

By Senator Posey

24-1414-05

1 A bill to be entitled
2 An act relating to insurance field
3 representatives and operations; amending s.
4 626.321, F.S.; revising provisions that allow
5 limited licensing as an agent for the purpose
6 of transacting communications equipment
7 property insurance and communications equipment
8 inland marine insurance and allowing such
9 licensure to transact communications equipment
10 service warranty sales; defining terms for
11 purposes of such licensure; amending s.
12 626.471, F.S.; increasing a period of
13 notification of intent to terminate an
14 appointment; amending s. 626.731, F.S.;
15 revising a qualification for licensure as a
16 general lines agent; providing an effective
17 date.

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

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21 Section 1. Paragraph (i) of subsection (1) and
22 subsection (4) of section 626.321, Florida Statutes, are
23 amended, and subsection (5) is added to that section, to read:

24 626.321 Limited licenses.--

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

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1 (i) In-transit and storage personal property
2 insurance; ~~communications equipment property insurance or~~
3 ~~communications equipment inland marine insurance.--~~

4 ~~1.~~ A license covering only the insurance of personal
5 property not held for resale, covering the risks of
6 transportation or storage in rented or leased motor vehicles,
7 trailers, or self-service storage facilities, as the latter
8 are defined in s. 83.803, may be issued, without examination,
9 only to employees or authorized representatives of lessors who
10 rent or lease motor vehicles, trailers, or self-service
11 storage facilities and who are authorized by an insurer to
12 issue certificates or other evidences of insurance to lessees
13 of such motor vehicles, trailers, or self-service storage
14 facilities under an insurance policy issued to the lessor. A
15 person licensed under this paragraph shall give a prospective
16 purchaser of in-transit or storage personal property insurance
17 written notice that his or her homeowner's policy may provide
18 coverage for the loss of personal property and that the
19 purchase of such insurance is not required under the lease
20 terms.

21 ~~2. A license covering only communications equipment,~~
22 ~~for the loss, theft, mechanical failure, malfunction of or~~
23 ~~damage to, communications equipment. The license may be issued~~
24 ~~only to:~~

25 ~~a. Employees or authorized representatives of a~~
26 ~~licensed general lines agent;~~

27 ~~b. Each business location of a retail vendor of~~
28 ~~communications equipment; or~~

29 ~~c. Employees, agents, or authorized representatives of~~
30 ~~a retail vendor of communications equipment.~~

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1 ~~The license authorizes the sale of such policies, or~~
2 ~~certificates under a group master policy, only with respect to~~
3 ~~the sale of, or provision of communications service for,~~
4 ~~communications equipment. A general lines agent is not~~
5 ~~required to obtain a license under this subparagraph to offer~~
6 ~~or sell communications equipment property insurance or~~
7 ~~communication equipment inland marine insurance. The~~
8 ~~provisions of this chapter requiring submission of~~
9 ~~fingerprints do not apply to communications equipment licenses~~
10 ~~issued to qualified entities under this subparagraph.~~
11 ~~Licensees offering policies under this subparagraph must~~
12 ~~receive initial training from, and have a contractual~~
13 ~~relationship with, a general lines agent. For the purposes of~~
14 ~~this subparagraph, the term "communications equipment" means~~
15 ~~handsets, pagers, personal digital assistants, portable~~
16 ~~computers, automatic answering devices, and other devices or~~
17 ~~accessories used to originate or receive communications~~
18 ~~signals or service, and includes services related to the use~~
19 ~~of such devices, such as consumer access to a wireless~~
20 ~~network; however, the term does not include telecommunications~~
21 ~~switching equipment, transmission wires, cell site transceiver~~
22 ~~equipment, or other equipment and systems used by~~
23 ~~telecommunications companies to provide telecommunications~~
24 ~~service to consumers.~~

25 (4) Except as otherwise expressly provided, a person
26 applying for or holding a limited license shall be subject to
27 the same applicable requirements and responsibilities as apply
28 to general lines agents in general, if licensed as to motor
29 vehicle physical damage and mechanical breakdown insurance,
30 credit property insurance, industrial fire insurance or
31 burglary insurance, in-transit and storage personal property

1 | ~~insurance, communications equipment property insurance or~~
2 | ~~communications equipment inland marine insurance,~~ baggage and
3 | motor vehicle excess liability insurance, or credit insurance;
4 | or as apply to life agents or health agents in general, as the
5 | case may be, if licensed as to personal accident insurance or
6 | credit life or credit disability insurance.

