

Bill No. SB 1912

Barcode 883628

CHAMBER ACTION

Senate

House

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The Committee on Banking and Insurance (Baker) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (1) of section 624.317, Florida Statutes, is amended to read:

624.317 Investigation of agents, adjusters, administrators, service companies, and others.--If it has reason to believe that any person has violated or is violating any provision of this code, or upon the written complaint signed by any interested person indicating that any such violation may exist:

(1) The department shall conduct such investigation as it deems necessary of the accounts, records, documents, and transactions pertaining to or affecting the insurance affairs of any general agent, surplus lines agent, adjuster, managing general agent, insurance agent, insurance agency, customer representative, service representative, or other person

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1 subject to its jurisdiction, subject to the requirements of s.
2 626.601.

3 Section 2. Subsection (7) is added to section 624.318,
4 Florida Statutes, to read:

5 624.318 Conduct of examination or investigation;
6 access to records; correction of accounts; appraisals.--

7 (7)(a) The department or office or its examiners or
8 investigators may electronically scan accounts, records,
9 documents, files, and information, relating to the subject of
10 the examination or investigation, in the possession or control
11 of the person being examined or investigated.

12 (b) The provisions of this subsection are applicable
13 to all investigations and examinations authorized by any
14 provision of the Florida Insurance Code.

15 Section 3. Subsection (20) of section 624.501, Florida
16 Statutes, is amended to read:

17 624.501 Filing, license, appointment, and
18 miscellaneous fees.--The department, commission, or office, as
19 appropriate, shall collect in advance, and persons so served
20 shall pay to it in advance, fees, licenses, and miscellaneous
21 charges as follows:

22 (20) ~~Insurance agency or~~ Adjusting firm, original or
23 renewal 3-year license.....\$60.00

24 Section 4. Subsections (7) and (16) of section
25 626.015, Florida Statutes, are amended to read:

26 626.015 Definitions.--As used in this part:

27 (7) "Home state" means the District of Columbia and
28 any state or territory of the United States in which an
29 insurance agent maintains his or her principal place of
30 residence or principal place of business and is licensed to
31 act as an insurance agent.

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1 (16) "Resident" means an individual whose home state
2 is the State of Florida ~~domiciled and residing in this state.~~

3 Section 5. Subsection (1) of section 626.016, Florida
4 Statutes, is amended to read:

5 626.016 Powers and duties of department, commission,
6 and office.--

7 (1) The powers and duties of the Chief Financial
8 Officer and the department specified in this part apply only
9 with respect to insurance agents, insurance agencies, managing
10 general agents, insurance adjusters, reinsurance
11 intermediaries, viatical settlement brokers, customer
12 representatives, service representatives, and agencies.

13 Section 6. Subsections (7) and (12) of section
14 626.025, Florida Statutes, are amended to read:

15 626.025 Consumer protections.--To transact insurance,
16 agents shall comply with consumer protection laws, including
17 the following, as applicable:

18 (7) Required licensure or registration of ~~certain~~
19 insurance agencies under s. 626.112 ~~s. 626.172~~.

20 ~~(12) Designation of a primary agent by an insurance~~
21 ~~agency under s. 626.592.~~

22 Section 7. Subsection (7) of section 626.112, Florida
23 Statutes, is amended to read:

24 626.112 License and appointment required; agents,
25 customer representatives, adjusters, insurance agencies,
26 service representatives, managing general agents.--

27 (7)(a) Effective October 1, 2006, no individual, firm,
28 partnership, corporation, association, or any other entity
29 shall act in its own name or under a trade name, directly or
30 indirectly, as an insurance agency, ~~when required to be~~
31 ~~licensed by this subsection~~, unless it complies with s.

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1 626.172 with respect to possessing an insurance agency license
 2 for each place of business at which it engages in any activity
 3 which may be performed only by a licensed insurance agent.
 4 Each agency engaged in business in this state before January
 5 1, 2003, which is wholly owned by insurance agents currently
 6 licensed and appointed under this chapter, each incorporated
 7 agency whose voting shares are traded on a securities
 8 exchange, and each agency whose primary function is offering
 9 insurance as a service or member benefit to members of a
 10 nonprofit corporation may file an application for registration
 11 in lieu of licensure in accordance with s. 626.172(3). Each
 12 agency engaged in business before October 1, 2006, shall file
 13 an application for licensure or registration on or before
 14 October 1, 2006.

15 1. If an agency is required to be licensed but fails
 16 to file an application for licensure in accordance with this
 17 section, the department shall impose on the agency an
 18 administrative penalty in an amount of up to \$10,000.

19 2. If an agency is eligible for registration but fails
 20 to file an application for registration or an application for
 21 licensure in accordance with this section, the department
 22 shall impose on the agency an administrative penalty in an
 23 amount of up to \$5,000.

24 (b) A registered ~~an~~ insurance agency shall, as a
 25 condition precedent to continuing business, obtain an
 26 insurance agency license if the department finds that, with
 27 respect to any majority owner, partner, manager, director,
 28 officer, or other person who manages or controls the agency,
 29 any person has, ~~subsequent to the effective date of this act:~~

30 1. Been found guilty of, or has pleaded guilty or nolo
 31 contendere to, a felony in this state or any other state

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1 relating to the business of insurance or to an insurance
2 agency, without regard to whether a judgment of conviction has
3 been entered by the court having jurisdiction of the cases.

4 2. Employed any individual in a managerial capacity or
5 in a capacity dealing with the public who is under an order of
6 revocation or suspension issued by the department. An
7 insurance agency may request, on forms prescribed by the
8 department, verification of any person's license status. If a
9 request is mailed within 5 working days after an employee is
10 hired, and the employee's license is currently suspended or
11 revoked, the agency shall not be required to obtain a license,
12 if the unlicensed person's employment is immediately
13 terminated.

14 3. Operated the agency or permitted the agency to be
15 operated in violation of s. 626.747.

16 4. With such frequency as to have made the operation
17 of the agency hazardous to the insurance-buying public or
18 other persons:

19 a. Solicited or handled controlled business. This
20 subparagraph shall not prohibit the licensing of any lending
21 or financing institution or creditor, with respect to
22 insurance only, under credit life or disability insurance
23 policies of borrowers from the institutions, which policies
24 are subject to part IX of chapter 627.

25 b. Misappropriated, converted, or unlawfully withheld
26 moneys belonging to insurers, insureds, beneficiaries, or
27 others and received in the conduct of business under the
28 license.

29 c. Unlawfully rebated, attempted to unlawfully rebate,
30 or unlawfully divided or offered to divide commissions with
31 another.

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1 d. Misrepresented any insurance policy or annuity
 2 contract, or used deception with regard to any policy or
 3 contract, done either in person or by any form of
 4 dissemination of information or advertising.

