department.
- 466 | d. Under a temporary license and appointment, the licensee
- 467 | shall not represent any insurer not last represented by the
- 468 | agent being replaced and shall not be licensed or appointed as
- 469 | to any additional kind, line, or class of insurance other than
- 470 | those covered by the last existing agency appointments of the
- 471 | replaced agent. If an insurer withdraws from the agency during



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472 the temporary license period, the temporary licensee may be
473 appointed by another similar insurer but only for the period
474 remaining under the temporary license.

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

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

480 1. To the executor or administrator of the estate of a
481 deceased individual licensed and appointed as a life agent at
482 the time of death;

483 2. To a surviving next of kin of the deceased individual,
484 if no administrator or executor has been appointed and
485 qualified; however, any license and appointment under this
486 subparagraph shall be canceled upon issuance of a license to an
487 executor or administrator under subparagraph 1.; or

488 3. To an individual otherwise qualified to be licensed as
489 an agent who has completed the educational or training
490 requirements prescribed in s. 626.7851 and has successfully sat
491 for the required examination prior to termination of such 6-
492 month period. The department may issue this temporary license
493 only in the case of a life agent to represent an insurer of the
494 industrial or ordinary-combination class.

495 (d)~~(e)~~ In the case of a limited license authorizing
496 appointment as an industrial fire or burglary agent, the
497 department may issue a temporary license to an individual
498 otherwise qualified to be licensed as an agent who has completed
499 the educational or training requirements prescribed in s.



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500 626.732 and has successfully sat for the required examination
501 prior to termination of the 6-month period.

502 Section 15. Section 626.201, Florida Statutes, is amended
503 to read:

504 626.201 Investigation.--

505 (1) The department may propound any reasonable
506 interrogatories in addition to those contained in the
507 application, to any applicant for license or appointment, or on
508 any renewal, reinstatement, or continuation thereof, relating to
509 his or her qualifications, residence, prospective place of
510 business, and any other matter which, in the opinion of the
511 department, is deemed necessary or advisable for the protection
512 of the public and to ascertain the applicant's qualifications.

513 (2) The department may, upon completion of the
514 application, make such further investigation as it may deem
515 advisable of the applicant's character, experience, background,
516 and fitness for the license or appointment. Such an inquiry or
517 investigation shall be in addition to any examination required
518 to be taken by the applicant as hereinafter in this chapter
519 provided.

520 (3) An inquiry or investigation of the applicant's
521 qualifications, character, experience, background, and fitness
522 shall in all cases include, but not be limited to, submission of
523 the applicant's fingerprints to the Florida Department of Law
524 Enforcement and Federal Bureau of Investigation, and
525 consideration of any state criminal records, federal criminal
526 records, or local criminal records obtained from these agencies
527 or from local law enforcement agencies.



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528 Section 16. Section 626.202, Florida Statutes, is amended
529 to read:

530 626.202 Fingerprinting requirements.--If there is a change
531 in ownership or control of any entity licensed under this
532 chapter, or if a new partner, officer, or director is employed
533 or appointed, a set of fingerprints of the new owner, partner,
534 officer, or director must be filed with the department within 30
535 days after the change. The acquisition of 10 percent or more of
536 the voting securities of a licensed entity is considered a
537 change of ownership or control. The fingerprints must be taken
538 ~~certified~~ by a law enforcement agency or other department-
539 approved entity officer and be accompanied by the fingerprint
540 processing fee in s. 624.501.

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

544 626.221 Examination requirement; exemptions.--

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

547 (e) An individual who qualified as a managing general
548 agent, service representative, customer representative, or all-
549 lines adjuster by passing a general lines agent's examination
550 and subsequently was licensed and appointed and has been
551 actively engaged in all lines of property and casualty insurance
552 may, upon filing an application for appointment, be licensed and
553 appointed as a general lines agent for the same kinds of
554 business without taking another examination if he or she holds
555 any such currently effective license referred to in this



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556 paragraph or held the license within 48 ~~24~~ months prior to the
557 date of filing the application with the department.

558 (f) A person who has been licensed and appointed by the
559 department as a public adjuster or independent adjuster, or
560 licensed and appointed either as an agent or company adjuster as
561 to all property, casualty, and surety insurances, may be
562 licensed and appointed as a company adjuster as to any of such
563 insurances, or as an independent adjuster or public adjuster,
564 without additional written examination if an application for
565 appointment is filed with the department within 48 ~~24~~ months
566 following the date of cancellation or expiration of the prior
567 appointment.

568 (g) A person who has been licensed by the department as an
569 adjuster for motor vehicle, property and casualty, workers'
570 compensation, and health insurance may be licensed as such an
571 adjuster without additional written examination if his or her
572 application for appointment is filed with the department within
573 48 ~~24~~ months after cancellation or expiration of the prior
574 license.

575 (k) An applicant for license as a customer representative
576 who has the designation of Accredited Advisor in Insurance (AAI)
577 from the Insurance Institute of America, the designation of
578 Certified Insurance Counselor (CIC) from the Society of
579 Certified Insurance Service Counselors, the designation of
580 Accredited Customer Service Representative (ACSR) from the
581 Independent Insurance Agents of America, the designation of
582 Certified Professional Service Representative (CPSR) from the
583 National Foundation for Certified Association ~~of Professional~~



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584 Service Representatives Insurance Agents, the designation of
 585 Certified Insurance Service Representative (CISR) from the
 586 Society of Certified Insurance Service Representatives. Also, an
 587 applicant for license as a customer representative who has the
 588 designation of Certified Customer Service Representative (CCSR)
 589 from the Florida Association of Insurance Agents, or the
 590 designation of Registered Customer Service Representative (RCSR)
 591 from a regionally accredited postsecondary institution in this
 592 state, or the designation of Professional Customer Service
 593 Representative (PCSR) from the Professional Career Institute,
 594 whose curriculum has been approved by the department and whose
 595 curriculum includes comprehensive analysis of basic property and
 596 casualty lines of insurance and testing at least equal to that
 597 of standard department testing for the customer representative
 598 license. The department shall adopt rules establishing standards
 599 for the approval of curriculum.

600 Section 18. Paragraphs (a), (c), and (d) of subsection
 601 (3), paragraphs (a), (b), (c), (d), (g), (h), and (i) of
 602 subsection (4), and paragraph (b) of subsection (6) of section
 603 626.2815, Florida Statutes, are amended to read:

604 626.2815 Continuing education required; application;
 605 exceptions; requirements; penalties.--

606 (3)(a) Each person subject to the provisions of this
 607 section must, except as set forth in paragraphs(b) and (c),
 608 complete a minimum of 24 ~~28~~ hours of continuing education
 609 courses every 2 years in basic or higher-level courses
 610 prescribed by this section or in other courses approved by the
 611 department. Each person subject to the provisions of this



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612 section must complete, as part of his or her ~~their~~ required
613 number of continuing education hours, 3 hours of continuing
614 education, approved by the department, every 2 years on the
615 subject matter of ethics and a minimum of 2 hours of continuing
616 education, approved by the department, every 2 years on the
617 subject matter of unauthorized entities engaging in the business
618 of insurance. The scope of the topic of unauthorized entities
619 shall include the Florida Nonprofit Multiple Employer Welfare
620 Arrangement Act and the Employee Retirement Income Security Act,
621 29 U.S.C. ss. 1001 et seq., as it relates to the provision of
622 health insurance by employers to their employees and the
623 regulation thereof.

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

634 (d) Any person who holds a license as a customer
635 representative, limited customer representative, ~~administrative~~
636 ~~agent~~, title agent, motor vehicle physical damage and mechanical
637 breakdown insurance agent, crop or hail and multiple-peril crop
638 insurance agent, or as an industrial fire insurance or burglary
639 insurance agent and who is not a licensed life or health



640 insurance agent, shall be required to complete 12 ~~14~~ hours of
 641 continuing education courses every 2 years, except, for
 642 compliance periods beginning on January 1, 1998, each licensee
 643 subject to this paragraph shall be required to complete 10 hours
 644 of continuing education courses every 2 years.

