

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Traviesa offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 81 and 82, insert:

5 Section 1. Paragraph (i) of subsection (1) of section
6 626.321, Florida Statutes, is amended to read:

7 626.321 Limited licenses.--

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

12 (i) In-transit and storage personal property insurance;
13 communications equipment property insurance, ~~or~~ communications
14 equipment inland marine insurance, and communications equipment
15 service warranty agreement sales.--

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16 1. A license covering only the insurance of personal
17 property not held for resale, covering the risks of
18 transportation or storage in rented or leased motor vehicles,
19 trailers, or self-service storage facilities, as the latter are
20 defined in s. 83.803, may be issued, without examination, only
21 to employees or authorized representatives of lessors who rent
22 or lease motor vehicles, trailers, or self-service storage
23 facilities and who are authorized by an insurer to issue
24 certificates or other evidences of insurance to lessees of such
25 motor vehicles, trailers, or self-service storage facilities
26 under an insurance policy issued to the lessor. A person
27 licensed under this paragraph shall give a prospective purchaser
28 of in-transit or storage personal property insurance written
29 notice that his or her homeowner's policy may provide coverage
30 for the loss of personal property and that the purchase of such
31 insurance is not required under the lease terms.

32 2. A license covering only communications equipment, for
33 the loss, theft, mechanical failure, malfunction of or damage
34 to, communications equipment. The license may be issued only to:

35 a. Employees or authorized representatives of a licensed
36 general lines agent;

37 b. The lead ~~Each~~ business location of a retail vendor of
38 communications equipment and its branch locations; or

39 c. Employees, agents, or authorized representatives of a
40 retail vendor of communications equipment.
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42 The license authorizes the sale of such policies, or
43 certificates under a group master policy, only with respect to
44 the sale of, or provision of communications service for,
45 communications equipment. A general lines agent is not required
46 to obtain a license under this subparagraph to offer or sell
47 communications equipment property insurance or communication
48 equipment inland marine insurance. The license also authorizes
49 sales of service warranty agreements covering only
50 communications equipment to the same extent as if licensed under
51 s. 634.419 or s. 634.420. The provisions of this chapter
52 requiring submission of fingerprints do not apply to
53 communications equipment licenses issued to qualified entities
54 under this subparagraph. Licensees offering policies under this
55 subparagraph must receive initial training from, and have a
56 contractual relationship with, a general lines agent. For the
57 purposes of this subparagraph, the term "communications
58 equipment" means handsets, pagers, personal digital assistants,
59 portable computers, automatic answering devices, and other
60 devices or accessories used to originate or receive
61 communications signals or service, and includes services related
62 to the use of such devices, such as consumer access to a
63 wireless network; however, the term does not include
64 telecommunications switching equipment, transmission wires, cell
65 site transceiver equipment, or other equipment and systems used
66 by telecommunications companies to provide telecommunications
67 service to consumers. A branch location of a retail vendor of
68 communications equipment licensed pursuant to paragraph (2)(b)

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69 may, in lieu of obtaining an appointment from an insurer or
70 warranty association as provided in paragraph (2)(c), obtain a
71 single appointment from the associated lead business location
72 licensee licensed under paragraph (2)(a) and pay the prescribed
73 appointment fee under s. 624.501, provided the lead business
74 location has a single appointment from each insurer or warranty
75 association represented and such appointment provides that it
76 applies to the lead business location and all of its branch
77 locations. Any branch location individually appointed by an
78 insurer under paragraph (2)(c) prior to January 1, 2006, may
79 replace its appointments with an appointment from its lead
80 location at no charge. Branch location appointments shall be
81 renewed on the first annual anniversary of licensure of the lead
82 business location occurring more than 24 months after the
83 initial appointment date and every 24 months thereafter.
84 Notwithstanding s. 624.501, after July 1, 2006, the renewal fee
85 applicable to such branch location appointments shall be \$30 per
86 appointment.

87 Section 2. Paragraph (f) of subsection (1) of section
88 626.731, Florida Statutes, is amended to read:

89 626.731 Qualifications for general lines agent's
90 license.--

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

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95 (f) The applicant is not a service representative, a
96 managing general agent licensed in this state, or a special
97 agent or similar service representative of a health insurer
98 which also transacts property, casualty, or surety insurance;
99 except that the president, vice president, secretary, or
100 treasurer, including a member of the board of directors, of a
101 corporate insurer, if otherwise qualified under and meeting the
102 requirements of this part, may be licensed and appointed as a
103 local resident agent.

104 Section 3. Section 624.1275, Florida Statutes, is created
105 to read:

106 624.1275 Insurance agents; prohibited exclusion from
107 public bidding and negotiations.--A licensed insurance agent may
108 not be prohibited or excluded from competing or negotiating for
109 any insurance product or plan purchased, provided, or endorsed
110 by a state agency or any political subdivision of this state on
111 the basis of the compensation or contractual or employment
112 arrangement granted to the agent by an employer, insurer, or
113 licensed agency. The term "political subdivision" has the same
114 meaning set forth in s. 1.01.