5 e. Violated any provision of this code or any other
 6 law applicable to the business of insurance in the course of
 7 dealing under the license.

8 f. Violated any lawful order or rule of the
 9 department.

10 g. Failed or refused, upon demand, to pay over to any
 11 insurer he or she represents or has represented any money
 12 coming into his or her hands belonging to the insurer.

13 h. Violated the provision against twisting as defined
 14 in s. 626.9541(1)(1).

15 i. In the conduct of business, engaged in unfair
 16 methods of competition or in unfair or deceptive acts or
 17 practices, as prohibited under part IX of this chapter.

18 j. Willfully overinsured any property insurance risk.

19 k. Engaged in fraudulent or dishonest practices in the
 20 conduct of business arising out of activities related to
 21 insurance or the insurance agency.

22 l. Demonstrated lack of fitness or trustworthiness to
 23 engage in the business of insurance arising out of activities
 24 related to insurance or the insurance agency.

25 m. Authorized or knowingly allowed individuals to
 26 transact insurance who were not then licensed as required by
 27 this code.

28 5. Knowingly employed any person who within the
 29 preceding 3 years has had his or her relationship with an
 30 agency terminated in accordance with paragraph (d).

31 6. Willfully circumvented the requirements or

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1 prohibitions of this code.

2 ~~(c) An agency required to be licensed in accordance~~
3 ~~with paragraph (b) shall remain so licensed for a period of 3~~
4 ~~years from the date of licensure unless the license is~~
5 ~~suspended or revoked in accordance with law. The department~~
6 ~~may revoke or suspend the agency authority to do business for~~
7 ~~activities occurring during the time the agency is licensed,~~
8 ~~regardless of whether the licensing period has terminated.~~

9 ~~(d) Notwithstanding the provisions of this subsection,~~
10 ~~no insurance agency shall be required to apply for an agency~~
11 ~~license if such agency can prove to the department that:~~

12 ~~1. The agency is severing its relationship with each~~
13 ~~majority owner, partner, manager, director, officer, or other~~
14 ~~person who managed or controlled such agency and who violated~~
15 ~~any of the provisions of paragraph (b).~~

16 ~~2. No such majority owner, partner, manager, director,~~
17 ~~officer, or other person who managed such agency is to be~~
18 ~~affiliated with such agency in any capacity for a period of 3~~
19 ~~years from the date of such severance.~~

20 Section 8. Section 626.171, Florida Statutes, is
21 amended to read:

22 626.171 Application for license as an agent, customer
23 representative, adjuster, service representative, managing
24 general agent, or reinsurance intermediary.--

25 (1) The department shall not issue a license as agent,
26 customer representative, adjuster, ~~insurance agency~~, service
27 representative, managing general agent, or reinsurance
28 intermediary to any person except upon written application
29 therefor filed with it, qualification therefor, and payment in
30 advance of all applicable fees. Any such application shall be
31 made under the oath of the applicant and be signed by the

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1 applicant. ~~Beginning November 1, 2002,~~ The department shall
2 accept the uniform application for nonresident agent
3 licensing. The department may adopt revised versions of the
4 uniform application by rule.

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

6 (a) His or her full name, age, social security number,
7 residence address, business address, and mailing address.

8 (b) Proof that he or she has completed or is in the
9 process of completing any required prelicensing course.

10 (c) Whether he or she has been refused or has
11 voluntarily surrendered or has had suspended or revoked a
12 license to solicit insurance by the department or by the
13 supervising officials of any state.

14 (d) Whether any insurer or any managing general agent
15 claims the applicant is indebted under any agency contract or
16 otherwise and, if so, the name of the claimant, the nature of
17 the claim, and the applicant's defense thereto, if any.

18 (e) Proof that the applicant meets the requirements
19 for the type of license for which he or she is applying.

20 (f) Such other or additional information as the
21 department may deem proper to enable it to determine the
22 character, experience, ability, and other qualifications of
23 the applicant to hold himself or herself out to the public as
24 an insurance representative.

25 ~~(3) An application for an insurance agency license~~
26 ~~shall be signed by the owner or owners of the agency. If the~~
27 ~~agency is incorporated, the application shall be signed by the~~
28 ~~president and secretary of the corporation.~~

29 ~~(3)(4)~~ Each application shall be accompanied by
30 payment of any applicable fee.

31 ~~(4)(5)~~ An application for a license as an agent,

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

13 ~~(5)(6)~~ The application for license filing fee
 14 prescribed in s. 624.501 is not subject to refund.

15 ~~(6)(7)~~ Pursuant to the federal Personal Responsibility
 16 and Work Opportunity Reconciliation Act of 1996, each party is
 17 required to provide his or her social security number in
 18 accordance with this section. Disclosure of social security
 19 numbers obtained through this requirement shall be limited to
 20 the purpose of administration of the Title IV-D program for
 21 child support enforcement.

22 Section 9. Section 626.172, Florida Statutes, is
 23 amended to read:

24 626.172 Application for insurance agency license.--

25 (1) The department may issue a license as an insurance
 26 agency to any person only after such person files a written
 27 application with the department and qualifies for such
 28 license. ~~If any majority owner, partner, officer, or director~~
 29 ~~of an insurance agency:~~

30 ~~(a) Has been found guilty of, or has pleaded guilty or~~
 31 ~~nolo contendere to, a felony relating to the business of~~

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1 ~~insurance in this state or any other state or federal court,~~
2 ~~regardless of whether a judgment of conviction has been~~
3 ~~entered by the court having jurisdiction of such cases; or~~
4 ~~(b) Has been denied a license relating to the business~~
5 ~~of insurance, or has had his or her license to practice or~~
6 ~~conduct any regulated profession, business, or vocation~~
7 ~~relating to the business of insurance revoked or suspended, by~~
8 ~~this or any other state, any nation, any possession or~~
9 ~~district of the United States, or any court, or any lawful~~
10 ~~agency thereof;~~

11
12 ~~the insurance agency and any subsidiary or branch thereof~~
13 ~~shall obtain a license from the department pursuant to this~~
14 ~~section.~~

15 (2) An application for an insurance agency license
16 shall be signed by the owner or owners of the agency. If the
17 agency is incorporated, the application shall be signed by the
18 president and secretary of the corporation. The application
19 for an insurance agency license shall include:

20 (a) The name of each majority owner, partner, officer,
21 and director of the insurance agency.

22 (b) The residence address of each person required to
23 be listed in the application under paragraph (a).

24 (c) The name of the insurance agency and its principal
25 business address.

26 (d) The location of each agency office and the name
27 under which each agency office conducts or will conduct
28 business.

29 (e) The name of each agent to be in full-time charge
30 of an agency office and specification of which office.