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

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

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

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

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

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

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

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

665 (6)

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



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667 1. Seven members representing agents of which at least one
668 must be a representative from each of the following
669 organizations: the Florida Association of Insurance Agents; the
670 Florida Association of Insurance and Financial Advisors ~~Life~~
671 ~~Underwriters~~; the Professional Insurance Agents of Florida,
672 Inc.; the Florida Association of Health Underwriters; the
673 Specialty Agents' Association; the Latin American Agents'
674 Association; and the National Association of Insurance Women.
675 Such board members must possess at least a bachelor's degree or
676 higher from an accredited college or university with major
677 coursework in insurance, risk management, or education or
678 possess the designation of CLU, CPCU, CHFC, CFP, AAI, or CIC. In
679 addition, each member must possess 5 years of classroom
680 instruction experience or 5 years of experience in the
681 development or design of educational programs or 10 years of
682 experience as a licensed resident agent. Each organization may
683 submit to the department a list of recommendations for
684 appointment. If one organization does not submit a list of
685 recommendations, the Insurance Commissioner may select more than
686 one recommended person from a list submitted by other eligible
687 organizations.

688 2. Two members representing insurance companies at least
689 one of whom must represent a Florida Domestic Company and one of
690 whom must represent the Florida Insurance Council. Such board
691 members must be employed within the training department of the
692 insurance company. At least one such member must be a member of
693 the Society of Insurance Trainers and Educators.



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

699 4. One member, appointed by the Insurance Commissioner,
700 who represents the department.

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

703 626.2816 Regulation of continuing education for licensees,
704 course providers, instructors, school officials, and monitor
705 groups.--

706 (1) Continuing education course providers, instructors,
707 school officials, and monitor groups must be approved by the
708 department before offering continuing education courses pursuant
709 to ss. ~~ss.~~ 626.2815 and 626.869.

710 (2) The department shall adopt rules establishing
711 standards for the approval, regulation, and operation of the
712 continuing education programs and for the discipline of
713 licensees, course providers, instructors, school officials, and
714 monitor groups. The standards must be designed to ensure that
715 such course providers, instructors, school officials, and
716 monitor groups have the knowledge, competence, and integrity to
717 fulfill the educational objectives of ss. 626.2815, 626.869~~(5)~~,
718 648.385, and 648.386.

719 (3) The department shall adopt rules establishing a
720 process by which compliance with the continuing education
721 requirements of ss. 626.2815, 626.869~~(5)~~, 648.385, and 648.386



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722 can be determined, the establishment of a continuing education
723 compliance period ~~requirement cycle~~ for licensees, and forms
724 necessary to implement such a process.

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

727 626.2817 Regulation of course providers, instructors,
728 school officials, and monitor groups involved in prelicensure
729 education for insurance agents and other licensees.--

730 (3) The department shall adopt rules to establish a
731 process for determining compliance with the prelicensure
732 requirements of this chapter and chapter 648 ~~and shall establish~~
733 ~~a prelicensure cycle for insurance agents and other licensees.~~
734 The department shall adopt rules prescribing the forms necessary
735 to administer the prelicensure requirements.

736 Section 21. Subsections (5) and (6) are added to section
737 626.311, Florida Statutes, to read:

738 626.311 Scope of license; appointment required.--

739 (5) At any time while a licensee's license is in force, an
740 insurer may apply to the department on behalf of a licensee for
741 an appointment. The application for appointment shall set forth
742 all information the department may require. Upon receipt of the
743 appointment and payment of the applicable appointment taxes and
744 fees, the department may issue the additional appointment
745 without, in its discretion, further investigation concerning the
746 applicant.

747 (6) The department may enter into contracts with qualified
748 persons to administer all or part of the appointment process set
749 forth in this chapter.



750 Section 22. Paragraphs (a) and (e) of subsection (1) of
751 section 626.321, Florida Statutes, are amended to read:

752 626.321 Limited licenses.--

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

757 (a) Motor vehicle physical damage and mechanical breakdown
758 insurance.--License covering insurance against only the loss of
759 or damage to any motor vehicle which is designed for use upon a
760 highway, including trailers and semitrailers designed for use
761 with such vehicles. Such license also covers insurance against
762 the failure of an original or replacement part to perform any
763 function for which it was designed. The applicant for such a
764 license shall pass a written examination covering motor vehicle
765 physical damage insurance and mechanical breakdown insurance. No
766 individual while so licensed shall hold a license as an agent ~~or~~
767 ~~solicitor~~ as to any other or additional kind or class of
768 insurance coverage except as to a limited license for credit
769 life and disability insurances as provided in paragraph (e).

770 (e) Credit life or disability insurance.--License covering
771 only credit life or disability insurance. The license may be
772 issued only to an individual employed by a life or health
773 insurer as an officer or other salaried or commissioned
774 representative, to an individual employed by or associated with
775 a lending or financial institution or creditor, or to a lending
776 or financial institution or creditor, and may authorize the sale
777 of such insurance only with respect to borrowers or debtors of



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778 such lending or financing institution or creditor. However, only
779 the individual or entity whose tax identification number is used
780 in receiving or is credited with receiving the commission from
781 the sale of such insurance shall be the licensed agent of the
782 insurer. No individual while so licensed shall hold a license as
783 an agent ~~or solicitor~~ as to any other or additional kind or
784 class of life or health insurance coverage. An entity holding a
785 limited license under this paragraph is also authorized to sell
786 credit insurance and credit property insurance. ~~An entity~~
787 ~~applying for a license under this section:~~

788 ~~1. Is required to submit only one application for a~~
789 ~~license under s. 626.171. The requirements of s. 626.171(5)~~
790 ~~shall only apply to the officers and directors of the entity~~
791 ~~submitting the application.~~

792 ~~2. Is required to obtain a license for each office, branch~~
793 ~~office, or place of business making use of the entity's business~~
794 ~~name by applying to the department for the license on a~~
795 ~~simplified form developed by rule of the department for this~~
796 ~~purpose.~~

797 ~~3. Is not required to pay any additional application fees~~
798 ~~for a license issued to the offices or places of business~~
799 ~~referenced in subsection (2), but is required to pay the license~~
800 ~~fee as prescribed in s. 624.501, be appointed under s. 626.112,~~
801 ~~and pay the prescribed appointment fee under s. 624.501. The~~
802 ~~license obtained under this paragraph shall be posted at the~~
803 ~~business location for which it was issued so as to be readily~~
804 ~~visible to prospective purchasers of such coverage.~~



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805 Section 23. Section 626.322, Florida Statutes, is amended
806 to read:

807 626.322 License, appointment; certain military
808 installations.--A natural person, not a resident of this state,
809 may be licensed and appointed to represent an authorized life
810 insurer domiciled in this state or an authorized foreign life
811 insurer which maintains a regional home office in this state,
812 provided such person represents such insurer exclusively at a
813 United States military installation located in a foreign
814 country. The department may, upon request of the applicant and
815 the insurer on application forms furnished by the department and
816 upon payment of fees as prescribed in s. 624.501, issue a
817 license and appointment to such person. By authorizing the
818 effectuation of an appointment for a license, the insurer is
819 thereby certifying ~~shall certify~~ to the department that the
820 applicant has the necessary training to hold himself or herself
821 out as a life insurance representative, and the insurer shall
822 further certify that it is willing to be bound by the acts of
823 such applicant within the scope of his or her employment.
824 Appointments shall be continued as prescribed in s. 626.381 and
825 upon payment of a fee as prescribed in s. 624.501, unless sooner
826 terminated. Such fees received shall be credited to the
827 Insurance Commissioner's Regulatory Trust Fund as provided for
828 in s. 624.523.

829 Section 24. Section 626.341, Florida Statutes, is amended
830 to read:

831 626.341 Additional appointments; general lines, life, and
832 health agents.--



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833 (1) At any time while a licensee's license is in force, an
834 insurer may apply to the department or person designated by the
835 department to administer the appointment process on behalf of a
836 licensee for an additional appointment as general lines agent or
837 life or health agent for an additional insurer or insurers. The
838 application for appointment shall set forth all information the
839 department may require. Upon receipt of the appointment and
840 payment of the applicable appointment taxes and fees, the
841 department may issue the additional appointment without, in its
842 discretion, further investigation concerning the applicant.

843 (2) A life or health agent with an appointment in force
844 may solicit applications for policies of insurance on behalf of
845 an insurer with respect to which he or she is not an appointed
846 life or health agent, unless otherwise provided by contract, if
847 such agent simultaneously with the submission to such insurer of
848 the application for insurance solicited by him or her requests
849 the insurer to appoint him or her as agent. However, no
850 commissions shall be paid by such insurer to the agent until
851 such time as an additional appointment with respect to such
852 insurer has been received by the department or person designated
853 by the department to administer the appointment process pursuant
854 to the provisions of subsection (1).