115 Section 4. Subsection (5) is added to section 636.044,
116 Florida Statutes, to read:

117 636.044 Agent licensing.--

118 (5) Notwithstanding the provisions of this section, a
119 person registered in accordance with part XI of chapter 559 as a
120 seller of travel may engage in the solicitation and sale of
121 insurance covering the cost of transportation by air ambulance,

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122 as defined in s. 401.23(4), that is provided by an air ambulance
123 service licensed pursuant to s. 401.251. The insurance policy
124 providing this coverage is subject to all applicable provisions
125 of this chapter. A seller of travel may solicit and sell such
126 insurance only in connection with the sale of transportation
127 tickets. No such policy shall be in effect for a duration of
128 more than 48 hours or for the duration of a specified one-way or
129 round-trip travel event.

130 Section 5. Paragraph (b) of subsection (20) of section
131 627.64872, Florida Statutes, is amended to read:

132 627.64872 Florida Health Insurance Plan.--

133 (20) COMBINING MEMBERSHIP OF THE FLORIDA COMPREHENSIVE
134 HEALTH ASSOCIATION; ASSESSMENT.--

135 (b)1. As a condition of doing business in this state, an
136 insurer shall pay an assessment to the board in the amount
137 prescribed by this section. For operating losses incurred on or
138 after July 1, 2004, by persons enrolled in the Florida
139 Comprehensive Health Association, each insurer shall annually be
140 assessed by the board in the following calendar year a portion
141 of such incurred operating losses of the plan. Such portion
142 shall be determined by multiplying such operating losses by a
143 fraction, the numerator of which equals the insurer's earned
144 premium pertaining to direct writings of health insurance in the
145 state during the calendar year preceding that for which the
146 assessment is levied, and the denominator of which equals the
147 total of all such premiums earned by insurers in the state
148 during such calendar year.

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149 2. The total of all assessments under this paragraph upon
150 an insurer shall not exceed 1 percent of such insurer's health
151 insurance premium earned in this state during the calendar year
152 preceding the year for which the assessments were levied.

153 3. For the purposes of determining assessments under this
154 section, the term "health insurance" means any hospital and
155 medical expense incurred policy, minimum premium plan, stop-loss
156 coverage, health maintenance organization contract, prepaid
157 health clinic contract, multiple-employer welfare arrangement
158 contract, or fraternal benefit society health benefits contract,
159 whether sold as an individual or group policy or contract. The
160 term does not include a policy covering medical payment coverage
161 or personal injury protection coverage in a motor vehicle
162 policy, coverage issued as a supplement to liability insurance,
163 or workers' compensation.

164 ~~4.3-~~ All rights, title, and interest in the assessment
165 funds collected under this paragraph shall vest in this state.
166 However, all of such funds and interest earned shall be used by
167 the plan to pay claims and administrative expenses.

168 Section 6. Subsections (5) and (6) are added to section
169 943.135, Florida Statutes, to read:

170 943.135 Requirements for continued employment.--

171 (5) An employing agency as defined in s. 943.10(4) may
172 require a law enforcement officer and correctional officer as
173 defined in s. 943.10(1), (2), or (3) to successfully pass a
174 physical examination in order to be eligible for the presumption
175 set forth in s. 112.18. The employing agency shall have the

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176 physical examination performed prior to or immediately upon
 177 employment of the officer. This provision shall not affect the
 178 applicability of the presumption set forth in s. 112.18 for law
 179 enforcement officers or correctional officers who are currently
 180 employed by an employing agency.

181 (6) An employing agency as defined in s. 943.10(4) may set
 182 tobacco use standards for law enforcement officers and
 183 correctional officers as defined in s. 943.10(1), (2), or (3)
 184 employed by a municipality, county, or political subdivision of
 185 the state or any agent of the political subdivision who has
 186 constitutional authority or statutory authority to employ or
 187 appoint an officer.

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190 ===== T I T L E A M E N D M E N T =====

191 Remove line(s) 6 and insert:
 192 An act relating to insurance; amending s. 626.321, F.S.;
 193 including service warranty agreement sales covering
 194 communications equipment under certain limited licensing
 195 provisions; providing for additional appointment authority
 196 for certain licensed branch locations of a communications
 197 equipment retail vendor; revising certain application,
 198 appointment, and licensing requirements for certain
 199 entities; providing for payment of appointment fees;
 200 providing an exception; requiring renewals of
 201 appointments; providing for a renewal fee; amending s.
 202 626.731, F.S.; revising a qualification for licensure as a

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203 | general lines agent; creating s. 624.1275, F.S. ;
204 | proscribing state agencies and political subdivisions from
205 | prohibiting or excluding licensed insurance agents from
206 | competing or negotiating for certain insurance products or
207 | plans; providing a definition; amending s. 636.044, F.S. ;
208 | authorizing certain persons to engage in the solicitation
209 | and sale of certain insurance relating to air ambulance
210 | transportation costs; providing requirements and
211 | limitations; amending s. 627.64872, F.S. ; redefining the
212 | term "health insurance" for purposes of determining
213 | assessments under the Florida Health Insurance Plan;
214 | amending s. 943.135, F.S. ; authorizing certain employing
215 | agencies to require law enforcement officers and
216 | correctional officers to pass certain physical
217 | examinations for certain purposes; providing criteria,
218 | requirements, and limitations; authorizing certain
219 | employing agencies to set tobacco use standards for law
220 | enforcement officers and correctional officers employed by
221 | local governments; amending s.

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