31 (f) The fingerprints of each of the following:

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- 1 1. A sole proprietor;
- 2 2. Each partner;
- 3 3. Each owner of an incorporated agency;
- 4 4. Each owner who directs or participates in the
5 management or control of an unincorporated agency whose shares
6 are not traded on a securities exchange;
- 7 5. The president, senior vice presidents, treasurer,
8 secretary, and directors of the agency; and
- 9 6. Any other person who directs or participates in the
10 management or control of the agency, whether through the
11 ownership of voting securities, by contract, or otherwise.

12

13 Fingerprints must be taken by a law enforcement agency or
14 other entity approved by the department and must be
15 accompanied by the fingerprint processing fee specified in s.
16 624.501. However, fingerprints need not be filed for any
17 individual who is currently licensed and appointed under this
18 chapter. This paragraph does not apply to corporations whose
19 voting shares are traded on a securities exchange. ~~The name of~~
20 any person to whom subsection (1) applies.

21 (g) Such additional information as the department
22 requires by ~~promulgated~~ rule to ascertain the trustworthiness
23 and competence of persons required to be listed on the
24 application and to ascertain that such persons meet the
25 requirements of this code. However, the department may not
26 require that credit or character reports be submitted for
27 persons required to be listed on the application.

28 (h) Beginning October 1, 2005, the department shall
29 accept the uniform application for nonresident agency
30 licensure. The department may adopt by rule revised versions
31 of the uniform application.

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1 (3) The department shall issue a registration as an
2 insurance agency to any agency that files a written
3 application with the department and qualifies for
4 registration. The application for registration shall require
5 the agency to provide the same information required for an
6 agency licensed under subsection (2), the agent identification
7 number for each owner who is a licensed agent, proof that the
8 agency qualifies for registration as provided in s.
9 626.112(7), and any other additional information that the
10 department determines is necessary in order to demonstrate
11 that the agency qualifies for registration. The application
12 must be signed by the owner or owners of the agency. If the
13 agency is incorporated, the application must be signed by the
14 president and the secretary of the corporation. An agent who
15 owns the agency need not file fingerprints with the department
16 if the agent obtained a license under this chapter, and the
17 license is currently valid.

18 (a) If an application for registration is denied, the
19 agency must file an application for licensure no later than 30
20 days after the date of the denial of registration.

21 (b) A registered insurance agency must file an
22 application for licensure no later than 30 days after the date
23 that any person who is not a licensed and appointed agent in
24 this state acquires any ownership interest in the agency. If
25 an agency fails to file an application for licensure in
26 compliance with this paragraph, the department shall impose an
27 administrative penalty in an amount of up to \$5,000 on the
28 agency.

29 (c) Sections 626.6115 and 626.6215 do not apply to
30 agencies registered under this subsection.

31 (4) The department shall issue a license or

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1 registration to each agency upon approval of the application
 2 and each agency shall display the license or registration
 3 prominently in a manner that makes it clearly visible to any
 4 customer or potential customer who enters the agency.

5 Section 10. Subsection (2) of section 626.221, Florida
 6 Statutes, is amended to read:

7 626.221 Examination requirement; exemptions.--

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

10 (a) An applicant for renewal of appointment as an
 11 agent, customer representative, or adjuster, unless the
 12 department determines that an examination is necessary to
 13 establish the competence or trustworthiness of such applicant.

14 (b) An applicant for limited license as agent for
 15 personal accident insurance, baggage and motor vehicle excess
 16 liability insurance, credit life or disability insurance,
 17 credit insurance, credit property insurance, in-transit and
 18 storage personal property insurance, or communications
 19 equipment property insurance or communication equipment inland
 20 marine insurance.

21 (c) In the discretion of the department, an applicant
 22 for reinstatement of license or appointment as an agent,
 23 customer representative, or adjuster whose license has been
 24 suspended within 4 ~~2~~ years prior to the date of application or
 25 written request for reinstatement.

26 (d) An applicant who, within 4 ~~2~~ years prior to
 27 application for license and appointment as an agent, customer
 28 representative, or adjuster, was a full-time salaried employee
 29 of the department and had continuously been such an employee
 30 with responsible insurance duties for not less than 2 years
 31 and who had been a licensee within 4 ~~2~~ years prior to

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1 employment by the department with the same class of license as
2 that being applied for.

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

15 ~~(e)(f)~~ A person who has been licensed and appointed as
16 a public adjuster, ~~or~~ independent adjuster, or ~~licensed and~~
17 ~~appointed either as an agent or company adjuster as to all~~
18 property, casualty, and surety insurances, may be licensed and
19 appointed as a company, ~~adjuster as to any of such insurances,~~
20 ~~or as an independent, adjuster or public adjuster, as to these~~
21 kinds of insurance, without additional written examination if
22 an application for licensure ~~appointment~~ is filed with the
23 department within 48 months following the date of cancellation
24 or expiration of the prior appointment.

25 ~~(f)(g)~~ A person who has been licensed as an adjuster
26 for motor vehicle, property and casualty, workers'
27 compensation, and health insurance may be licensed as such an
28 adjuster without additional written examination if his or her
29 application for licensure ~~appointment~~ is filed with the
30 department within 48 months after cancellation or expiration
31 of the prior license.

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1 ~~(g)(h)~~ An applicant for temporary license, except as
2 provided in this code.

3 ~~(h)(i)~~ An applicant for a life or health license who
4 has received the designation of chartered life underwriter
5 (CLU) from the American College of Life Underwriters and who
6 has been engaged in the insurance business within the past 4
7 years, except that such an individual may be examined on
8 pertinent provisions of this code.

9 ~~(i)(j)~~ An applicant for license as a general lines
10 agent, customer representative, or adjuster who has received
11 the designation of chartered property and casualty underwriter
12 (CPCU) from the American Institute for Property and Liability
13 Underwriters and who has been engaged in the insurance
14 business within the past 4 years, except that such an
15 individual may be examined on pertinent provisions of this
16 code.

17 ~~(j)(k)~~ An applicant for license as a customer
18 representative who has the designation of Accredited Advisor
19 in Insurance (AAI) from the Insurance Institute of America,
20 the designation of Certified Insurance Counselor (CIC) from
21 the Society of Certified Insurance Service Counselors, the
22 designation of Accredited Customer Service Representative
23 (ACSR) from the Independent Insurance Agents of America, the
24 designation of Certified Professional Service Representative
25 (CPSR) from the National Foundation for Certified Professional
26 Service Representatives, the designation of Certified
27 Insurance Service Representative (CISR) from the Society of
28 Certified Insurance Service Representatives. Also, an
29 applicant for license as a customer representative who has the
30 designation of Certified Customer Service Representative
31 (CCSR) from the Florida Association of Insurance Agents, or

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1 the designation of Registered Customer Service Representative
 2 (RCSR) from a regionally accredited postsecondary institution
 3 in this state, or the designation of Professional Customer
 4 Service Representative (PCSR) from the Professional Career
 5 Institute, whose curriculum has been approved by the
 6 department and whose curriculum includes comprehensive
 7 analysis of basic property and casualty lines of insurance and
 8 testing at least equal to that of standard department testing
 9 for the customer representative license. The department shall
 10 adopt rules establishing standards for the approval of
 11 curriculum.