855 Section 25. Section 626.371, Florida Statutes, is amended
856 to read:

857 626.371 Payment of fees, taxes for appointment period
858 without appointment.--

859 (1) All appointments shall be submitted to the department
860 on a monthly basis no later than 45 days after the date of



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861 appointment. All appointments shall be effective as of the date
862 requested on the appointment form.

863 (2) If, upon application and qualification for an
864 appointment and such investigation as the department may make,
865 it appears to the department that an individual who was formerly
866 licensed ~~appointed~~ has been actively engaged or is currently
867 actively engaged as such an appointee, but without being
868 appointed as required, the department may, if it finds that such
869 failure to be appointed was an inadvertent error on the part of
870 the insurer or employer so represented, nevertheless issue or
871 authorize the issuance of the appointment as applied for but
872 subject to the condition that, before the appointment is issued,
873 all fees and taxes which would have been due had the applicant
874 been so appointed during such current and prior periods,
875 together with a continuation fee for such current and prior
876 terms of appointment, shall be paid to the department.

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

881 Section 26. Subsections (3) and (4) of section 626.381,
882 Florida Statutes, are amended, and subsection (7) is added to
883 said section, to read:

884 626.381 Renewal, continuation, reinstatement, or
885 termination of appointment.--

886 (3) Renewal of an appointment which is received on a date
887 set forth by the department or person designated by the
888 department to administer the appointment process in the



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889 succeeding month may be renewed by the department without
890 penalty and shall be effective as of the day the appointment
891 would have expired.

892 (4) Renewal of an appointment which is received by the
893 department or person designated by the department to administer
894 the appointment process after the date set by the department may
895 be accepted and effectuated by the department in its discretion
896 if an additional appointment, late filing, continuation, and
897 reinstatement fee accompanies the renewal pursuant to s.
898 624.501. Late filing fees shall be paid by the appointing entity
899 and shall not be charged to the appointee.

900 (7) The department may adopt rules establishing a process
901 for the renewal of appointments.

902 Section 27. Subsections (1), (2), and (3) of section
903 626.451, Florida Statutes, are amended, and subsection (7) is
904 added to said section, to read:

905 626.451 Appointment of agent or other representative.--

906 (1) Each appointing entity or person designated by the
907 department to administer the appointment process appointing an
908 agent, adjuster, service representative, customer
909 representative, or managing general agent in this state shall
910 file the appointment with the department and, at the same time,
911 pay the applicable appointment fee and taxes. Every appointment
912 shall be subject to the prior issuance of the appropriate
913 agent's, adjuster's, service representative's, customer
914 representative's, or managing general agent's license.

915 (2) By authorizing the effectuation of an appointment for
916 a licensee, the appointing entity is thereby certifying to the



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917 department that an investigation of the licensee has been made
918 ~~As a part of each appointment there shall be a certified~~
919 ~~statement or affidavit of an appropriate officer or official of~~
920 ~~the appointing entity stating what investigation the appointing~~
921 ~~entity has made concerning the proposed appointee and his or her~~
922 ~~background~~ and that in the appointing entity's opinion and to
923 the best of its knowledge and belief, the licensee is of good as
924 ~~to the moral character and reputation, is fit to engage in the~~
925 insurance business fitness, and reputation of the proposed
926 ~~appointee and any other information the department may~~
927 ~~reasonably require the appointing entity to provide the~~
928 department relative to the proposed appointee.

929 (3) By authorizing the effectuation of ~~In~~ the appointment
930 of an agent, adjuster, service representative, customer
931 representative, or managing general agent the appointing entity
932 is thereby certifying to the department ~~shall also certify~~
933 ~~therein~~ that it is willing to be bound by the acts of the agent,
934 adjuster, service representative, customer representative, or
935 managing general agent, within the scope of the licensee's ~~his~~
936 ~~or her~~ employment.

937 (7) Each licensee shall advise the department in writing
938 within 30 days after having been found guilty of or having
939 pleaded guilty or nolo contendere to a felony or a crime
940 punishable by imprisonment of 1 year or more under the laws of
941 the United States, any state of the United States, or any other
942 country, without regard to whether a judgment of conviction has
943 been entered by the court having jurisdiction of such cases.



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944 Section 28. Section 626.461, Florida Statutes, is amended
945 to read:

946 626.461 Continuation of appointment of agent or other
947 representative.--Subject to renewal or continuation by the
948 appointing entity, the appointment of the agent, adjuster,
949 ~~solicitor~~, service representative, customer representative, or
950 managing general agent shall continue in effect until the
951 person's license is revoked or otherwise terminated, unless
952 written notice of earlier termination of the appointment is
953 filed with the department or person designated by the department
954 to administer the appointment process by either the appointing
955 entity or the appointee.

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

958 626.471 Termination of appointment.--

959 (4) An appointee may terminate the appointment at any time
960 by giving written or electronic notice thereof to the appointing
961 entity, ~~and filing a copy of the notice with the department,~~ or
962 person designated by the department to administer the
963 appointment process. The department shall immediately terminate
964 the appointment and notify the appointing entity of such
965 termination. Such termination shall be subject to the
966 appointee's contract rights, if any.

967 (5) Upon receiving notice of termination, the department
968 or person designated by the department to administer the
969 appointment process shall terminate the appointment.

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



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972 | 626.601 Improper conduct; inquiry; fingerprinting.--

973 | (5) If the department, after investigation, has reason to
974 | believe that a licensee may have been found guilty of or pleaded
975 | guilty or nolo contendere to a felony or a crime related to the
976 | business of insurance in this or any other state or
977 | jurisdiction, the department may require the licensee to file
978 | with the department a complete set of his or her fingerprints,
979 | which shall be accompanied by the fingerprint processing fee set
980 | forth in s. 624.501. The fingerprints shall be taken ~~certified~~
981 | by an authorized law enforcement agency or other department-
982 | approved entity ~~officer~~.

983 | Section 31. Paragraph (b) of subsection (1) of section
984 | 626.731, Florida Statutes, is amended to read:

985 | 626.731 Qualifications for general lines agent's
986 | license.--

987 | (1) The department shall not grant or issue a license as
988 | general lines agent to any individual found by it to be
989 | untrustworthy or incompetent or who does not meet each of the
990 | following qualifications:

991 | (b) The applicant is a United States citizen or legal
992 | alien who possesses work authorization from the United States
993 | Immigration and Naturalization Service and is a bona fide
994 | resident of this state. An individual who is a bona fide
995 | resident of this state shall be deemed to meet the residence
996 | requirement of this paragraph, notwithstanding the existence at
997 | the time of application for license of a license in his or her
998 | name on the records of another state as a resident licensee of
999 | such other state, if the applicant furnishes a letter of



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1000 clearance satisfactory to the department that the resident
1001 licenses have been canceled or changed to a nonresident basis
1002 and that he or she is in good standing.

1003 Section 32. Subsection (2) of section 626.7315, Florida
1004 Statutes, is amended to read:

1005 626.7315 Prohibition against the unlicensed transaction of
1006 general lines insurance.--With respect to any line of authority
1007 as defined in s. 626.015(7), no individual shall, unless
1008 licensed as a general lines agent:

1009 (2) Except as provided in s. 626.0428(1), in this state,
1010 receive or issue a receipt for any money on account of or for
1011 any insurer, or receive or issue a receipt for money from other
1012 persons to be transmitted to any insurer for a policy, contract,
1013 or certificate of insurance or any renewal thereof, even though
1014 the policy, certificate, or contract is not signed by him or her
1015 as agent or representative of the insurer;

1016 Section 33. Paragraphs (a), (b), and (d) of subsection (1)
1017 of section 626.732, Florida Statutes, are amended to read:

1018 626.732 Requirement as to knowledge, experience, or
1019 instruction.--

1020 (1) Except as provided in subsection (3), no applicant for
1021 a license as a general lines agent, except for a chartered
1022 property and casualty underwriter (CPCU), other than as to a
1023 limited license as to baggage and motor vehicle excess liability
1024 insurance, credit property insurance, credit insurance, in-
1025 transit and storage personal property insurance, or
1026 communications equipment property insurance or communication
1027 equipment inland marine insurance, shall be qualified or



1028 licensed unless within the 4 years immediately preceding the
 1029 date the application for license is filed with the department
 1030 the applicant has:

1031 (a) Taught or successfully completed classroom courses in
 1032 insurance, 3 hours of which shall be on the subject matter of
 1033 ethics, satisfactory to the department at a school, college, or
 1034 extension division thereof, approved by the department;

1035 (b) Completed a correspondence course in insurance, 3
 1036 hours of which shall be on the subject matter of ethics,
 1037 satisfactory to the department and regularly offered by
 1038 accredited institutions of higher learning in this state and,
 1039 except if he or she is applying for a limited license under s.
 1040 626.321, has had at least 6 months of responsible insurance
 1041 duties as a substantially full-time bona fide employee in all
 1042 lines of property and casualty insurance set forth in the
 1043 definition of general lines agent under s. 626.015;

1044 (d)1. Completed at least 1 year of responsible insurance
 1045 duties as a licensed and appointed customer representative or
 1046 limited customer representative in either commercial or personal
 1047 lines of property and casualty insurance and 40 hours of
 1048 classroom courses approved by the department covering the areas
 1049 of property, casualty, surety, health, and marine insurance; or

1050 2. Completed at least 1 year of responsible insurance
 1051 duties as a licensed and appointed service representative in
 1052 either commercial or personal lines of property and casualty
 1053 insurance and 80 hours of classroom courses approved by the
 1054 department covering the areas of property, casualty, surety,
 1055 health, and marine insurance.



