

CHAMBER ACTION

1 The Insurance Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to insurance agents; amending s. 626.171,
7 F.S.; requiring the Department of Financial Services to
8 require certain examination centers to have fingerprinting
9 facilities; amending s. 626.211, F.S.; revising
10 circumstances under which the department must notify an
11 applicant about examinations; amending s. 626.221, F.S.;
12 expanding the authorized adjuster designations for
13 exemptions from adjuster license examinations; amending s.
14 626.231, F.S.; revising examination eligibility
15 requirements to require a prelicensing course; deleting
16 certain examination eligibility requirements; amending s.
17 626.261, F.S.; requiring the department to request
18 examinees to voluntarily report race and gender
19 information; requiring the department to provide certain
20 notice to examinees regarding the provision of race and
21 gender information; requiring the department to prepare,
22 publicly announce, and publish reports of examination
23 statistical information; providing report requirements;

HB 1113

2006
CS

24 providing an exception; requiring the department to retain
25 certain examination materials and information; requiring
26 the department to accommodate disabled examinees at
27 examinations; amending s. 626.291, F.S.; requiring the
28 department to issue a license for certain applicants
29 within a specified time period; providing an effective
30 date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsection (4) of section 626.171, Florida
35 Statutes, is amended to read:

36 626.171 Application for license as an agent, customer
37 representative, adjuster, service representative, managing
38 general agent, or reinsurance intermediary.--

39 (4) An application for a license as an agent, customer
40 representative, adjuster, service representative, managing
41 general agent, or reinsurance intermediary must be accompanied
42 by a set of the individual applicant's fingerprints, or, if the
43 applicant is not an individual, by a set of the fingerprints of
44 the sole proprietor, majority owner, partners, officers, and
45 directors, on a form adopted by rule of the department and
46 accompanied by the fingerprint processing fee set forth in s.
47 624.501. Fingerprints shall be used to investigate the
48 applicant's qualifications pursuant to s. 626.201. ~~The~~
49 Fingerprints shall be taken by a law enforcement agency or other
50 department-approved entity. The department shall require all
51 designated examination centers to have facilities at which to

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1113-01-c1

HB 1113

2006
CS

52 | take fingerprints at the time of an applicant's examination, and
53 | fingerprints taken at such time shall be in lieu of the
54 | applicant submitting fingerprints with the application.

55 | Section 2. Subsection (2) of section 626.211, Florida
56 | Statutes, is amended to read:

57 | 626.211 Approval, disapproval of application.--

58 | (2) Upon approval of an applicant for license as agent,
59 | customer representative, or adjuster who is subject to written
60 | examination and who has not provided proof of passing such
61 | examination, the department shall notify the applicant when and
62 | where he or she may take the required examination.

63 | Section 3. Paragraph (k) of subsection (2) of section
64 | 626.221, Florida Statutes, is amended to read:

65 | 626.221 Examination requirement; exemptions.--

66 | (2) However, no such examination shall be necessary in any
67 | of the following cases:

68 | (k) An applicant for license as an adjuster who has the
69 | designation of Accredited Claims Adjuster (ACA) from a
70 | regionally accredited postsecondary institution in this state,
71 | ~~or the designation of Professional Claims Adjuster (PCA) from~~
72 | ~~the Professional Career Institute, or Certified Claims Adjuster~~
73 | (CCA) from the Association of Property and Casualty Claims
74 | Professionals whose curriculum has been approved by the
75 | department and whose curriculum includes comprehensive analysis
76 | of basic property and casualty lines of insurance and testing at
77 | least equal to that of standard department testing for the all-
78 | lines adjuster license. The department shall adopt rules
79 | establishing standards for the approval of curriculum.

Page 3 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1113-01-c1

HB 1113

2006
CS

80 Section 4. Section 626.231, Florida Statutes, is amended
81 to read:

82 626.231 Eligibility for examination.--No person shall be
83 permitted to take an examination for license without having
84 first completed a prelicensing course as required by s. 626.7851
85 ~~until his or her application for the license has been approved~~
86 ~~and the required fees have been received by the department or a~~
87 ~~person designated by the department to administer the~~
88 ~~examination.~~

89 Section 5. Subsections (5), (6), (7), and (8) are added to
90 section 626.261, Florida Statutes, to read:

91 626.261 Conduct of examination.--

92 (5) The department shall request each examinee to report
93 the following information on a voluntary basis on the answer
94 sheet or application form or by other appropriate means:

95 (a) Race or ethnicity (African American, Caucasian,
96 American Indian, Asian, Hispanic, or other).

97 (b) Gender (male or female).

98
99 The department shall advise all examinees that they are not
100 required to provide this information, that they will not be
101 penalized for not providing this information, and that the
102 department will use the information provided exclusively for
103 research and statistical purposes and to improve the quality and
104 fairness of the examinations.

105 (6) No later than May 1 of each year, the department shall
106 prepare, publicly announce, and publish an examination report of
107 summary statistical information relating to each examination

HB 1113

2006
CS

108 administered during the preceding calendar year. Each
109 examination report shall show, with respect to each examination,
110 for all examinees combined, and separately by race or ethnicity,
111 by gender, and by race or ethnicity within gender:

112 (a) The number of examinees.

113 (b) The percentage and number of examinees who passed each
114 part.

115 (c) The percentage and number of examinees who passed all
116 parts.

117 (d) The mean scaled scores on each part.

118 (e) The standard deviation of scaled scores on each part.

119

120 No later than May 1 of each year, the department shall prepare
121 and make available on request an item report of summary
122 statistical information relating to each operational item on
123 each test form administered during the preceding calendar year.

124 The item report shall show the correct-answer rates and
125 correlations for each operational item for all examinees
126 combined, and separately for African-American examinees,
127 Caucasian examinees, American-Indian examinees, Asian examinees,
128 Hispanic examinees, and other examinees. The department is not
129 required to report separate statistical information for any
130 group or subgroup comprising fewer than 50 examinees.

131 (7) The department shall maintain, for a period of 3 years
132 after being prepared or used, all registration forms, test
133 forms, answer sheets, operational items and pretest items, item
134 analyses, and other statistical analyses relating to the
135 examinations.

HB 1113

2006
CS

136 (8) In administering the examinations, the department
 137 shall make such accommodations for disabled examinees as are
 138 reasonably warranted by the particular disability involved,
 139 including the provision of additional time if necessary to
 140 complete an examination or special assistance in taking an
 141 examination.

142 Section 6. Subsection (1) of section 626.291, Florida
 143 Statutes, is amended to read:

144 626.291 Denial, issuance of license.--

145 (1) Within 30 days after the applicant has completed any
 146 examination required under s. 626.221, the department or its
 147 designee shall provide a score report; and, if it finds that the
 148 applicant has received a passing grade, the department shall
 149 within such period notify the applicant and issue and transmit
 150 the license to which such examination related. If it finds that
 151 the applicant did not make a passing grade on the examination
 152 for a particular license, the department or its designee shall
 153 within this period provide notice to the applicant to that
 154 effect and of its denial of the license. For those applicants
 155 who have completed the examination prior to submitting the
 156 license application, the department shall issue the license
 157 applied for within 15 days after the department has approved the
 158 application.

159 Section 7. This act shall take effect July 1, 2006.