12 ~~(k)(1)~~ An applicant for license as an adjuster who has
 13 the designation of Accredited Claims Adjuster (ACA) from a
 14 regionally accredited postsecondary institution in this state,
 15 or the designation of Professional Claims Adjuster (PCA) from
 16 the Professional Career Institute, whose curriculum has been
 17 approved by the department and whose curriculum includes
 18 comprehensive analysis of basic property and casualty lines of
 19 insurance and testing at least equal to that of standard
 20 department testing for the all-lines adjuster license. The
 21 department shall adopt rules establishing standards for the
 22 approval of curriculum.

23 ~~(l)(m)~~ An applicant qualifying for a license transfer
 24 under s. 626.292, if the applicant:

- 25 1. Has successfully completed the prelicensing
 26 examination requirements in the applicant's previous state
 27 which are substantially equivalent to the examination
 28 requirements in this state, as determined by the department;
- 29 2. Has received the designation of chartered property
 30 and casualty underwriter (CPCU) from the American Institute
 31 for Property and Liability Underwriters and has been engaged

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1 in the insurance business within the past 4 years if applying
2 to transfer a general lines agent license; or

3 3. Has received the designation of chartered life
4 underwriter (CLU) from the American College of Life
5 Underwriters and has been engaged in the insurance business
6 within the past 4 years, if applying to transfer a life or
7 health agent license.

8 ~~(m)(11)~~ An applicant for a nonresident agent license,
9 if the applicant:

10 1. Has successfully completed prelicensing examination
11 requirements in the applicant's home state which are
12 substantially equivalent to the examination requirements in
13 this state, as determined by the department, as a requirement
14 for obtaining a resident license in his or her home state;

15 2. Held a general lines agent license, life agent
16 license, or health agent license prior to the time a written
17 examination was required;

18 3. Has received the designation of chartered property
19 and casualty underwriter (CPCU) from the American Institute
20 for Property and Liability Underwriters and has been engaged
21 in the insurance business within the past 4 years, if an
22 applicant for a nonresident license as a general lines agent;
23 or

24 4. Has received the designation of chartered life
25 underwriter (CLU) from the American College of Life
26 Underwriters and has been in the insurance business within the
27 past 4 years, if an applicant for a nonresident license as a
28 life agent or health agent.

29 Section 11. Subsection (3) of section 626.2815,
30 Florida Statutes, is amended to read:

31 626.2815 Continuing education required; application;

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1 exceptions; requirements; penalties.--

2 (3)(a) Each person subject to the provisions of this
 3 section must, except as set forth in paragraphs (b), ~~and~~ (c),
 4 and (d), complete a minimum of 24 hours of continuing
 5 education courses every 2 years in basic or higher-level
 6 courses prescribed by this section or in other courses
 7 approved by the department. Each person subject to the
 8 provisions of this section must complete, as part of his or
 9 her required number of continuing education hours, 3 hours of
 10 continuing education, approved by the department, every 2
 11 years on the subject matter of ethics.

12 (b) ~~For compliance periods beginning on January 1,~~
 13 ~~1998,~~ A person who has been licensed for a period of 6 or more
 14 years must complete 20 hours every 2 years in intermediate or
 15 advanced-level courses prescribed by this section or in other
 16 courses approved by the department.

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

27 (d) Any person who holds a license as a customer
 28 representative, limited customer representative, title agent,
 29 motor vehicle physical damage and mechanical breakdown
 30 insurance agent, crop or hail and multiple-peril crop
 31 insurance agent, or as an industrial fire insurance or

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1 burglary insurance agent and who is not a licensed life or
 2 health insurance agent, shall be required to complete 10 ~~12~~
 3 hours of continuing education courses every 2 years, ~~except,~~
 4 ~~for compliance periods beginning on January 1, 1998, each~~
 5 ~~licensee subject to this paragraph shall be required to~~
 6 ~~complete 10 hours of continuing education courses every 2~~
 7 ~~years.~~

8 (e) Any person who holds a license to solicit or sell
 9 life or health insurance and a license to solicit or sell
 10 property, casualty, surety, or surplus lines insurance must
 11 complete the continuing education requirements by completing
 12 courses in life or health insurance for one-half of the total
 13 hours required and courses in property, casualty, surety, or
 14 surplus lines insurance for one-half of the total hours
 15 required. However, a licensee who holds an industrial fire or
 16 burglary insurance license and who is a licensed life or
 17 health agent shall be required to complete 4 hours of
 18 continuing education courses every 2 years related to
 19 industrial fire or burglary insurance and the remaining number
 20 of hours of continuing education courses required related to
 21 life or health insurance.

22 (f) Compliance with continuing education requirements
 23 is a condition precedent to the issuance, continuation,
 24 reinstatement, or renewal of any appointment subject to this
 25 section.

26 (g) A person teaching any approved course of
 27 instruction or lecturing at any approved seminar and attending
 28 the entire course or seminar shall qualify for the same number
 29 of classroom hours as would be granted to a person taking and
 30 successfully completing such course, seminar, or program.

31 Credit shall be limited to the number of hours actually taught

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1 unless a person attends the entire course or seminar. Any
 2 person who is an official of or employed by any governmental
 3 entity in this state and serves as a professor, instructor, or
 4 in any other position or office the duties and
 5 responsibilities of which are determined by the department to
 6 require monitoring and review of insurance laws or insurance
 7 regulations and practices shall be exempt from this section.

8 (h) Excess classroom hours accumulated during any
 9 compliance period may be carried forward to the next
 10 compliance period.

11 (i) For good cause shown, the department may grant an
 12 extension of time during which the requirements imposed by
 13 this section may be completed, but such extension of time may
 14 not exceed 1 year.

15 (j) A nonresident who must complete continuing
 16 education requirements in his or her home state may use the
 17 home state requirements to meet this state's continuing
 18 education requirements as well, if the resident's state
 19 recognizes reciprocity with this state's continuing education
 20 requirements. A nonresident whose home state does not have a
 21 continuing education requirement but is licensed for the same
 22 class of business in another state which does have a
 23 continuing education requirement may comply with this section
 24 by furnishing proof of compliance with the other state's
 25 requirement if that state has a reciprocal agreement with this
 26 state relative to continuing education. A nonresident whose
 27 home state does not have such continuing education
 28 requirements, and who is not licensed as a nonresident agent
 29 in a state that has continuing education requirements and
 30 reciprocates with this state, must meet the continuing
 31 education requirements of this state.