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1056 Section 34. Section 626.733, Florida Statutes, is amended
1057 to read:

1058 626.733 Agency firms and corporations; special
1059 requirements.--If a sole proprietorship, partnership,
1060 corporation, or association holds an agency contract, all
1061 members thereof who solicit, negotiate, or effect insurance
1062 contracts, and all officers and stockholders of the corporation
1063 who solicit, negotiate, or effect insurance contracts, are
1064 required to qualify and be licensed individually as agents,
1065 ~~solicitors~~, or customer representatives; and all of such agents
1066 must be individually appointed as to each property and casualty
1067 insurer entering into an agency contract with such agency. Each
1068 such appointing insurer as soon as known to it shall comply with
1069 this section and shall determine and require that each agent so
1070 associated in or so connected with such agency is likewise
1071 appointed as to the same such insurer and for the same type and
1072 class of license. However, no insurer is required to comply with
1073 the provisions of this section if such insurer satisfactorily
1074 demonstrates to the department that the insurer has issued an
1075 aggregate net written premium, in an agency, in an amount of
1076 \$25,000 or less.

1077 Section 35. Paragraph (a) of subsection (2) and subsection
1078 (3) of section 626.7351, Florida Statutes, are amended to read:

1079 626.7351 Qualifications for customer representative's
1080 license.--The department shall not grant or issue a license as
1081 customer representative to any individual found by it to be
1082 untrustworthy or incompetent, or who does not meet each of the
1083 following qualifications:



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1084 (2)(a) The applicant is a United States citizen or legal
1085 alien who possesses work authorization from the United States
1086 Immigration and Naturalization Service and is a bona fide
1087 resident of this state and will actually reside in the state at
1088 least 6 months out of the year. An individual who is a bona fide
1089 resident of this state shall be deemed to meet the residence
1090 requirements of this subsection, notwithstanding the existence
1091 at the time of application for license of a license in his or
1092 her name on the records of another state as a resident licensee
1093 of the other state, if the applicant furnishes a letter of
1094 clearance satisfactory to the department that the resident
1095 licenses have been canceled or changed to a nonresident basis
1096 and that he or she is in good standing.

1097 (3) Within the 2 years next preceding the date the
1098 application for license was filed with the department, the
1099 applicant has completed a course in insurance, 3 hours of which
1100 shall be on the subject matter of ethics, approved by the
1101 department or has had at least 6 months' experience in
1102 responsible insurance duties as a substantially full-time
1103 employee. Courses must include instruction on the subject matter
1104 of unauthorized entities engaging in the business of insurance.
1105 The scope of the topic of unauthorized entities shall include
1106 the Florida Nonprofit Multiple-Employer Welfare Arrangement Act
1107 and the Employee Retirement Income Security Act, 29 U.S.C. ss.
1108 1001 et seq., as such acts relate to the provision of health
1109 insurance by employers and the regulation of such insurance.

1110 Section 36. Subsection (2) of section 626.7354, Florida
1111 Statutes, is amended to read:



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1112 626.7354 Customer representative's powers; agent's or
1113 agency's responsibility.--

1114 (2) A customer representative may engage in transacting
1115 insurance with customers who have been solicited by any agent,
1116 ~~solicitor~~, or customer representative in the same agency, and
1117 may engage in transacting insurance with customers who have not
1118 been so solicited to the extent and under conditions that are
1119 otherwise consistent with this part and with the insurer's
1120 contract with the agent appointing him or her.

1121 Section 37. Paragraph (c) of subsection (1) of section
1122 626.7355, Florida Statutes, is amended to read:

1123 626.7355 Temporary license as customer representative
1124 pending examination.--

1125 (1) The department shall issue a temporary customer
1126 representative's license with respect to a person who has
1127 applied for such license upon finding that the person:

1128 (c) Is a United States citizen or legal alien who
1129 possesses work authorization from the United States Immigration
1130 and Naturalization Service and is a bona fide resident of this
1131 state or is a resident of another state sharing a common
1132 boundary with this state. An individual who is a bona fide
1133 resident of this state shall be deemed to meet the residence
1134 requirement of this paragraph, notwithstanding the existence at
1135 the time of application for license, of a license in his or her
1136 name on the records of another state as a resident licensee of
1137 such other state, if the applicant furnishes a letter of
1138 clearance satisfactory to the department that his or her



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1139 resident licenses have been canceled or changed to a nonresident
1140 basis and that he or she is in good standing.

1141 Section 38. Subsection (3) of section 626.741, Florida
1142 Statutes, is amended to read:

1143 626.741 Nonresident agents; licensing and restrictions.--

1144 (3) The department shall not, however, issue any license
1145 and appointment to any nonresident who has an office or place of
1146 business in this state, or who has any direct or indirect
1147 pecuniary interest in any insurance agent or insurance agency~~7~~
1148 ~~or in any solicitor~~ licensed as a resident of this state; nor to
1149 any individual who does not, at the time of issuance and
1150 throughout the existence of the Florida license, hold a license
1151 as agent or broker issued by his or her home state; nor to any
1152 individual who is employed by any insurer as a service
1153 representative or who is a managing general agent in any state,
1154 whether or not also licensed in another state as an agent or
1155 broker. The foregoing requirement to hold a similar license in
1156 the applicant's home state does not apply to customer
1157 representatives unless the home state licenses residents of that
1158 state in a similar manner. The prohibition against having an
1159 office or place of business in this state does not apply to
1160 customer representatives who are required to conduct business
1161 solely within the confines of the office of a licensed and
1162 appointed Florida resident general lines agent in this state.
1163 The authority of such nonresident license is limited to the
1164 specific lines of authority granted in the license issued by the
1165 agent's home state and further limited to the specific lines
1166 authorized under the nonresident license issued by this state.



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1167 The department shall have discretion to refuse to issue any
 1168 license or appointment to a nonresident when it has reason to
 1169 believe that the applicant by ruse or subterfuge is attempting
 1170 to avoid the intent and prohibitions contained in this
 1171 subsection or to believe that any of the grounds exist as for
 1172 suspension or revocation of license as set forth in ss. 626.611
 1173 and 626.621.

1174 Section 39. Paragraph (a) of subsection (1) of section
 1175 626.753, Florida Statutes, is amended to read:

1176 626.753 Sharing commissions; penalty.--

1177 (1)(a) An agent may divide or share in commissions only
 1178 ~~with his or her own employed solicitors and~~ with other agents
 1179 appointed and licensed to write the same kind or kinds of
 1180 insurance.

1181 Section 40. Paragraphs (b) and (d) of subsection (1) of
 1182 section 626.785, Florida Statutes, are amended to read:

1183 626.785 Qualifications for license.--

1184 (1) The department shall not grant or issue a license as
 1185 life agent to any individual found by it to be untrustworthy or
 1186 incompetent, or who does not meet the following qualifications:

1187 (b) Must be a United States citizen or legal alien who
 1188 possesses work authorization from the United States Immigration
 1189 and Naturalization Service and a bona fide resident of this
 1190 state.

