

Bill No. SB 2526

Barcode 190338

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(4) An application for a license as an agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary must be accompanied by a set of the individual applicant's fingerprints, or, if the applicant is not an individual, by a set of the fingerprints of the sole proprietor, majority owner, partners, officers, and directors, on a form adopted by rule of the department and accompanied by the fingerprint processing fee set forth in s. 624.501. Fingerprints shall be used to

Bill No. SB 2526

Barcode 190338

1 investigate the applicant's qualifications pursuant to s.
 2 626.201. The fingerprints shall be taken by a law enforcement
 3 agency or other department-approved entity. The department
 4 shall require all designated examination centers to have
 5 facilities to take fingerprints at the time of an applicant's
 6 examination. Fingerprints taken at such time shall be in lieu
 7 of the applicant submitting fingerprints with the application.

8 Section 2. Subsection (2) of section 626.211, Florida
 9 Statutes, is amended to read:

10 626.211 Approval, disapproval of application.--

11 (2) Upon approval of an applicant for license as
 12 agent, customer representative, or adjuster who is subject to
 13 written examination and has not provided proof of passing the
 14 examination, the department shall notify the applicant when
 15 and where he or she may take the required examination.

16 Section 3. Section 626.231, Florida Statutes, is
 17 amended to read:

18 626.231 Eligibility for examination.--~~A No person may~~
 19 not shall be permitted to take an examination for a license
 20 without having first completed a prelicensure course as set
 21 forth in s. 626.7851(1) or (2) until his or her application
 22 for the license has been approved and the required fees have
 23 been received by the department or a person designated by the
 24 department to administer the examination.

25 Section 4. Subsections (5), (6), (7), (8), (9), and
 26 (10) are added to section 626.261, Florida Statutes, to read:

27 626.261 Conduct of examination.--

28 (5) The department shall ask each examinee to
 29 self-report on a voluntary basis the following information:

30 (a) Race or ethnicity (African-American; white;
 31 American Indian; Asian-American; Hispanic-American; or Other);

1 and

2 (b) Gender.

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4 The department shall advise each examinee that the examinee is
5 not required to provide this information, that the examinee
6 will not be penalized for declining to provide the
7 information, and that the department will use the information
8 provided exclusively for research and statistical purposes and
9 to improve the quality and fairness of the examinations. The
10 information may be elicited on the examination answer sheet,
11 the application form, or by other appropriate means determined
12 by the department.

13 (6) By May 1 of each year, the department shall
14 prepare, publicly announce, and publish an examination report
15 of summary statistical information relating to each
16 examination administered during the preceding calendar year.
17 Each examination report must show with respect to each
18 examination, and for all examinees combined and separately by
19 race or ethnicity, by gender, and by race or ethnicity within
20 gender:

21 (a) The number of examinees;

22 (b) The percentage and number of examinees who passed
23 each part;

24 (c) The percentage and number of examinees who passed
25 all parts;

26 (d) The mean scaled scores on each part; and

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

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30 By May 1 of each year, the department shall prepare and make
31 available on request an item report of summary statistical

Bill No. SB 2526

Barcode 190338

1 information relating to each operational item on each test
2 form administered during the preceding calendar year. The item
3 report must show, for each operational item, for all examinees
4 combined and separately for African American examinees, white
5 examinees, American Indian examinees, Asian examinees,
6 Hispanic examinees, and other examinees, the correct-answer
7 rates and correlations.

8
9 The department need not report separate statistical
10 information for any group or subgroup comprising fewer than 50
11 examinees.

12 (7) The department shall set the minimum score for
13 each examination. Each calendar year, the scaled minimum score
14 for each part of each examination may fluctuate by no more
15 than the standard error of measurement from the scaled minimum
16 score employed during the preceding year.

17 (8) By May 1, 2007, and by May 1 of every fourth year
18 thereafter, the department shall release to the public and
19 make generally available one representative test form and set
20 of answer keys for each part of each examination.

21 (9) The department shall maintain, for a period of 3
22 years after they are prepared or used, all registration forms,
23 test forms, answer sheets, operational items and pretest
24 items, item analyses, and other statistical analyses relating
25 to an examination. All personal identifying information
26 regarding examinees and the content of test items must remain
27 confidential as necessary for purposes of protecting the
28 personal privacy of examinees and the maintenance of test
29 security.

30 (10) In administering the examination, the department
31 shall make such accommodations for examinees with a disability

Bill No. SB 2526

Barcode 190338

1 as are reasonably warranted by the particular disability
2 involved, including the provision of additional time, if
3 necessary, to complete an examination or special assistance in
4 taking an examination.

5 Section 5. Subsection (1) of section 626.291, Florida
6 Statutes, is amended to read:

7 626.291 Denial, issuance of license.--

8 (1) Within 30 days after the applicant has completed
9 any examination required under s. 626.221, the department or
10 its designee shall provide a score report; and, if it finds
11 that the applicant has received a passing grade, the
12 department shall within such period notify the applicant and
13 issue and transmit the license to which such examination
14 related. If it finds that the applicant did not make a
15 passing grade on the examination for a particular license, the
16 department or its designee shall within this period provide
17 notice to the applicant to that effect and of its denial of
18 the license. For those applicants who completed the
19 examination before submitting the license application, the
20 department shall promptly issue the applicable license as soon
21 as the department has approved the application.

22 Section 6. This act shall take effect July 1, 2006.
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25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause
28

29 and insert:

30 A bill to be entitled

31 An act relating to the licensing of insurance

Bill No. SB 2526

Barcode 190338

1 agents; amending s. 626.171, F.S.; requiring
2 the Department of Financial Services to have
3 facilities to fingerprint agent applicants at
4 all designated examination centers; amending s.
5 626.211, F.S.; requiring the department to
6 inform certain applicants of the time and
7 location of the examination; amending s.
8 626.231, F.S.; prohibiting an applicant from
9 taking an insurance agent examination unless
10 the person has completed certain specified
11 educational courses; amending s. 626.261, F.S.;
12 authorizing the department to ask each examinee
13 to self-report information concerning the
14 examinee's race or ethnicity and gender;
15 requiring the department to state the use to
16 which the information will be applied;
17 requiring the department to produce certain
18 summary reports; directing the department to
19 set the minimum passing score for the
20 examination; authorizing the department to make
21 accommodations for persons with disabilities in
22 order for the individual to take the agent
23 examination; amending s. 626.291, F.S.;
24 requiring the department to issue a license
25 promptly; providing an effective date.

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