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1 Section 12. Paragraph (c) of subsection (2) of section
2 626.292, Florida Statutes, is amended to read:

3 626.292 Transfer of license from another state.--

4 (2) To qualify for a license transfer, an individual
5 applicant must meet the following requirements:

6 (c) The individual shall submit a completed
7 application for this state which is received by the department
8 within 90 days after the date the individual became a resident
9 of this state, along with payment of the applicable fees set
10 forth in s. 624.501 and submission of the following documents:

11 1. A certification issued by the appropriate official
12 of the applicant's home state identifying the type of license
13 and lines of authority under the license and stating that, at
14 the time the license from the home state was canceled, the
15 applicant was in good standing in that state or that the
16 state's Producer Database records, maintained by the National
17 Association of Insurance Commissioners, its affiliates, or
18 subsidiaries, indicate that the agent is or was licensed in
19 good standing for the line of authority requested.

20 2. A set of the individual applicant's fingerprints in
21 accordance with s. 626.171(4) ~~s. 626.171(5)~~.

22 Section 13. Paragraph (d) of subsection (1) and
23 paragraph (a) of subsection (2) of section 626.321, Florida
24 Statutes, are amended to read:

25 626.321 Limited licenses.--

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

31 (d) Baggage and motor vehicle excess liability

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1 insurance.--

2 1. License covering only insurance of personal effects
3 except as provided in subparagraph 2. The license may be
4 issued only:

5 a. To a full-time salaried employee of a common
6 carrier or a full-time salaried employee or owner of a
7 transportation ticket agency, which person is engaged in the
8 sale or handling of transportation of baggage and personal
9 effects of travelers, and may authorize the sale of such
10 insurance only in connection with such transportation; or

11 b. To the full-time salaried employee of a licensed
12 general lines agent or to a business entity that offers motor
13 vehicles for rent or lease if insurance sales activities
14 authorized by the license are in connection with and
15 incidental to the rental of a motor vehicle. An entity
16 applying for a license under this sub-subparagraph:

17 (I) Is required to submit only one application for a
18 license under s. 626.171. The requirements of s. 626.171(4) ~~s.~~
19 ~~626.171(5)~~ shall apply only to the officers and directors of
20 the entity submitting the application.

21 (II) Is required to obtain a license for each office,
22 branch office, or place of business making use of the entity's
23 business name by applying to the department for the license on
24 a simplified application form developed by rule of the
25 department for this purpose.

26 (III) Is required to pay the applicable fees for a
27 license as prescribed in s. 624.501, be appointed under s.
28 626.112, and pay the prescribed appointment fee under s.
29 624.501. A licensed and appointed entity shall be directly
30 responsible and accountable for all acts of the licensee's
31 employees.

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The purchaser of baggage insurance shall be provided written information disclosing that the insured's homeowner's policy may provide coverage for loss of personal effects and that the purchase of such insurance is not required in connection with the purchase of tickets or in connection with the lease or rental of a motor vehicle.

2. A business entity that offers motor vehicles for rent or lease, may include lessees under a master contract providing coverage to the lessor or may transact excess motor vehicle liability insurance providing coverage in excess of the standard liability limits provided by the lessor in its lease to a person renting or leasing a motor vehicle from the licensee's employer for liability arising in connection with the negligent operation of the leased or rented motor vehicle, provided that the lease or rental agreement is for not more than 30 days; that the lessee is not provided coverage for more than 30 consecutive days per lease period, and, if the lease is extended beyond 30 days, the coverage may be extended one time only for a period not to exceed an additional 30 days; that the lessee is given written notice that his or her personal insurance policy providing coverage on an owned motor vehicle may provide additional excess coverage; and that the purchase of the insurance is not required in connection with the lease or rental of a motor vehicle. The excess liability insurance may be provided to the lessee as an additional insured on a policy issued to the licensee's employer.

3. A business entity that offers motor vehicles for rent or lease, may, as an agent of an insurer, transact insurance that provides coverage for the liability of the lessee to the lessor for damage to the leased or rented motor

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1 vehicle if:

2 a. The lease or rental agreement is for not more than
3 30 days; or the lessee is not provided coverage for more than
4 30 consecutive days per lease period, but, if the lease is
5 extended beyond 30 days, the coverage may be extended one time
6 only for a period not to exceed an additional 30 days;

7 b. The lessee is given written notice that his or her
8 personal insurance policy that provides coverage on an owned
9 motor vehicle may provide such coverage with or without a
10 deductible; and

11 c. The purchase of the insurance is not required in
12 connection with the lease or rental of a motor vehicle.

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

15 (a) Submit only one application for a license under s.
16 626.171. The requirements of s. 626.171(4) ~~s. 626.171(5)~~ shall
17 only apply to the officers and directors of the entity
18 submitting the application.

19 Section 14. Subsections (1) and (2) of section
20 626.342, Florida Statutes, are amended to read:

21 626.342 Furnishing supplies to unlicensed life,
22 health, or general lines agent prohibited; civil liability.--

23 (1) An insurer, a managing general agent, an insurance
24 agency, or an agent, directly or through any representative,
25 may not furnish to any agent any blank forms, applications,
26 stationery, or other supplies to be used in soliciting,
27 negotiating, or effecting contracts of insurance on its behalf
28 unless such blank forms, applications, stationery, or other
29 supplies relate to a class of business with respect to which
30 the agent is licensed and appointed, whether for that insurer
31 or another insurer.

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1 (2) Any insurer, general agent, insurance agency, or
 2 agent who furnishes any of the supplies specified in
 3 subsection (1) to any agent or prospective agent not appointed
 4 to represent the insurer and who accepts from or writes any
 5 insurance business for such agent or agency is subject to
 6 civil liability to any insured of such insurer to the same
 7 extent and in the same manner as if such agent or prospective
 8 agent had been appointed or authorized by the insurer or such
 9 agent to act in its or his or her behalf. The provisions of
 10 this subsection do not apply to insurance risk apportionment
 11 plans under s. 627.351.

12 Section 15. Section 626.382, Florida Statutes, is
 13 amended to read:

14 626.382 Continuation, expiration of license; insurance
 15 agencies.--The license of any insurance agency shall be issued
 16 for a period of 3 years, ~~subject to the payment of the fees~~
 17 ~~prescribed in s. 624.501~~, and shall continue in force until
 18 canceled, suspended, revoked, or otherwise terminated. A
 19 license may be renewed by submitting a renewal request to the
 20 department on a form adopted by department rule.