1191 (d) Must not be a funeral director or direct disposer, or
 1192 an employee or representative thereof, or have an office in, or
 1193 in connection with, a funeral establishment, except that a
 1194 funeral establishment may contract with a life insurance agent



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1195 to sell a preneed contract as defined in chapter 497.
 1196 Notwithstanding other provisions of this chapter, such insurance
 1197 agent may sell limited policies of insurance covering the
 1198 expense of final disposition or burial of an insured in an
 1199 amount of \$12,500 plus an annual percentage increase based on
 1200 the Annual Consumer Price Index compiled by the United States
 1201 Department of Labor, beginning with the Annual Consumer Price
 1202 Index announced by the United States Department of Labor for the
 1203 year 2003 ~~not to exceed \$10,000.~~

1204 Section 41. Subsections (1) and (2) of section 626.7851,
 1205 Florida Statutes, are amended to read:

1206 626.7851 Requirement as to knowledge, experience, or
 1207 instruction.--No applicant for a license as a life agent, except
 1208 for a chartered life underwriter(CLU), shall be qualified or
 1209 licensed unless within the 4 years immediately preceding the
 1210 date the application for a license is filed with the department
 1211 he or she has:

1212 (1) Successfully completed 40 hours of classroom courses
 1213 in insurance, 3 hours of which shall be on the subject matter of
 1214 ethics, satisfactory to the department at a school or college,
 1215 or extension division thereof, or other authorized course of
 1216 study, approved by the department. Courses must include
 1217 instruction on the subject matter of unauthorized entities
 1218 engaging in the business of insurance, to include the Florida
 1219 Nonprofit Multiple-Employer Welfare Arrangement Act and the
 1220 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et
 1221 seq., as it relates to the provision of life insurance by
 1222 employers to their employees and the regulation thereof;



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1223 (2) Successfully completed a correspondence course in
 1224 insurance, 3 hours of which shall be on the subject matter of
 1225 ethics, satisfactory to the department and regularly offered by
 1226 accredited institutions of higher learning in this state,
 1227 approved by the department. Courses must include instruction on
 1228 the subject matter of unauthorized entities engaging in the
 1229 business of insurance, to include the Florida Nonprofit
 1230 Multiple-Employer Welfare Arrangement Act and the Employee
 1231 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as
 1232 it relates to the provision of life insurance by employers to
 1233 their employees and the regulation thereof;

1234 Section 42. Subsection (2) of section 626.829, Florida
 1235 Statutes, is amended to read:

1236 626.829 "Health agent" defined.--

1237 (2) Any person who acts for an insurer, or on behalf of a
 1238 licensed representative of an insurer, to solicit applications
 1239 for or to negotiate and effectuate health insurance contracts,
 1240 whether or not he or she is appointed as an agent, subagent,
 1241 ~~solicitor~~, or canvasser or by any other title, shall be deemed
 1242 to be a health agent and shall be qualified, licensed, and
 1243 appointed as a health agent.

1244 Section 43. Paragraph (b) of subsection (1) of section
 1245 626.831, Florida Statutes, is amended to read:

1246 626.831 Qualifications for license.--

1247 (1) The department shall not grant or issue a license as
 1248 health agent as to any individual found by it to be
 1249 untrustworthy or incompetent, or who does not meet the following
 1250 qualifications:



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1251 (b) Must be a United States citizen or legal alien who
1252 possesses work authorization from the United States Immigration
1253 and Naturalization Service and a bona fide resident of this
1254 state.

1255 Section 44. Subsections (1) and (2) of section 626.8311,
1256 Florida Statutes, are amended to read:

1257 626.8311 Requirement as to knowledge, experience, or
1258 instruction.--No applicant for a license as a health agent,
1259 except for a chartered life underwriter(CLU), shall be qualified
1260 or licensed unless within the 4 years immediately preceding the
1261 date the application for license is filed with the department he
1262 or she has:

1263 (1) Successfully completed 40 hours of classroom courses
1264 in insurance, 3 hours of which shall be on the subject matter of
1265 ethics, satisfactory to the department at a school or college,
1266 or extension division thereof, or other authorized course of
1267 study, approved by the department. Courses must include
1268 instruction on the subject matter of unauthorized entities
1269 engaging in the business of insurance, to include the Florida
1270 Nonprofit Multiple-Employer Welfare Arrangement Act and the
1271 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et
1272 seq., as it relates to the provision of health insurance by
1273 employers to their employees and the regulation thereof;

1274 (2) Successfully completed a correspondence course in
1275 insurance, 3 hours of which shall be on the subject matter of
1276 ethics, satisfactory to the department and regularly offered by
1277 accredited institutions of higher learning in this state,
1278 approved by the department. Courses must include instruction on



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1279 the subject matter of unauthorized entities engaging in the
1280 business of insurance, to include the Florida Nonprofit
1281 Multiple-Employer Welfare Arrangement Act and the Employee
1282 Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as
1283 it relates to the provision of health insurance by employers to
1284 their employees and the regulation thereof;

1285 Section 45. Subsection (2) of section 626.8414, Florida
1286 Statutes, is amended to read:

1287 626.8414 Qualifications for examination.--The department
1288 must authorize any natural person to take the examination for
1289 the issuance of a license as a title insurance agent if the
1290 person meets all of the following qualifications:

1291 (2) The applicant must be a United States citizen or legal
1292 alien who possesses work authorization from the United States
1293 Immigration and Naturalization Service and a bona fide resident
1294 of this state. A person meets the residency requirement of this
1295 subsection, notwithstanding the existence at the time of
1296 application for license of a license in the applicant's name on
1297 the records of another state as a resident licensee of such
1298 other state, if the applicant furnishes a letter of clearance
1299 satisfactory to the department that the resident licenses have
1300 been canceled or changed to a nonresident basis and that the
1301 applicant is in good standing.

1302 Section 46. Paragraph (a) of subsection (3) of section
1303 626.8417, Florida Statutes, is amended to read:

1304 626.8417 Title insurance agent licensure; exemptions.--

1305 (3) The department shall not grant or issue a license as
1306 title agent to any individual found by it to be untrustworthy or



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1307 incompetent, who does not meet the qualifications for
1308 examination specified in s. 626.8414, or who does not meet the
1309 following qualifications:

1310 (a) Within the 4 years immediately preceding the date of
1311 the application for license, the applicant must have completed a
1312 40-hour classroom course in title insurance, 3 hours of which
1313 shall be on the subject matter of ethics, as approved by the
1314 department, or must have had at least 12 months of experience in
1315 responsible title insurance duties, while working in the title
1316 insurance business as a substantially full-time, bona fide
1317 employee of a title agency, title agent, title insurer, or
1318 attorney who conducts real estate closing transactions and
1319 issues title insurance policies but who is exempt from licensure
1320 pursuant to paragraph(4)(a). If an applicant's qualifications
1321 are based upon the periods of employment at responsible title
1322 insurance duties, the applicant must submit, with the
1323 application for license on a form prescribed by the department,
1324 the affidavit of the applicant and of the employer setting forth
1325 the period of such employment, that the employment was
1326 substantially full time, and giving a brief abstract of the
1327 nature of the duties performed by the applicant.

1328 Section 47. Section 626.843, Florida Statutes, is amended
1329 to read:

1330 626.843 Renewal, continuation, reinstatement, termination
1331 of title insurance agent's appointment.--

1332 (1) The appointment of a title insurance agent shall
1333 continue in force until suspended, revoked, or otherwise
1334 terminated, but subject to a renewed request filed by the



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1335 insurer every 24 months after the original issue date of the
1336 appointment, accompanied by payment of the renewal appointment
1337 fee and taxes as prescribed in s. 624.501.

1338 (2) Renewal of title insurance agent appointments shall be
1339 in accordance with procedures as prescribed in s. 626.381 for
1340 insurance representatives in general. ~~Each insurer shall file~~
1341 ~~with the department the lists, statements, and information as to~~
1342 ~~appointments which are being renewed or being terminated,~~
1343 ~~accompanied by payment of the applicable renewal fees and taxes~~
1344 ~~as prescribed in s. 624.501, by a date set forth by the~~
1345 ~~department following the month during which the appointments~~
1346 ~~will expire.~~

1347 ~~(3) Request for renewal of an appointment which is~~
1348 ~~received on a date set forth by the department in the succeeding~~
1349 ~~month may be renewed by the department without penalty, and~~
1350 ~~shall be effective as of the day the appointment would have~~
1351 ~~expired.~~

1352 ~~(4) Request for renewal of an appointment which is~~
1353 ~~received by the department after the date set by the department~~
1354 ~~may be accepted and effectuated by the department in its~~
1355 ~~discretion if an additional appointment continuation and~~
1356 ~~reinstatement fee accompany the request for renewal pursuant to~~
1357 ~~s. 624.501.~~

1358 (3)(5) The appointment issued shall remain in effect for
1359 so long as the appointment represented thereby continues in
1360 force as provided in this section.