7 | (5) Individuals and entities transacting a limited
8 | class of business in any of the following categories,
9 | communications equipment property insurance, communications
10 | equipment inland marine insurance, and communications
11 | equipment service warranty sales, are exempt from licensure
12 | under the insurance code.

13 | (a) For the purposes of this subsection:

14 | 1. The term "communications equipment" means handsets,
15 | paggers, personal digital assistants, portable computers,
16 | automatic answering devices, and other devices or accessories
17 | used to originate or receive communications signals or
18 | services and includes services related to the use of such
19 | devices, such as consumer access to a wireless network.
20 | However, the term does not include telecommunications
21 | switching equipment, transmission wires, cell site transceiver
22 | equipment, and other equipment and systems used by
23 | telecommunications companies to provide telecommunications
24 | service to consumers.

25 | 2. The terms "communications equipment property
26 | insurance" and "communications equipment inland marine
27 | insurance" mean property or inland marine insurance covering
28 | only communications equipment and may include coverage for the
29 | loss, theft, mechanical failure, malfunction of, or damage to
30 | covered communications equipment.

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1 3. The term "service warranty" has the same meaning as
2 provided in s. 634.401(13).

3 (b) The exemption authorizes, with respect to
4 communications equipment property insurance and communications
5 equipment inland marine insurance, the enrollment of
6 individuals under a group master policy, the collection and
7 furnishing of information regarding coverage and enrollment,
8 collection of premium to be remitted to a general lines agent,
9 and the issuance of certificates under a group master policy.
10 The exemption also authorizes sale of a service warranty
11 covering only communications equipment to the same extent as
12 if licensed under s. 634.419 or s. 634.420. Persons enrolling
13 individuals under this subsection must receive initial
14 training from, and have a contractual relationship with, a
15 general lines agent.

16 Section 2. Subsection (1) of section 626.471, Florida
17 Statutes, is amended to read:

18 626.471 Termination of appointment.--

19 (1) Subject to an appointee's contract rights, an
20 appointing entity may terminate its appointment of any
21 appointee at any time. Except when termination is upon a
22 ground which would subject the appointee to suspension or
23 revocation of his or her license and appointment under s.
24 626.611 or s. 626.621, and except as provided by contract
25 between the appointing entity and the appointee, the
26 appointing entity shall give at least 120 ~~60~~ days' advance
27 written notice of its intention to terminate such appointment
28 to the appointee, either by delivery thereof to the appointee
29 in person or by mailing it, postage prepaid, addressed to the
30 appointee at his or her last address of record with the
31 appointing entity. Notice so mailed shall be deemed to have

1 | been given when deposited in a United States Postal Service
2 | mail depository.

3 | Section 3. Paragraph (f) of subsection (1) of section
4 | 626.731, Florida Statutes, is amended to read:

5 | 626.731 Qualifications for general lines agent's
6 | license.--

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

11 | (f) The applicant is not a service representative, ~~a~~
12 | ~~managing general agent~~, or a special agent or similar service
13 | representative of a health insurer which also transacts
14 | property, casualty, or surety insurance; except that the
15 | president, vice president, secretary, or treasurer, including
16 | a member of the board of directors, of a corporate insurer, if
17 | otherwise qualified under and meeting the requirements of this
18 | part, may be licensed and appointed as a local resident agent.

19 | Section 4. This act shall take effect upon becoming a
20 | law.

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23 | SENATE SUMMARY

24 | Revises provisions regulating the issuance of a limited
25 | license to transact communications equipment property
26 | insurance and communications equipment inland marine
27 | insurance. Allows issuance of a limited license to sell
28 | service warranties for communications equipment.
29 | Increases to 120 days the notice to be given of intent to
30 | terminate an appointment as an agent, adjuster, service
31 | representative, customer representative, or managing
 | general agent. Deletes the disqualification of managing
 | general agents from licensure as a general lines agent.