21 Section 16. Subsection (3) of section 626.451, Florida
 22 Statutes, is amended to read:

23 626.451 Appointment of agent or other
 24 representative.--

25 (3) By authorizing the effectuation of the appointment
 26 of an agent, adjuster, service representative, customer
 27 representative, or managing general agent the appointing
 28 entity is thereby certifying to the department that it is
 29 willing to be bound by the acts of the agent, adjuster,
 30 service representative, customer representative, or managing
 31 general agent, within the scope of the licensee's employment

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1 or appointment.

2 Section 17. Section 626.536, Florida Statutes, is
3 amended to read:

4 626.536 Reporting of actions.--~~Each An~~ agent and
5 insurance agency, shall submit to the department, within 30
6 days after the final disposition of any administrative action
7 taken against the agent by a governmental agency in this or
8 any other state or jurisdiction relating to the business of
9 insurance, the sale of securities, or activity involving
10 fraud, dishonesty, trustworthiness, or breach of a fiduciary
11 duty, a copy of the order, consent to order, or other relevant
12 legal documents. The department may adopt rules implementing
13 the provisions of this section.

14 Section 18. Subsections (1) and (3) of section
15 626.561, Florida Statutes, are amended to read:

16 626.561 Reporting and accounting for funds.--

17 (1) All premiums, return premiums, or other funds
18 belonging to insurers or others received by an agent,
19 insurance agency, customer representative, or adjuster in
20 transactions under the ~~his or her~~ license are trust funds
21 received by the licensee in a fiduciary capacity. An agent or
22 insurance agency shall keep the funds belonging to each
23 insurer for which an agent ~~he or she~~ is not appointed, other
24 than a surplus lines insurer, in a separate account so as to
25 allow the department or office to properly audit such funds.
26 The licensee in the applicable regular course of business
27 shall account for and pay the same to the insurer, insured, or
28 other person entitled thereto.

29 (3) Any agent, insurance agency, customer
30 representative, or adjuster who, not being lawfully entitled
31 thereto, either temporarily or permanently diverts or

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1 misappropriates such funds or any portion thereof or deprives
2 the other person of a benefit therefrom commits the offense
3 specified below:

4 (a) If the funds diverted or misappropriated are \$300
5 or less, a misdemeanor of the first degree, punishable as
6 provided in s. 775.082 or s. 775.083.

7 (b) If the funds diverted or misappropriated are more
8 than \$300, but less than \$20,000, a felony of the third
9 degree, punishable as provided in s. 775.082, s. 775.083, or
10 s. 775.084.

11 (c) If the funds diverted or misappropriated are
12 \$20,000 or more, but less than \$100,000, a felony of the
13 second degree, punishable as provided in s. 775.082, s.
14 775.083, or s. 775.084.

15 (d) If the funds diverted or misappropriated are
16 \$100,000 or more, a felony of the first degree, punishable as
17 provided in s. 775.082, s. 775.083, or s. 775.084.

18 Section 19. Subsections (1) and (2) of section
19 626.572, Florida Statutes, are amended to read:

20 626.572 Rebating; when allowed.--

21 (1) No insurance agency agent shall rebate any portion
22 of ~~a his or her~~ commission except as follows:

23 (a) The rebate shall be available to all insureds in
24 the same actuarial class.

25 (b) The rebate shall be in accordance with a rebating
26 schedule filed by the agent with the insurer issuing the
27 policy to which the rebate applies.

28 (c) The rebating schedule shall be uniformly applied
29 in that all insureds who purchase the same policy through the
30 agent for the same amount of insurance receive the same
31 percentage rebate.

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1 (d) Rebates shall not be given to an insured with
2 respect to a policy purchased from an insurer that prohibits
3 its agents from rebating commissions.

4 (e) The rebate schedule is prominently displayed in
5 public view in the agent's place of doing business and a copy
6 is available to insureds on request at no charge.

7 (f) The age, sex, place of residence, race,
8 nationality, ethnic origin, marital status, or occupation of
9 the insured or location of the risk is not utilized in
10 determining the percentage of the rebate or whether a rebate
11 is available.

12 (2) The insurance agency agent shall maintain a copy
13 of all rebate schedules for the most recent 5 years and their
14 effective dates.

15 Section 20. Subsection (1) of section 626.601, Florida
16 Statutes, is amended to read:

17 626.601 Improper conduct; inquiry; fingerprinting.--

18 (1) The department or office may, upon its own motion
19 or upon a written complaint signed by any interested person
20 and filed with the department or office, inquire into any
21 alleged improper conduct of any licensed insurance agency,
22 agent, adjuster, service representative, managing general
23 agent, customer representative, title insurance agent, title
24 insurance agency, continuing education course provider,
25 instructor, school official, or monitor group under this code.
26 The department or office may thereafter initiate an
27 investigation of any such licensee if it has reasonable cause
28 to believe that the licensee has violated any provision of the
29 insurance code. During the course of its investigation, the
30 department or office shall contact the licensee being
31 investigated unless it determines that contacting such person

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1 could jeopardize the successful completion of the
2 investigation or cause injury to the public.

3 Section 21. Section 626.602, Florida Statutes, is
4 created to read:

5 626.602 Insurance agency names; disapproval.--The
6 department may disapprove the use of any true or fictitious
7 name, other than the bona fide natural name of an individual,
8 by any insurance agency on any of the following grounds:

9 (1) The name is an interference with or is too similar
10 to a name already filed and in use by another agency or
11 insurer.

12 (2) The use of the name may mislead the public in any
13 respect.

14 (3) The name states or implies that the agency is an
15 insurer, motor club, hospital service plan, state or federal
16 agency, charitable organization, or entity that primarily
17 provides advice and counsel rather than sells or solicits
18 insurance, or is entitled to engage in insurance activities
19 not permitted under licenses held or applied for. This
20 provision does not prohibit the use of the word "state" or
21 "states" in the name of the agency. The use of the word
22 "state" or "states" in the name of an agency does not in and
23 of itself imply that the agency is a state agency.

24 Section 22. Section 626.6115, Florida Statutes, is
25 amended to read:

26 626.6115 Grounds for compulsory refusal, suspension,
27 or revocation of insurance agency license.--The department
28 shall deny, suspend, revoke, or refuse to continue the license
29 of any insurance agency if it finds, as to any insurance
30 agency or as to any majority owner, partner, manager,
31 director, officer, or other person who manages or controls

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1 such agency, that ~~any either one or both~~ of the following
2 applicable grounds exist:

3 (1) Lack by the agency of one or more of the
4 qualifications for the license as specified in this code.

5 (2) Material misstatement, misrepresentation, or fraud
6 in obtaining the license or in attempting to obtain the
7 license.