1361 Section 48. Paragraph (b) of subsection (1) of section
1362 626.865, Florida Statutes, is amended to read:



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1363 626.865 Public adjuster's qualifications, bond.--

1364 (1) The department shall issue a license to an applicant
1365 for a public adjuster's license upon determining that the
1366 applicant has paid the applicable fees specified in s. 624.501
1367 and possesses the following qualifications:

1368 (b) Is a United States citizen or legal alien who possesses
1369 work authorization from the United States Immigration and
1370 Naturalization Service and a bona fide resident of this state.

1371 Section 49. Subsection (2) of section 626.866, Florida
1372 Statutes, is amended to read:

1373 626.866 Independent adjuster's qualifications.--The
1374 department shall issue a license to an applicant for an
1375 independent adjuster's license upon determining that the
1376 applicable license fee specified in s. 624.501 has been paid and
1377 that the applicant possesses the following qualifications:

1378 (2) Is a United States citizen or legal alien who possesses
1379 work authorization from the United States Immigration and
1380 Naturalization Service and a bona fide resident of this state.

1381 Section 50. Subsection (2) of section 626.867, Florida
1382 Statutes, is amended to read:

1383 626.867 Company employee adjuster's qualifications.--The
1384 department shall issue a license to an applicant for a company
1385 employee adjuster's license upon determining that the applicable
1386 license fee specified in s. 624.501 has been paid and that the
1387 applicant possesses the following qualifications:

1388 (2) Is a United States citizen or legal alien who possesses
1389 work authorization from the United States Immigration and
1390 Naturalization Service and a bona fide resident of this state.



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1391 Section 51. Section 626.869, Florida Statutes, is amended
1392 to read:

1393 626.869 License, adjusters.--

1394 (1) An applicant for a license as an adjuster may qualify
1395 and his or her license when issued may cover adjusting in any
1396 one of the following classes of insurance:

1397 (a) All lines of insurance except life and annuities.

1398 (b) Motor vehicle physical damage insurance.

1399 (c) Property and casualty insurance.

1400 (d) Workers' compensation insurance.

1401 (e) Health insurance.

1402 (2) All individuals who on October 1, 1990, hold an
1403 adjuster's license and appointment limited to fire and allied
1404 lines, including marine or casualty or boiler and machinery, may
1405 remain licensed and appointed under the limited license and may
1406 renew their appointment, but no license or appointment which has
1407 been terminated, not renewed, suspended, or revoked shall be
1408 reinstated, and no new or additional licenses or appointments
1409 shall be issued.

1410 ~~(3) With the exception of a public adjuster limited to~~
1411 ~~health insurance, a limited license set forth in subsection (1)~~
1412 ~~as an independent or public adjuster may only be issued to and~~
1413 ~~retained by an employee of an independent or public adjusting~~
1414 ~~firm which is supervised by a duly appointed all-lines adjuster~~
1415 ~~or an employee of an independent or public adjuster licensed and~~
1416 ~~appointed in all lines of insurance other than life and annuity.~~
1417 ~~The office of the limited lines adjuster shall be in the office~~



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1418 ~~of the licensed all-lines adjuster responsible for his or her~~
1419 ~~supervision and instruction.~~

1420 (3)~~(4)~~ The applicant's application for license shall
1421 specify which of the foregoing classes of business the
1422 application for license is to cover.

1423 (4)~~(5)~~ Any individual ~~person~~ holding a license for 24
1424 consecutive months or longer ~~and who engages in adjusting~~
1425 ~~workers' compensation insurance~~ must, beginning in his or her
1426 ~~their~~ birth month and every 2 years thereafter, have completed
1427 24 hours of courses, 2 hours of which relate to ethics, in
1428 subjects designed to inform the licensee regarding the current
1429 insurance ~~workers' compensation~~ laws of this state, so as to
1430 enable him or her to engage in business as an ~~a~~ ~~workers'~~
1431 ~~compensation~~ insurance adjuster fairly and without injury to the
1432 public and to adjust all claims in accordance with the policy or
1433 contract and the ~~workers' compensation~~ laws of this state. ~~In~~
1434 ~~order to qualify as an eligible course under this subsection,~~
1435 ~~the course must:~~

1436 ~~(a) Have a course outline approved by the department.~~

1437 ~~(b) Be taught at a school training facility or other~~
1438 ~~location approved by the department.~~

1439 ~~(c) Be taught by instructors with at least 5 years of~~
1440 ~~experience in the area of workers' compensation, general lines~~
1441 ~~of insurance, or other persons approved by the department.~~

1442 ~~However, a member of The Florida Bar is exempt from the 5 years'~~
1443 ~~experience requirement.~~



1444 ~~(d) Furnish the attendee a certificate of completion. The~~
 1445 ~~course provider shall send a roster to the department in a~~
 1446 ~~format prescribed by the department.~~

1447 (5) The regulation of continuing education for licensees,
 1448 course providers, instructors, school officials, and monitor
 1449 groups shall be as provided for in s. 626.2816.

1450 Section 52. Subsection (1) of section 626.874, Florida
 1451 Statutes, is amended to read:

1452 626.874 Catastrophe or emergency adjusters.--

1453 (1) In the event of a catastrophe or emergency, the
 1454 department may issue a license, for the purposes and under the
 1455 conditions which it shall fix and for the period of emergency as
 1456 it shall determine, to persons who are residents or nonresidents
 1457 of this state, who are at least 18 years of age, who are United
 1458 States citizens or legal aliens who possess work authorization
 1459 from the United States Immigration and Naturalization Service,
 1460 and who are not licensed adjusters under this part but who have
 1461 been designated and certified to it as qualified to act as
 1462 adjusters by independent resident adjusters or by an authorized
 1463 insurer or by a licensed general lines agent to adjust claims,
 1464 losses, or damages under policies or contracts of insurance
 1465 issued by such insurers. The fee for the license shall be as
 1466 provided in s. 624.501(12)(c).

1467 Section 53. Section 626.878, Florida Statutes, is amended
 1468 to read:

1469 626.878 Rules; code of ethics.--An adjuster shall
 1470 subscribe to the code of ethics specified in the rules of the
 1471 department. The rules shall implement the provisions of this



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1472 part and specify the terms and conditions of contracts,
 1473 including a right to cancel, and require practices necessary to
 1474 ensure fair dealing, prohibit conflicts of interest, and ensure
 1475 preservation of the rights of the claimant to participate in the
 1476 adjustment of claims.

1477 Section 54. Subsection (1) of section 626.797, Florida
 1478 Statutes, is amended to read:

1479 626.797 Code of ethics.--

1480 (1) The department shall, after consultation with the
 1481 Florida Association Of Insurance and Financial Advisors Life
 1482 ~~Underwriters~~, adopt a code of ethics, or continue any such code
 1483 heretofore so adopted, to govern the conduct of life agents in
 1484 their relations with the public, other agents, and the insurers.

1485 Section 55. Paragraph (z) of subsection (1) of section
 1486 626.9541, Florida Statutes, is amended to read:

1487 626.9541 Unfair methods of competition and unfair or
 1488 deceptive acts or practices defined.--

1489 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 1490 ACTS.--The following are defined as unfair methods of
 1491 competition and unfair or deceptive acts or practices:

1492 (z) Sliding.--Sliding is the act or practice of:

1493 1. Representing to the applicant that a specific ancillary
 1494 coverage or product is required by law in conjunction with the
 1495 purchase of ~~motor vehicle~~ insurance when such coverage or
 1496 product is not required;

1497 2. Representing to the applicant that a specific ancillary
 1498 coverage or product is included in the ~~motor vehicle~~ policy



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1499 applied for without an additional charge when such charge is
1500 required; or

1501 3. Charging an applicant for a specific ancillary coverage
1502 or product, in addition to the cost of the ~~motor vehicle~~
1503 insurance coverage applied for, without the informed consent of
1504 the applicant.