8 (3) Denial, suspension, or revocation of a license to
9 practice or conduct any regulated profession, business, or
10 vocation relating to the business of insurance by this state,
11 any other state, any nation, any possession or district of the
12 United States, any court, or any lawful agency thereof.

13 However, the existence of grounds for administrative action
14 against a licensed agency does not constitute grounds for
15 action against any other licensed agency, including an agency
16 that owns, is under common ownership with, or is owned by, in
17 whole or in part, the agency for which grounds for
18 administrative action exist.

19 Section 23. Subsection (6) is added to section
20 626.6215, Florida Statutes, to read:

21 626.6215 Grounds for discretionary refusal,
22 suspension, or revocation of insurance agency license.--The
23 department may, in its discretion, deny, suspend, revoke, or
24 refuse to continue the license of any insurance agency if it
25 finds, as to any insurance agency or as to any majority owner,
26 partner, manager, director, officer, or other person who
27 manages or controls such insurance agency, that any one or
28 more of the following applicable grounds exist:

29 (6) Failure to take corrective action or report a
30 violation to the department within 30 days after an individual
31 licensee's violation is known or should have been known by one

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1 or more of the partners, officers, or managers acting on
 2 behalf of the agency. However, the existence of grounds for
 3 administrative action against a licensed agency does not
 4 constitute grounds for action against any other licensed
 5 agency, including an agency that owns, is under common
 6 ownership with, or is owned by, in whole or in part, the
 7 agency for which grounds for administrative action exist.

8 Section 24. Subsection (6) of section 626.621, Florida
 9 Statutes, is amended to read:

10 626.621 Grounds for discretionary refusal, suspension,
 11 or revocation of agent's, adjuster's, customer
 12 representative's, service representative's, or managing
 13 general agent's license or appointment.--The department may,
 14 in its discretion, deny an application for, suspend, revoke,
 15 or refuse to renew or continue the license or appointment of
 16 any applicant, agent, adjuster, customer representative,
 17 service representative, or managing general agent, and it may
 18 suspend or revoke the eligibility to hold a license or
 19 appointment of any such person, if it finds that as to the
 20 applicant, licensee, or appointee any one or more of the
 21 following applicable grounds exist under circumstances for
 22 which such denial, suspension, revocation, or refusal is not
 23 mandatory under s. 626.611:

24 (6) In the conduct of business under the license or
 25 appointment, engaging in unfair methods of competition or in
 26 unfair or deceptive acts or practices, as prohibited under
 27 part IX of this chapter, or having otherwise shown himself or
 28 herself to be a source of injury or loss to the public ~~or~~
 29 ~~detrimental to the public interest.~~

30 Section 25. Subsections (1) and (2) of section
 31 626.641, Florida Statutes, are amended to read:

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1 626.641 Duration of suspension or revocation.--

2 (1) The department shall, in its order suspending a
3 license or appointment or in its order suspending the
4 eligibility of a person to hold or apply for such license or
5 appointment, specify the period during which the suspension is
6 to be in effect; but such period shall not exceed 2 years. The
7 license, appointment, or eligibility shall remain suspended
8 during the period so specified, subject, however, to any
9 rescission or modification of the order by the department, or
10 modification or reversal thereof by the court, prior to
11 expiration of the suspension period. A license, appointment,
12 or eligibility which has been suspended shall not be
13 reinstated except upon request for such reinstatement and, in
14 the case of a second suspension, completion of continuing
15 education courses prescribed and approved by the department ~~or~~
16 ~~office~~; but the department shall not grant such reinstatement
17 if it finds that the circumstance or circumstances for which
18 the license, appointment, or eligibility was suspended still
19 exist or are likely to recur. In addition, a request for
20 reinstatement is subject to denial and subject to a waiting
21 period prior to approval on the same grounds that apply to
22 applications for licensure pursuant to ss. 626.207, 626.611,
23 and 626.621.

24 (2) No person or appointee under any license or
25 appointment revoked by the department, nor any person whose
26 eligibility to hold same has been revoked by the department,
27 shall have the right to apply for another license or
28 appointment under this code within 2 years from the effective
29 date of such revocation or, if judicial review of such
30 revocation is sought, within 2 years from the date of final
31 court order or decree affirming the revocation. An applicant

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1 for another license or appointment pursuant to this subsection
2 must apply and qualify for licensure in the same manner as a
3 first-time applicant, and the application may be denied on the
4 same grounds that apply to first-time applicants for licensure
5 pursuant to ss. 626.207, 626.611, and 626.621. In addition,
6 the department shall not, ~~however,~~ grant a new license or
7 appointment or reinstate eligibility to hold such license or
8 appointment if it finds that the circumstance or circumstances
9 for which the eligibility was revoked or for which the
10 previous license or appointment was revoked still exist or are
11 likely to recur; if an individual's license as agent or
12 customer representative or eligibility to hold same has been
13 revoked upon the ground specified in s. 626.611(12), the
14 department shall refuse to grant or issue any new license or
15 appointment so applied for.

16 Section 26. Subsection (1) of section 626.7351,
17 Florida Statutes, is amended to read:

18 626.7351 Qualifications for customer representative's
19 license.--The department shall not grant or issue a license as
20 customer representative to any individual found by it to be
21 untrustworthy or incompetent, or who does not meet each of the
22 following qualifications:

23 (1) The applicant is a natural person at least 18
24 years of age.

25 Section 27. Subsection (2) of section 626.7355,
26 Florida Statutes, is amended to read:

27 626.7355 Temporary license as customer representative
28 pending examination.--

29 (2) There must be no more than one temporary customer
30 representative licensee in the general lines agency location
31 where the temporary licensee is housed and the temporary

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1 licensee shall be housed wholly and completely within the
 2 actual confines of the office of the agent or agency whom he
 3 or she represents. ~~Such agency must be in compliance with the~~
 4 ~~provisions of s. 626.592, commonly referred to as the Primary~~
 5 ~~Agent Law, for the most recent reporting period.~~ No such
 6 temporary licensee may be employed from any location except
 7 where his or her designated supervising general lines agent
 8 spends his or her full time. No general lines agency location
 9 may employ more than two temporary customer representative
 10 licensees in one calendar year.

11 Section 28. Subsection (1) of section 626.747, Florida
 12 Statutes, is amended to read:

13 626.747 Branch agencies.--

14 (1) Each branch place of business established by an
 15 agent or agency, firm, corporation, or association shall be in
 16 the active full-time charge of a licensed general lines agent
 17 or life or health agent who is appointed to represent one or
 18 more insurers. Any agent or agency, firm, corporation, or
 19 association which has established one or more branch places of
 20 business shall be required to have at least one licensed
 21 general lines agent who is appointed to represent one or more
 22 insurers at each location of the agency including its
 23 headquarters location.

24 Section 29. Paragraph (d) of subsection (2) of section
 25 626.8411, Florida Statutes, is amended to read:

26 626.8411 Application of Florida Insurance Code
 27 provisions to title insurance agents or agencies.--

28 (1) The following provisions of part II, as applicable
 29 to general lines agents or agencies, also apply to title
 30 insurance agents or agencies:

31 ~~(d) Section 626.749, relating to place of business in~~

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1 ~~residence.~~

2 Section 30. Section 626.84201, Florida Statutes, is
3 created to read:

4 626.84201 Nonresident title insurance
5 agents.--Notwithstanding s. 626.8414(2), the department, upon
6 application and payment of the fees specified in s. 624,501,
7 may issue a license as a nonresident title insurance agent to
8 an individual not a resident of this state in the same manner
9 applicable to the licensure of nonresident general lines
10 agents under the provisions of s. 626.741. Sections 626.742
11 and 626.743 apply to nonresident title insurance agents.

12 Section 31. Subsection (2) of section 648.50, Florida
13 Statutes, is amended to read:

14 648.50 Effect of suspension, revocation upon
15 associated licenses and licensees.--

16 (2) In case of the suspension or revocation of the
17 license or appointment, or the eligibility to hold a license
18 or appointment, of any bail bond agent, the license,
19 appointment, or eligibility of any and all bail bond agents
20 who are members of a bail bond agency, whether incorporated or
21 unincorporated, and any and all temporary bail bond agents ~~or~~
22 ~~runners~~ employed by such bail bond agency, who knowingly are
23 parties to the act which formed the ground for the suspension
24 or revocation may likewise be suspended or revoked.

25 Section 32. Section 626.592, Florida Statutes, is
26 repealed.

27 Section 33. Section 624.1275, Florida Statutes, is
28 created to read:

29 624.1275 Insurance agents; prohibited exclusion from
30 public bidding and negotiations.--A licensed insurance agent
31 shall not be prohibited or excluded from competing or

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1 negotiating for any insurance product or plan purchased,
 2 provided, or endorsed by a state agency or any political
 3 subdivision of this state on the basis of the compensation,
 4 contractual or employment arrangement granted to the agent by
 5 an employer, insurer, or licensed agency. The term "political
 6 subdivision" has the same meaning set forth in s. 1.01.

7 Section 34. This act shall take effect October 1,
 8 2005.

9
 10

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

12 And the title is amended as follows:

13 Delete everything before the enacting clause

14

15 and insert:

16 A bill to be entitled
 17 An act relating to insurance agents and
 18 agencies; amending s. 624.317, F.S.; including
 19 insurance agencies among entities the
 20 Department of Financial Services is authorized
 21 to investigate; amending s. 624.318, F.S.;
 22 providing for electronic scanning in the course
 23 of investigations and examinations; amending s.
 24 624.501, F.S.; clarifying a license fee;
 25 amending s. 626.015, F.S.; redefining the term
 26 "home state"; defining the term "resident";
 27 amending s. 626.016, F.S.; including insurance
 28 agencies among entities subject to regulation
 29 by the Chief Financial Officer; amending s.
 30 626.025, F.S.; correcting cross-references;
 31 amending s. 626.112, F.S.; delaying the

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1 effective date by which agencies must obtain a
2 license; providing that an agency may file for
3 registration in lieu of licensure, under
4 specified conditions; imposing a fine on any
5 agency that fails to timely apply for licensure
6 or registration; deleting certain agency
7 licensure requirement provisions; amending s.
8 626.171, F.S.; specifying licensure and
9 registration application requirements for
10 insurance entities other than insurance
11 agencies; deleting a provision applying to
12 insurance agency license application
13 requirements; amending s. 626.172, F.S.;
14 revising insurance agency licensure application
15 requirements; providing procedures and
16 limitations; providing duties of the
17 department; amending s. 626.221, F.S.; revising
18 examination requirements; amending s. 626.2815,
19 F.S.; revising continuing education
20 requirements; amending ss. 626.292 and 626.321,
21 F.S.; correcting cross-references, to conform;
22 amending s. 626.342, F.S.; including insurance
23 agencies under provisions prohibiting
24 furnishing supplies to certain unlicensed
25 agents and imposing civil liability under
26 certain circumstances; amending s. 626.382,
27 F.S.; providing for renewal of licenses;
28 amending s. 626.451, F.S.; revising
29 requirements for appointment; amending s.
30 626.536, F.S.; including insurance agencies
31 under an action reporting requirement; amending

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1 s. 626.561, F.S.; including insurance agencies
2 under provisions providing funds reporting and
3 accounting requirements and imposing criminal
4 penalties; amending s. 626.572, F.S.; including
5 insurance agencies under provision prohibiting
6 rebating under certain circumstances; amending
7 s. 626.601, F.S.; including insurance agencies
8 under provisions authorizing the department to
9 inquire into improper conduct; creating s.
10 626.602, F.S.; authorizing the department to
11 disapprove the use of certain names under
12 certain circumstances; amending s. 626.6115,
13 F.S.; providing an additional ground for the
14 department to take compulsory adverse insurance
15 agency license actions; providing that the
16 existence of grounds for adverse action against
17 a licensed agency does not constitute grounds
18 for adverse action against another licensed
19 agency; amending s. 626.6215, F.S.; providing
20 an additional ground for the department to take
21 discretionary adverse insurance agency license
22 actions; providing that the existence of
23 grounds for adverse action against a licensed
24 agency does not constitute grounds for adverse
25 action against another licensed agency;
26 amending s. 626.747, F.S.; revising agent
27 requirements for branch agencies to include
28 life or health agents; amending s. 626.621,
29 F.S.; revising criteria for the department's
30 refusal, suspension or revocation of a license
31 or appointment; amending s. 626.641, F.S.;

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1 providing requirements for reinstatement of a
2 previously suspended license or appointment;
3 revising criteria for reapplication and
4 requalification for a previously revoked
5 license or appointment; amending s. 626.7351,
6 F.S.; revising the qualifications for a
7 customer representative's license; amending ss.
8 626.7355 and 626.8411, F.S.; deleting
9 cross-references, to conform; creating s.
10 626.84201, F.S.; providing for the issuance of
11 a nonresident title insurance agent license;
12 amending s. 648.50, F.S.; revising the persons
13 whose license or appointment may be revoked or
14 suspended when a bail bond's license or
15 appointment is revoked or suspended; repealing
16 s. 626.592, F.S., relating to primary agents;
17 creating s. 624.1275, F.S.; providing a
18 restriction for state agencies or political
19 subdivisions from preventing a licensed agent
20 from responding to a bid or negotiation for an
21 insurance product; providing an effective date.

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