1505 Section 56. Paragraph (f) is added to subsection (7) of
1506 section 626.9916, Florida Statutes, to read:

1507 626.9916 Viatical settlement broker license required;
1508 application for license.--

1509 (7) Upon the filing of a sworn application and the payment
1510 of the license fee and all other applicable fees under this act,
1511 the department shall investigate each applicant and may issue
1512 the applicant a license if the department finds that the
1513 applicant:

1514 (f) If a natural person, is at least 18 years of age and a
1515 United States citizen or legal alien who possesses work
1516 authorization from the United States Immigration and
1517 Naturalization Service.

1518 Section 57. Paragraph (a) of subsection (5) of section
1519 627.7295, Florida Statutes, is amended to read:

1520 627.7295 Motor vehicle insurance contracts.--

1521 (5)(a) A licensed general lines agent may charge a per-
1522 policy fee not to exceed \$20 ~~\$10~~ to cover the administrative
1523 costs of the agent associated with selling the motor vehicle
1524 insurance policy ~~if the policy covers only personal injury~~
1525 ~~protection coverage as provided by s. 627.736 and property~~
1526 ~~damage liability coverage as provided by s. 627.7275 and if no~~



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1527 ~~other insurance is sold or issued in conjunction with or~~
1528 ~~collateral to the policy.~~ The per-policy fee must be a component
1529 of the insurer's rate filing and may not be charged by an agent
1530 unless the fee is included in the filing. The fee is not
1531 considered part of the premium except for purposes of the
1532 department's review of expense factors in a filing made pursuant
1533 to s. 627.062.

1534 Section 58. Subsection (3) of section 632.634, Florida
1535 Statutes, is amended to read:

1536 632.634 Licensing and appointment of agents.--

1537 (3) Any agent, representative, or member of a society who
1538 in any preceding calendar year has solicited and procured life
1539 insurance benefit contracts on behalf of any society in a total
1540 amount of insurance less than \$50,000, or, in the case of any
1541 other kind or kinds of insurance benefit contracts which the
1542 society might write, on not more than 25 individuals, shall be
1543 exempt from the agent licensing and appointment requirements of
1544 subsection (1). Upon request by the department, every society
1545 shall register, on forms prescribed by the department and on or
1546 before March 1 of each year, the name and residence address of
1547 each agent, representative, or member exempt under the
1548 provisions of this subsection and shall, within 30 days of
1549 termination of employment, notify the department of the
1550 termination. Any agent, representative, or member for which an
1551 exemption is claimed due to employment by the society subsequent
1552 to March 1 shall be registered by the society with the
1553 department within 10 days of the date of employment.



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1554 Section 59. Section 634.171, Florida Statutes, is amended
1555 to read:

1556 634.171 Salesperson to be licensed and
1557 appointed.--Salespersons for motor vehicle service agreement
1558 companies and insurers shall be licensed, appointed, renewed,
1559 continued, reinstated, or terminated as prescribed in chapter
1560 626 for insurance representatives in general. However, they
1561 shall be exempt from all other provisions of chapter 626
1562 including fingerprinting, photo identification, education, and
1563 examination provisions. License, appointment, and other fees
1564 shall be those prescribed in s. 624.501. A licensed and
1565 appointed salesperson shall be directly responsible and
1566 accountable for all acts of her or his employees and other
1567 representatives. Each service agreement company or insurer
1568 shall, on forms prescribed by the department, within 30 days
1569 after termination of the appointment, notify the department of
1570 such termination. No employee or salesperson of a motor vehicle
1571 service agreement company or insurer may directly or indirectly
1572 solicit or negotiate insurance contracts, or hold herself or
1573 himself out in any manner to be an insurance agent ~~or solicitor~~,
1574 unless so qualified, licensed, and appointed therefor under the
1575 Florida Insurance Code. A motor vehicle service agreement
1576 company is not required to be licensed as a salesperson to
1577 solicit, sell, issue, or otherwise transact the motor vehicle
1578 service agreements issued by the motor vehicle service agreement
1579 company.

1580 Section 60. Section 634.420, Florida Statutes, is amended
1581 to read:



1582 634.420 License and appointment of sales
 1583 representatives.--Sales representatives for service warranty
 1584 associations or insurers shall be licensed, appointed, renewed,
 1585 continued, reinstated, or terminated in accordance with
 1586 procedures as prescribed in chapter 626 for insurance
 1587 representatives in general. However, they shall be exempt from
 1588 all other provisions of chapter 626, including fingerprinting,
 1589 photo identification, education, and examination. License,
 1590 appointment, and other fees shall be those prescribed in s.
 1591 624.501. A licensed and appointed sales representative shall be
 1592 directly responsible and accountable for all acts of the
 1593 licensed sales representative's employees or other
 1594 representatives. Each service warranty association or insurer
 1595 shall, on forms prescribed by the department, within 30 days
 1596 after termination of the appointment, notify the department of
 1597 such termination. No employee or sales representative of a
 1598 service warranty association or insurer may directly or
 1599 indirectly solicit or negotiate insurance contracts, or hold
 1600 herself or himself out in any manner to be an insurance agent ~~or~~
 1601 ~~solicitor~~, unless so qualified, licensed, and appointed therefor
 1602 under the insurance code.

1603 Section 61. Section 642.034, Florida Statutes, is amended
 1604 to read:

1605 642.034 License and appointment required.--No person may
 1606 solicit, negotiate, sell, or execute legal expense insurance
 1607 contracts on behalf of an insurer in this state unless such
 1608 person is licensed and appointed as a sales representative or is
 1609 licensed and appointed under the insurance code as a general



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1610 lines agent ~~or solicitor~~. No person licensed and appointed as a
 1611 legal expense insurance sales representative may solicit,
 1612 negotiate, sell, or execute any other contract of insurance
 1613 unless such person is duly licensed and appointed to do so under
 1614 the provisions of chapter 626.

1615 Section 62. Section 642.036, Florida Statutes, is amended
 1616 to read:

1617 642.036 Sales representatives to be licensed and
 1618 appointed.--Sales representatives of legal expense insurers
 1619 shall be licensed, appointed, renewed, continued, reinstated, or
 1620 terminated as prescribed in chapter 626 for insurance
 1621 representatives in general, and shall pay the license and
 1622 appointment fees prescribed in s. 624.501. No employee or sales
 1623 representative of an insurer may directly or indirectly solicit
 1624 or negotiate insurance contracts, or hold herself or himself out
 1625 in any manner to be an insurance agent ~~or solicitor~~, unless so
 1626 qualified, licensed, and appointed therefor under the insurance
 1627 code.

1628 Section 63. Section 642.045, Florida Statutes, is amended
 1629 to read:

1630 642.045 Procedure for refusal, suspension, or revocation
 1631 of license and appointment of sales representative; departmental
 1632 action upon violation by licensed insurance agent ~~or~~
 1633 ~~solicitor~~.--

1634 (1) If any sales representative is convicted by a court of
 1635 a violation of any provision of ss. 642.011-642.049, the license
 1636 and appointment of such individual shall thereby be deemed to be



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1637 immediately revoked without any further procedure relative
1638 thereto by the department.

1639 (2) Whenever it appears that any licensed insurance agent
1640 ~~or solicitor~~ has violated the provisions of ss. 642.011-642.049,
1641 or if any grounds listed in s. 642.041 or s. 642.043 exist as to
1642 such agent ~~or solicitor~~, the department may take such action as
1643 is authorized by the insurance code for a violation of the
1644 insurance code by such agent ~~or solicitor~~, or such action as is
1645 authorized by this chapter for a violation of this chapter by a
1646 sales representative.

1647 Section 64. Paragraph (b) of subsection (5) and subsection
1648 (9) of section 648.27, Florida Statutes, are amended to read:

1649 648.27 Licenses and appointments; general.--

1650 (5)

1651 (b) The license of a temporary bail bond agent ~~or runner~~
1652 shall continue in force until suspended, revoked, or otherwise
1653 terminated.

1654 (9) If, upon application for an appointment and such
1655 investigation as the department may make, it appears to the
1656 department that an individual has been actively engaged or is
1657 currently actively engaged in bail bond activities without being
1658 appointed as required, the department may, if it finds that such
1659 failure to be appointed is an error on the part of the insurer
1660 or employer so represented, issue or authorize the issuance of
1661 the appointment as applied for, but subject to the condition
1662 that, before the appointment is issued, all fees and taxes which
1663 would have been due had the applicant been so appointed during
1664 such current and prior periods, together with a continuation fee



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1665 for such current and prior terms of appointment, shall be paid
1666 to the department. Failure to notify the department within the
1667 required time period shall result in the appointing entity being
1668 assessed a delinquent fee of \$250. Delinquent fees shall be paid
1669 by the appointing entity and shall not be charged to the
1670 appointee.

1671 Section 65. Paragraph (b) of subsection (2) and
1672 subsections (5) and (6) of section 648.34, Florida Statutes, are
1673 amended to read:

1674 648.34 Bail bond agents; qualifications.--

1675 (2) To qualify as a bail bond agent, it must affirmatively
1676 appear at the time of application and throughout the period of
1677 licensure that the applicant has complied with the provisions of
1678 s. 648.355 and has obtained a temporary license pursuant to such
1679 section and:

1680 (b) The applicant is a United States citizen or legal
1681 alien who possesses work authorization from the United States
1682 Immigration and Naturalization Service and is a resident of this
1683 state. An individual who is a resident of this state shall be
1684 deemed to meet the residence requirement of this paragraph,
1685 notwithstanding the existence, at the time of application for
1686 license, of a license in the applicant's name on the records of
1687 another state as a resident licensee of such other state, if the
1688 applicant furnishes a letter of clearance satisfactory to the
1689 department that his or her resident licenses have been canceled
1690 or changed to a nonresident basis and that he or she is in good
1691 standing.



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1692 (5) The department shall conduct a comprehensive
1693 investigation of each applicant, including a background check.
1694 The inquiry or investigation of the applicant's qualifications,
1695 character, experience, background, and fitness shall in all
1696 cases include, but not be limited to, submission of the
1697 applicant's fingerprints to the Florida Department of Law
1698 Enforcement and the Federal Bureau of Investigation and
1699 consideration of any state criminal records, federal criminal
1700 records, or local criminal records obtained from such agencies
1701 or from local law enforcement agencies.

1702 (6) The provisions of s. 112.011 do not apply to bail bond
1703 agents ~~or runners~~ or to applicants for licensure as bail bond
1704 agents ~~or runners~~.

1705 Section 66. Paragraphs (b) and (e) of subsection (1) of
1706 section 648.355, Florida Statutes, are amended to read:

1707 648.355 Temporary limited license as limited surety agent
1708 or professional bail bond agent; pending examination.--

1709 (1) The department may, in its discretion, issue a
1710 temporary license as a limited surety agent or professional bail
1711 bond agent, subject to the following conditions:

1712 (b) The applicant is a United States citizen or legal
1713 alien who possesses work authorization from the United States
1714 Immigration and Naturalization Service and is a resident of this
1715 state. An individual who is a resident of this state shall be
1716 deemed to meet the residence requirement of this paragraph,
1717 notwithstanding the existence, at the time of application for
1718 temporary license, of a license in the individual's name on the
1719 records of another state as a resident licensee of such other



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1720 state, if the applicant furnishes a letter of clearance
1721 satisfactory to the department that the individual's resident
1722 licenses have been canceled or changed to a nonresident basis
1723 and that the individual is in good standing.

1724 (e) The applicant must be employed full-time at the time
1725 of licensure, and at all times throughout the existence of the
1726 temporary license, by only one licensed and appointed
1727 supervising bail bond agent, who supervises the work of the
1728 applicant and is responsible for the licensee's conduct in the
1729 bail bond business. The applicant must be appointed by the same
1730 insurers as the supervising bail bond agent. The supervising
1731 bail bond agent shall certify monthly to the department under
1732 oath, on a form prescribed by the department, the names and
1733 hours worked each week of all temporary bail bond agents. Filing
1734 a false certification is grounds for the immediate suspension of
1735 the license and imposition of a \$5,000 administrative fine. The
1736 department may adopt rules establishing standards for such
1737 employment requirements.

1738 Section 67. Paragraph (a) of subsection (2) and subsection
1739 (3) of section 648.382, Florida Statutes, are amended, and
1740 subsection (6) is added to said section, to read:

1741 648.382 Appointment of bail bond agents and temporary bail
1742 bond agents; effective date of appointment.--

1743 (2) Prior to any appointment, an appropriate officer or
1744 official of the appointing insurer in the case of a bail bond
1745 agent or an insurer, managing general agent, or bail bond agent
1746 in the case of a temporary bail bond agent must submit:



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1747 (a) A certified statement or affidavit to the department
 1748 stating what investigation has been made concerning the proposed
 1749 appointee and the proposed appointee's background and the
 1750 appointing person's opinion to the best of his or her knowledge
 1751 and belief as to the moral character, fitness, and reputation of
 1752 the proposed appointee. In lieu of such certified statement or
 1753 affidavit, by authorizing the effectuation of an appointment for
 1754 a licensee, the appointing insurer certifies to the department
 1755 that such investigation has been made and that the results of
 1756 the investigation and the appointing person's opinion are
 1757 available for review by the department;

1758 (3) By authorizing the effectuation of an appointment for
 1759 a licensee, the appointing insurer certifies to the department
 1760 ~~Prior to any appointment of a bail bond agent, the appointing~~
 1761 ~~insurer must certify to the department~~ that the insurer will be
 1762 bound by the acts of the bail bond agent acting within the scope
 1763 of his or her appointment, and, in the case of a temporary bail
 1764 bond agent, the appointing insurer, managing general agent, or
 1765 bail bond agent, as the case may be, must certify to the
 1766 department that he or she will supervise the temporary bail bond
 1767 agent's activities.

1768 (6) Failure to notify the department within the required
 1769 time period shall result in the appointing entity being assessed
 1770 a delinquent fee of \$250. Delinquent fees shall be paid by the
 1771 appointing entity and shall not be charged to the appointee.

1772 Section 68. Section 648.383, Florida Statutes, is amended
 1773 to read:



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1774 648.383 Renewal, continuation, reinstatement, and
1775 termination of appointment; bail bond agents.--

1776 (1) The appointment of a bail bond agent shall continue in
1777 force unless suspended, revoked, or otherwise terminated,
1778 subject to a renewal request filed by the appointing entity in
1779 the appointee's birth month and every 24 months thereafter. A
1780 renewal request must be filed with the department or person
1781 designated by the department to administer the appointment
1782 process along with payment of the renewal appointment fee and
1783 taxes as prescribed in s. 624.501.

1784 (2) Each appointing person must file with the department
1785 or person designated by the department to administer the
1786 appointment process the lists, statement, and information as to
1787 each bail bond agent whose appointment is being renewed,
1788 accompanied by payment of the applicable renewal fees and taxes
1789 as prescribed in s. 624.501, by a date established by the
1790 department following the month during which the appointment will
1791 expire.

1792 (3) An appointment may be renewed by the department or
1793 person designated by the department to administer the
1794 appointment process without penalty if the information required
1795 under subsection (2) is received by the department ~~on or~~ prior
1796 to the expiration of an appointment in the licensee's birth
1797 month ~~date established by the department for renewal,~~ and such
1798 appointment shall be renewed ~~is~~ effective as of the first day of
1799 the month succeeding the month in which ~~on the day~~ the
1800 appointment was scheduled to expire.



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1801 (4) If the information required under subsection (2) is
 1802 received by the department or person designated by the
 1803 department to administer the appointment process after the
 1804 renewal date ~~established by the department for renewal~~, the
 1805 appointment may be renewed by the department if the an
 1806 ~~additional~~ appointment, late filing, continuation, and
 1807 reinstatement fee accompanies the application as required under
 1808 s. 624.501.

1809 Section 69. Subsections (1) and (3) of section 648.50,
 1810 Florida Statutes, are amended to read:

1811 648.50 Effect of suspension, revocation upon associated
 1812 licenses and licensees.--

1813 (1) Upon the suspension, revocation, or refusal to renew
 1814 or continue any license or appointment or the eligibility to
 1815 hold a license or appointment of a bail bond agent or, temporary
 1816 bail bond agent, ~~or runner~~, the department shall at the same
 1817 time likewise suspend or revoke all other licenses or
 1818 appointments and the eligibility to hold any other such licenses
 1819 or appointments which may be held by the licensee under the
 1820 Florida Insurance Code.

1821 (3) No person whose license as a bail bond agent or
 1822 temporary bail bond agent, ~~or runner~~ has been revoked or
 1823 suspended shall be employed by any bail bond agent, have any
 1824 ownership interest in any business involving bail bonds, or have
 1825 any financial interest of any type in any bail bond business
 1826 during the period of revocation or suspension.

1827 Section 70. Sections 626.032 and 626.361, Florida
 1828 Statutes, are repealed.



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1829 | Section 71. This act shall take effect upon becoming a
1830 | law.